

**JOURNAL OF THE SENATE
STATE OF WASHINGTON
2005 REGULAR SESSION
FIFTY-NINTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 10, 2005

At 12:00 noon, pursuant to law, the Senate of the 2005 Regular Session of the Fifty-ninth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Craig B. Anders, Trooper Ted R. Dehart, Trooper John J. Gundermann, Trooper Jimmie Foster, Trooper Rachel Thompson, Trooper Ryan L. Spurling, Sergeant John-Paul Sager and Sergeant Barry W. Kirk, presented the colors.

The President led the Senate in the Pledge of Allegiance.

Reverend Lonnie Mitchell, Sr., of the Bethel African Methodist Episcopal Church of Spokane offered the prayer.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate. The President would like to welcome you back into this magnificent Chamber. I would like to start by thanking all of you who served the last couple of years for the tremendous patience that you demonstrated, your adherence to the difficult rules of decorum, protocol and showing great respect to the institution as we were in the temporary quarters. We're back in this magnificent building to do the work of the people, particularly the new members who may have never been in this building or served in this building before. To understand the magnitude of the job that you have to do I encourage you sit here, come back maybe when your all alone and look about the Chamber and look up and around and I believe that this building exemplifies the magnitude of the job you have to do here representing all the people of the great state of Washington. We are most fortunate in having this building and being able to come and serve in it. We are all blessed by the fact that the people have sent us here to represent them.

INTRODUCTION OF LAKEFAIR QUEEN

The President welcomed and introduced Lakefair Queen Haley Erickson, who was seated on the rostrum.

REMARKS BY LAKEFAIR QUEEN

Queen Haley Erickson: "Good afternoon everyone and thank you so much for having me here today. I'd like to welcome you. My name is Haley Erickson and I'm here proudly representing Olympia Capital Lakefair as the current Lakefair Queen. For those of you who might not be very familiar with Lakefair, it's a week long festival in July that began in 1957 a few years after Capital Lake was formed. It features many wonderful traditions such as the carnival, beautiful fireworks, the twilight parade and of course the many exciting Lakefair royalty court activities. Serving on the royalty court has left me with so many incredible opportunities. With one of the most exciting definitely being the chance to address you here today. I would like to wish you the very best of luck in the upcoming year and express my gratitude for your countless hours of hard work. I'm so thankful for your dedication and your vision and I'm so proud to welcome you here to Olympia and Thurston County. Olympia celebrated its one-hundred anniversary at Priest Point Park this year. A park that is an enormous pride and joy to our town and was created on a foundation of cooperation and combined effort of community leaders. This land mark is a shining example of what monumental accomplishments can come about from leadership that works together for change and the good of the people. With the caliber leadership in this room today, I'm so optimistic about our future and so very excited to see what's in store for our great state of Washington. Again, I'd like to wish you all the very best of luck and a happy New Year. Thank you."

LETTERS OF RESIGNATIONS

WASHINGTON STATE SENATE
Senator Patricia Hale

8th Legislative District

March 18, 2004

The Honorable Gary Locke
Washington State Governor
P. O. Box 40002
Olympia, WA. 98504-0002

Dear Governor Locke:

It is with real sense of sadness that I hereby resign my Senate seat. For the past couple of years, I have been thinking about the next chapter in my life, trying to decide what exactly I want to do and when it should happen. I have prayed about it constantly and feel I'm ready to turn the page.

As you might expect, my overriding reasons for leaving are tied directly to my family. They are all in Virginia, where I have a new grandson I've never met and a granddaughter I've seen only a couple of times. Tom and I want to be able to hug our children more than twice a year and be there to watch our grand babies grow up. For that reason, I have accepted an appointment in the Bush Administration, where I'll be senior policy advisor to the Small Business Administration. This is a good fit for me since my legislative focus has been largely on small business issues.

It has been a tremendous honor to serve the people of the 8th Legislative District and all Washington State residents. Together, we have worked hard to make this a better place to do business, live and raise our families.

The effective date of my resignation is April 15th. Between now and then, the Benton County Republican Party will appoint an individual to fill my seat until the next election.

Thank you for your kindness to me during the years we have worked together. I wish you and Mona every happiness as you, too, begin a new chapter in your lives.

Sincerely,

PATRICIA HALE, 8th Legislative District

LETTERS OF RESIGNATION AMENDED

WASHINGTON STATE SENATE
Senator Patricia Hale
8th Legislative District

March 23, 2004

The Honorable Gary Locke
Washington State Governor
P. O. Box 40002
Olympia, WA 98504-0002

Dear Governor:

Since my resignation letter to you dated March 18, 2004, I have learned that the Benton County Republican Party does not plan to forward names of my potential successor to the Benton County Commission until May 6, 2004. My concern is that the people of the 8th Legislative District would be without representation in the Senate during that time period. I would like any vacancy to kept to a minimum. Therefore, to maintain continuity in the office, I am amending my March 18, 2004 letter to change the effective date of my resignation from April 15, 2004 to May 6, 2004.

Again my thanks to you for your kindness to me during the years we have worked together.

Sincerely,

PATRICIA HALE, 8th Legislative District

EDITOR'S NOTE: The following letters of resignation and oaths of office were received during the 2004 Interim:

BENTON COUNTY COUNCIL SIGNATURE REPORT
BENTON COUNTY, WASHINGTON

Motion 04 204

Resolution No. 04 204

In the matter of the appointment of Jerome Delvin as State Senator for District 8

WHEREAS, Senator Patricia Hale resigned her position as State Senator for District 8; and,

WHEREAS, the Board of Benton County Commissioners are required by law to make an appointment to fill the vacated position; and,

WHEREAS, the Republican Party has made a recommendation of three candidates to the Board of Benton County Commissioners to fill the vacated position; and,

WHEREAS, the Board has reviewed all candidates and feels Jerome Delvin would be the best candidate to fill the vacated position; NOW THEREFORE,

BE IT RESOLVED by the Board of Benton County Commissioners that Jerome Delvin is hereby appointed in accordance with the Washington State Constitution, Article 2, Section 15, to serve until the next general election as State Senator for District 8.

BOARD OF COMMISSIONERS
OF BENTON COUNTY, WASHINGTON
BENTON COUNTY
LEO M. BOWEMAN, Chair
CLAUDIA L. OLIVER, Pro Tem
MAX E. BEMITZ, JR., Member

SENATE OATH OF OFFICE
8TH LEGISLATIVE DISTRICT

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

JEROME DELVIN

Subscribed and sworn to before me this 12th day of May, 2004.

RICHARD B. SANDERS
SUPREME COURT JUSTICE

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Senator Shirley Winsley
28th Legislative District

June 18, 2004

The Honorable Gary Locke
Governor of the State of Washington
Office of the Governor
P. O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

As my legislative career comes to a close, I wish to thank you for the opportunity to continue to serve the great people of our beautiful state as a member of the Tax Appeals Board.

I am grateful for your confidence in me and look forward to the rewards and challenges of this appointment.

As I will assume my new duties on July 1, I therefore resign my Senate seat effective that same day, July 1, 2004.

Sincerely,

SHIRLEY WINSLEY, 28th Legislative District

PIERCE COUNTY COUNCIL SIGNATURE REPORT
PIERCE COUNTY, WASHINGTON

Resolution No. 146

Resolution No. R2004 -90

A Resolution of the Pierce County Council appointing Mike Carrell to the position of Washington State Senator, representing the 28th District.

WHEREAS, The appointment of Shirley Winsley, a Republican, to the Washington State Tax Appeals Board, created a vacancy in the Washington State Senate representing the 28th District; and

WHEREAS, As prescribed by Section 4.70 of the Pierce County Charter, the Pierce County Republican Central Committee has submitted a list of three names of nominees to represent the 28th District in the State Senate; and

WHEREAS, Pursuant to the Washington State Constitution, Article II, Section 15, and the Pierce County Charter, Section 4.70, the County Council shall fill the aforementioned vacancy by appointment from a list of three names submitted by the County Central Committee; and

WHEREAS, The Council has met and interviewed the three nominees,

NOW, THEREFORE BE IT RESOLVED by the Council of Pierce County:

Section 1. Mike Carrell is one of the three individuals named on the list submitted by the Pierce County Republican Central Committee, and is qualified to fill the vacancy in the Washington State Senate, representing the 28th District.

Section 2. Mike Carrell is hereby appointed to the position of Washington State Senator, representing the 28th District.

Adopted this 6th day of July, 2004.

ATTEST:

PIERCE COUNTY COUNCIL
PIERCE COUNTY, Washington
HAROLD MOSS, Council Chair
DENISE D. JOHNSON, Clerk of the Council

OATH OF OFFICE FOR UNEXPIRED TERM
OATH OF SENATOR FOR THE STATE OF WASHINGTON
28TH LEGISLATIVE DISTRICT

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

MIKE CARRELL

Subscribed and sworn to before me this 7th day of July, 2004.

RICHARD B. SANDERS
SUPREME COURT JUSTICE

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of the State of the state of Washington, do hereby certify that, the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the second day of November, 2004, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

SENATORS ELECTED NOVEMBER 2, 2004

DISTRICT COUNTIES NAME

- No. 01 King, Snohomish McAuliffe (D)
- No. 02 Pierce, Thurston Rasmussen (D)
- No. 03 Spokane Brown (D)
- No. 04 Spokane McCaslin (R)
- No. 05 King Pflug (R)
- No. 06 Spokane Benson (R)
- No. 08 Benton Delvin (R)
- No. 09 Adams, Asotin, Franklin,
Garfield, Spokane, Whitman Schoesler (R)
- No. 10 Island, Skagit, Snohomish Haugen (D)
- No. 11 King Prentice (D)
- No. 12 Chelan, Douglas,
Grant, Okanogan Parlette (R)
- No. 14 Yakima Deccio (R)
- No. 16 Benton, Columbia,
Franklin, Walla Walla Hewitt (R)
- No. 17 Clark Benton (R)
- No. 18 Clark, Cowlitz Zarelli (R)
- No. 19 Cowlitz, Grays Harbor,
Pacific, Wahkiakum Doumit (D)
- No. 20 Lewis, Thurston Swecker (R)
- No. 22 Thurston Fraser (D)
- No. 23 Kitsap Rockefeller (D)
- No. 24 Clallam, Grays Harbor,
Jefferson Hargrove (D)
- No. 25 Pierce Kastama (D)
- No. 27 Pierce Regala (D)
- No. 28 Pierce Carrell (R)
- No. 38 Snohomish Berkey (D)
- No. 39 King, Skagit,
Snohomish, Whatcom Stevens(R)
- No. 40 San Juan, Skagit,
Whatcom Spanel (D)
- No. 41 King Weinstein (D)
- No. 49 Clark Pridemore (D)

SENATE HOLDOVERS AS OF NOVEMBER 2002

DISTRICT COUNTIES NAME

No. 07 Ferry, Lincoln, Okanogan,
Pend Orielle, Spokane,
Stevens Morton (R)
No. 13 Grant, Kittitas, Yakima Mulliken (R)
No. 15 Clark, Klickitat,
Skamania, Yakima Honeyford (R)
No. 21 Snohomish Shin (D)
No. 26 Kitsap, Pierce Oke (R)
No. 29 Pierce Franklin (D)
No. 30 King Eide (D)
No. 31 King, Pierce Roach (R)
No. 32 King, Snohomish Fairley (D)
No. 33 King Keiser (D)
No. 34 King Poulsen (D)
No. 35 Grays Harbor, Kitsap,
Mason, Thurston Sheldon (D)
No. 36 King Kohl-Welles (D)
No. 37 King Kline (D)
No. 42 Whatcom Brandland (R)
No. 43 King Thibaudeau (D)
No. 44 Snohomish Schmidt (R)
No. 45 King Finkbeiner (R)
No. 46 King Jacobsen (D)
No. 47 King Johnson (R)
No. 48 King Esser (R)

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the Seal of the state of Washington, this 10th day of January, 2005.

SAM REED, Secretary of State

(Seal)

The Secretary called the roll of the following holdover member of the Senate and all were present: Senators Morton, Mulliken, Honeyford, Shin, Oke Franklin, Eide, Roach, Fairley, Keiser, Poulsen, Sheldon, Kohl-Welles, Kline, Brandland, Thibaudeau, Schmidt, Finkbeiner, Jacobsen, Johnson and Esser.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Johnson and Kline to escort Supreme Court Justice Charles Johnson to the rostrum.

The President welcomed and introduced the Honorable Charles Johnson, Associate Chief Justice of the Supreme Court of the state of Washington, who was present to administer the oaths of office to the newly re-elected Senators and newly elected Senators.

The secretary called the roll of the following newly re-elected members of the Senate and all were present: Senators Don Benton, Lisa Brown, Alex Deccio, Mark Doumit, Karen Fraser, Jim Hargrove, Mary Margaret Haugen, Mike Hewitt, Jim Kastama, Rosemary McAuliffe, Bob McCaslin, Linda Evans Parlette, Margarita Prentice, Marilyn Rasmussen, Debbie Regala, Harriet Spanel, Val Stevens Dan Swecker and Joseph Zarelli.

The President recognized Secretary of State, Sam Reed who was present at the rostrum and congratulated him on his 64th birthday on June 10.

The acting Sergeant at Arms escorted each of the newly re-elected members of the Senate to the rostrum of the Senate to receive the oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to each of the newly re-elected members.

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

The acting Sergeant at Arms escorted each of the newly re-elected members to their seats in the Senate Chamber.

The secretary called the roll of the following newly elected members of the Senate and all were present: Senators Brad Benson, Jean Berkey, Mike Carrell, Jerome Delvin, Cheryl Pflug, Craig Pridemore, Phil Rockefeller, Mark Schoesler, Brian Weinstein.

The acting Sergeant at Arms escorting each of the newly elected members of the Senate to the bar of the Senate to receive the oath of office.

Justice Charles Johnson thereupon administered the oath of office to each of the newly elected members.

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

The acting Sergeant at Arms escorted each of the newly elected members to their seats in the Senate Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Korean Consulate of Korea in Seattle, Consul General Kim Jae Gook Kim and Deputy Consul Moon Chang Boo who were seated in the gallery.

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. I would like to nominate Senator Rosa Franklin for the office of President Pro Tempore. First of all I'd like to say we're very lucky to have you as our Lt. Governor to be our President. You make us look very good even when you have some unruly Senators out here of which I'm one some of the time. The reason I'm nomination Senator Franklin I believe she will make us look good also. I believe she will do an excellent job in your absence to preside over the Senate. I was thinking of some words that describe Senator Franklin. She's gentle, she's compassionate, she's definitely fair, yet I don't think you ought to not think that she's alert and strong when she needs to be. I think all of these components along with the grace she both handles her job as a Senator and in past has done this leadership position, presided over the Senate. I think all makes a great combination to make us all look very good. We know that with television now and TVW that the public is frequently watching us. They want to know that the government is carried out in a way that is working correctly and things are getting done correctly and everything is going in order. And I can't think of a better person to do. We've seen Rosa give very emotional speeches, very sincere speeches and you know she always tells you what's coming from her heart and that she will always do the best and most honest and fair job to represent all of us no matter what side of the aisle we're on. I served with Rosa in the House and she followed me over to the Senate and I guess most of all I'm grateful to call her my friend and we're very grateful to be able to nominate her for President Pro Tempore."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. Well I'm very honored and privileged to second the nomination of Senator Franklin. Senator Franklin is my colleague and believe it or not I'm her mentor. I was her mentor in the House and her mentor in the Senate but you can't find a more gracious, beautiful lady than Senator Franklin. Yes she is fair and she is kind but the dignity and the kindness that she emulates will make us all look good. But one of the things that we have found when she was our President Pro Tempore was that she had a faster gavel than you, Mr. President. She was very sharp and she knew how to control us almost as well as you do, but she's fast. I'm very, very honored to be able to second the nomination for my friend, my neighbor Senator Franklin."

MOTION

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

ROLL CALL

The Secretary called the roll and Senator Rosa Franklin was elected President Pro Tempore: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 47.

Absent: Senators Benton and Zarelli - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Esser and Regala to escort Senator Rosa Franklin to the rostrum.

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

The President introduced the President Pro Tempore of the Washington State Senate, Senator Rosa Franklin

REMARKS BY PRESIDENT PRO TEMPORE FRANKLIN

Senator Franklin: "To the Lt. Governor, my colleagues, ladies and gentlemen, this is indeed, it's an overwhelming moment in time-- one in which we sit and begin to do the public's business and to be able to preside when the Lt. Governor is not here. It's an awesome time, it's a time that we have many challenges. We will face them and as the confidence in which you have placed in me to be able to carry out these duties, I thank you. We will do our best, I will do my best and I will not let you down. Thank you."

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "Thank you. Senator Shin has so many distinguished milestones in his life. This is one more and he's fulfilled this duty ably. I've had the pleasure to sit next to Paul for several and amazed to discover what an amazing individual he is. He first encountered the Americans when he was a shoe shine in an American military outfit in Korea in the Korean war, when he was first Korean-American to be adopted by an American family. He came to the United States, and as I understand it he couldn't read or write in English or Korean. He was illiterate and he taught himself how to do all that and he ended up getting a PhD in history and teaching at Shoreline Community College. Now, he's getting some of the recognition he deserves. 1903-2003 they celebrated one hundred years of Korean immigration to the United States and they picked ten outstanding immigrants and Paull Shin was one of those ten. Now he sits in the Washington State Senate, he's going to shortly be elected Vice President Pro Tempore. The other thing I want to share one more thing with what happened last year, I guess in Korea every year they celebrate an outstanding emigree and last year there was one week where they honored Paull Shin in Korea. He's a very distinguished person, his name resonates throughout East Asia. He is tireless on working on trade delegations, and building contacts between here and there. I think he fills this office very ably and I ask you to vote for Senator Paull Shin. Thank you

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President. Well, I too am very, very honored to place in nomination, Senator Paull Shin for Vice President Pro Tempore. Senator Shin and I have been friends for many, many years, in fact he's taking me numerous times to his home in South Korea. I watched where he grew up, in the train station in Seoul, Korea followed; his journey until he came to the United States; read his book that he wrote-and I hope he will present a book to all of us about stealing an education in Korea. Its absolutely heart warming. But the job of Vice President Pro Tempore is one that demands the dignity, the integrity, the honesty to watch over all of us when Senator Franklin is not available to take your place, Mr. President and I can't think of a better person amongst all of us than Senator Shin. Senator Shin is a delightful man, a great colleague and we are very honored to have him here in the Legislature with us and for many, many reasons I am so pleased to be able to make the second for his nomination for Vice President. He will be a wonderful example for all of us and help lead us in our journey and our challenges. Thank you."

MOTION

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

ROLL CALL

The Secretary called the roll and Senator Paull Shin was elected Vice President Pro Tempore: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44.

Absent: Senators Benton, Carrell, Doumit, Poulsen and Zarelli - 5.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Berkey and Schmidt to escort Senator Paull Shin to the rostrum.

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

The President introduced the Vice President Pro Tempore of the Washington State Senate, Senator Paull Shin

REMARKS BY VICE PRESIDENT PRO TEMPORE SHIN

Senator Shin: "Mr. President and my colleagues in the Senate, ladies and gentlemen in the gallery. I don't know how to thank you from my heart for the trust and confidence you placed in me to serve you. I remember our founding father, Benjamin Franklin was asked "Persons grateful, persons when realizing their blessing, serve by the community and I've been blessed much in this country. It's time for me to pay back and I'm honored to serve in the Senate and to serve you together to make our best of Washington States. According to American Poet Longfellow, 'life is real, life is honest but time is fleeting.'" We have a lot of work to do, I will join in your hand, I hope you join me to make a best of State of Washington to the United States. Thank you very much."

ELECTION OF SECRETARY OF THE SENATE

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

REMARKS BY SENATOR BROWN

Senator Brown: "Mr. President, it is my honor to place the name for nomination for the office of Secretary of Senate, Mr. Tom Hoemann. Thank you Mr. President. Well, ladies and gentlemen, where were you in 1979. And this is a rhetorical question, Senator McCaslin you don't have to answer it. Tom Hoemann was coming to work for us in the Senate. He joined us as Staff Counsel for the Senate Judiciary Committee and eventually rose to director to that committee. He took a couple of years off to work on behalf of his profession. Yes, he is, in fact, an attorney. In this position, we don't hold that against him, in fact we appreciate his counsel. Tom Hoemann is prepared in many ways, this is a collation of his career in the Senate, and a job that he is well prepared and has been looking forward to. If I were to describe him in terms of his service to us in the Senate. I would say he is faithful, responsible, he serves with loyalty and integrity. Now, if I'm making him sound just a little too good, then let me say, he is prone to exaggeration on one topic and that is the results of his fishing exploits. Tom, above all has respect, if not reverence, for this institution and he will bring those skills and those values to the administration of the Senate. He also has institutional memory that rivals most of us here today. Finally and perhaps most importantly, he not only works hard but he cares about what we're doing. I'm also pleased that he's not just devoted to the Senate but also to his wife of many years Lee who is with him here today and it is my pleasure to put forward with no reservation his name as Secretary of the Senate."

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "Thank you Mr. President. I concur with everything Senator Brown has said except not holding it against him for being an attorney. I mean I think that's a given. Anyway I arrived her in the 1981 and I met Tom, he was on the Judiciary Committee but I can assure, especially all the new Senators rather your Republican or Democrat, Tom's the guy to go to answer questions because he's been here longer than me, knows more than I do, he's an attorney but I can assure anyone that goes to you'll get a straight forward answer and if he doesn't know the answer, which he probably does, he'll get the answer so I don't think, congratulations to the leadership and to the caucus for nominating him because he'll be received as well as any Secretary I've ever seen, from Snyder on down to Milt. There all good and he'll be just as good perhaps better and it's a real pleasure to second his nomination.":

MOTION

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

ROLL CALL

The Secretary called the roll and Thomas Hoemann was elected Secretary of the Senate: Yeas, 42; Nays, 0; Absent, 7; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42.

Absent: Senators Benson, Delvin, Doumit, Hargrove, Mulliken, Poulsen and Zarelli - 7.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Spanel and Honeyford to escort Thomas Hoemann to the rostrum.

Justice Charles Johnson thereupon administered the oath of office to Thomas Hoemann.

The President introduced the Secretary of the Senate Thomas Hoemann

REMARKS BY SECRETARY OF THE SENATE THOMAS HOEMANN

Thomas Hoemann: "Thank you Mr. President and members. Thank you for entrusting to me this position. I have had the privilege almost every day of my professional career to come to work in these buildings. It's been my good fortune to know very well my predecessors in this position and to observe, first hand, the fairness and integrity with which they sought to serve this institution and all the members. So my goal is to try to meet those high standards that they set in serving the members of the Senate and staff and thereby helping you serve the citizens of the State of Washington."

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Mr. President, I nominate Jim Ruble for the Office of Sergeant at Arms. Thank you Mr. President. I've know Jim actually thirty years. He's a true Washingtonian. He was born in Edison Washington, he attended Pacific Lutheran University and then he taught for thirty years in my home town of Puyallup. His area of speciality was actually Washington State history and Government so what I know I learned from him. Also, he intensively researches Washington State History as a hobby. I have to explain he was also, not only a teacher of mine in Junior High but he was also my football coach. So whenever I get an ache in my knee and my back or arthritic pains in my hands I think of him, fondly so. I would like to also say, he's worked for five years and his mentor was our friend Gene Gotovac and that was his mentor and was one thing that Gene always tried to instill in Jim was to uphold the protocol and the dignity of the Senate. On many occasions Jim has actually shared with me how it is an honor to be here. In fact the Legislature makes the history he is so interested in for Washington State. So its my honor to nominate him today, also his wife Barbara is here and his daughter, Amy. So with that Mr. President, I ask people to vote for him."

REMARKS BY SENATOR BRANDLAND

Senator Brandland: "Thank you Mr. President. It is my honor and privilege to second the nomination of Jim Ruble to be the Senate Sergeant at Arms. As Senator Kastama has stated Jim has been with this body for five years now and I believe he's proven himself to be someone that can make us all proud. He's got a very easy style, he's got a very good sense of humor and he treats people with respect-whether they are members of this body or whether there the general public. It really, you know I'm one of the new people to this body and when I first got here we were in temporarily quarters and I don't think you can ask a more difficult position to put our Sergeant at Arms and their personnel than having to deal with the problems that we had with the temporary quarters and the cramped spaces that we had. It is a job that at times requires somebody, that person to be tough, they need to be fair, they need to be stern but most of all they need to be able to treat people with respect. I've watched Jim do that for the past two years and I'm sure that he'll continue to do that for us as we proceed, so it's my honor and privilege to second the nomination."

MOTION

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

ROLL CALL

The Secretary called the roll and Jim Ruble was elected Sergeant at Arms of the Senate: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48.

Absent: Senator Shin - 1.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Franklin and Pflug to escort Jim Ruble to the rostrum.

Justice Charles Johnson thereupon administered the oath of office to Jim Ruble.
The President introduced the Sergeant at Arms of the Senate Jim Ruble

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Esser and Poulsen to escort the Honorable Charles Johnson from the Senate Chamber.

The President of the Senate thanked Associate Chief Justice Charles Johnson.

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, I think it's time that you instruct Senator Brandland that he no longer refer to himself as a new kid on the block. His hair is grayer now than it was when he got here. Its time to realize that he's now a veteran."

REMARKS BY THE PRESIDENT

President Owen: "Senator Deccio, members have all sorts of ways of referring to themselves and sometimes they choose ways to make them feel better because of the way other refer to them. Senator Brandland, you've been here awhile."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8600

By Senators Brown and Esser

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8600.
The motion by Senator Eide carried and the resolution was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8600, the President appointed Senators Benson, Berkey, Carrell, Delvin, Pridemore, Rockefeller, Schoesler and Weinstein to notify the House of Representatives that the Senate is organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

The Sergeant at Arms announced the delegation from the House of Representatives and escorted the delegation to the bar of the Senate.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Clibborn, Haler, Hasegawa and Skinner appeared before the bar of the Senate and notified the Senate that the House is organized and ready to conduct business.

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8601

By Senators Brown and Spanel

BE IT RESOLVED, That the Rules of the Senate for the 2003 Regular Session of the 58th Legislature, as amended in the 2004 Regular Session, be adopted as amended as the Rules for the 2005 Regular Session of the 59th Legislature, to read as follows:

PERMANENT RULES OF THE SENATE ~~((FIFTY-EIGHTH))~~ FIFTY-NINTH LEGISLATURE ~~((2003))~~ 2005

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

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses- Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
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Rule 67	Matter Related to Disagreement Between the Senate and House
Rule 68	Bills Committed for Special Amendment
Rule 69	Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

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

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

Secretary of the Senate

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

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

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

Sergeant at Arms

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

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

Subordinate Officers

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

Employees

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

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

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

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

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

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

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

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

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

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

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

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

Admission to the Senate

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

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

Printing of Bills

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

Furnishing Full File of Bills

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

Regulation of Lobbyists

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

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

Security Management

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

SECTION III

RULES AND ORDER

Time of Convening

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

Quorum

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

Order of Business

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

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

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

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

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

Special Order

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

Unfinished Business

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

Motions and Senate Floor Resolutions (How Presented)

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

2. The Senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the Senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on Senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. Members' names shall only be added to the resolution if the member signs the resolution. Members shall have until thirty minutes after the senate is convened the following day the senate is in a regular or pro forma session to add their names to the floor resolution. A motion may be made to close the period for signatures at an earlier time.

Precedence of Motions

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

PRIVILEGED MOTIONS

Adjourn ((~~o~~)), recess, or go at ease
Reconsider
Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules
Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

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

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

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

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

Voting

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

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

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

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

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

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

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

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

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would have voted in order to avoid results that would only occur because of the unanticipated absence.

Announcement of Vote

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

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

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

No Amendment by Mere Reference to Title of Act

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

Reading of Papers

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

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

Comparing Enrolled and Engrossed Bills

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

SECTION IV

PARLIAMENTARY PROCEDURE

Rules of Debate

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

Recognition by the President

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

Call for Division of a Question

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

Point of Order - Decision Appealable

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

Question of Privilege

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

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

Protests

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

Adoption and Suspension of Rules

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

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

Previous Question

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

Reconsideration

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

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

Motion to Adjourn

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

Yeas and Nays - When Must be Taken

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

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

Reed's Parliamentary Rules

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

SECTION V

COMMITTEES

Committees - Appointment and Confirmation

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

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

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

- ~~1. Agriculture~~⁵
- ~~2. Children and Family Services and Corrections~~⁷
- ~~3. Commerce and Trades~~⁵
- ~~4. Economic Development~~⁷
- ~~5. Education~~⁸
- ~~6. Financial Services, Insurance and Housing~~⁷
- ~~7. Government Operations and Elections~~⁷
- ~~8. Health and Long Term Care~~⁷
- ~~9. Higher Education~~⁷
- ~~10. Highways and Transportation~~¹²
- ~~11. Judiciary~~⁹
- ~~12. Land Use and Planning~~⁵
- ~~13. Natural Resources, Energy and Water~~⁹
- ~~14. Parks, Fish and Wildlife~~⁹
- ~~15. Rules~~¹⁸
- ~~16. Technology and Communications~~⁷
- ~~17. Ways and Means~~¹⁷)

1. Agricultural and Rural Economic Development7
2. Early Learning, K-12 and Higher Education16
3. Financial Institutions, Housing and Consumer Protection11
4. Government Operations and Elections10
5. Health and Long-Term Care11
6. Human Services and Corrections7
7. International Trade and Economic Development7
8. Judiciary9
9. Labor, Commerce, Research and Development9
10. Natural Resources, Ocean and Recreation9
11. Rules18
12. Transportation12
13. Water, Energy and Environment9
14. Ways and Means17

Subcommittees

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

Subpoena Power

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

Duties of Committees

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

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

Committee Rules

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

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

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

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

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

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

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

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

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

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

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

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

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

Committee Meetings During Sessions

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

Reading of Reports

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

Recalling Bills from Committees

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

Bills Referred to Rules Committee

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

Rules Committee

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

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

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

Employment Committee

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

Committee of the Whole

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

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

Appropriation Budget Bills

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

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

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

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

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

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of

the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

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

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

Amendatory Bills

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

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

When statutes are being repealed, the Revised Code of Washington section number to be repealed, the section caption and the session law history, from the most current to the original, shall be cited.

Joint Resolutions and Memorials

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

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

Committee Bills

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

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

Committee Reference

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

FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

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

First Reading

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

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

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

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

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

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

Second Reading/Amendments

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

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

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

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

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

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

Third Reading

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

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

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

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order

raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment.

Matters Related to Disagreement Between the Senate and House

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

- To concur
- To non-concur
- To recede
- To insist
- To adhere

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

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

Bills Committed for Special Amendment

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

Confirmation of Gubernatorial Appointees

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

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

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

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

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

MOTION

Senator Finkbeiner moved that the following amendment by Senator Finkbeiner be adopted.

On page 22, line 24, after "Rules" strike "18" and insert "19".

Senators Finkbeiner and Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 22, line 24 to Senate Resolution No. 8601.

The motion by Senator Finkbeiner carried and the amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of Engrossed Senate Resolution No. 8601.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

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

MESSAGES FROM THE HOUSE

January 10, 2005

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

January 10, 2005

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

January 10, 2005

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

January 10, 2005

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Honeyford, Schoesler, Benson, McCaslin, Deccio, Mulliken and Johnson

AN ACT Relating to license plate replacement; and reenacting and amending RCW 46.16.233.

Referred to Committee on Transportation.

SB 5001 by Senators Honeyford, Benton, Schmidt and Johnson

AN ACT Relating to participation in the border county higher education project by promise scholarship recipients; and amending RCW 28B.119.010.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5002 by Senators Regala, Swecker, Hargrove, Brandland, Doumit and Shin

AN ACT Relating to camping resort contracts; and amending RCW 19.105.310 and 19.105.325.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5003 by Senators Hargrove, Stevens, Haugen and Kline

AN ACT Relating to DNA testing; and amending RCW 10.73.170.

Referred to Committee on Human Services & Corrections.

SB 5004 by Senators Rasmussen and Shin

AN ACT Relating to commercial feed; amending RCW 15.53.901, 15.53.9013, 15.53.9014, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.9024, and 15.53.9044; adding a new section to chapter 15.53 RCW; repealing RCW 15.53.9053; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5005 by Senators Jacobsen, Oke, Kline, Parlette, Fraser and Shin

AN ACT Relating to nature-based tourism; amending RCW 67.28.080; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5006 by Senator Jacobsen

AN ACT Relating to the sale of aquaculture products from leased state-owned aquatic lands; amending RCW 79.90.210 and 79.96.080; and adding a new section to chapter 79.96 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5007 by Senator Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5008 by Senators Pflug, Rasmussen, Honeyford, Delvin, Mulliken, Schoesler, Oke, Brandland, Stevens, Benton, Benson, Carrell, Parlette, Deccio and Johnson

AN ACT Relating to updating state law to conform to changes in the federal estate tax; amending RCW 11.02.005 and 83.100.020; and creating a new section.

Referred to Committee on Ways & Means.

SB 5009 by Senators Rasmussen, Schoesler and Shin

AN ACT Relating to the conservation assistance revolving account; and amending RCW 89.08.550.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5010 by Senators Rasmussen and Schoesler

AN ACT Relating to funding conservation districts; amending RCW 89.08.410; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5011 by Senator Haugen

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

Referred to Committee on Transportation.

SB 5012 by Senator Haugen

AN ACT Relating to transportation funding and appropriations; amending 2004 c 229 ss 206, 207, 208, 209, 211, 212, 213, 215, 218, 219, 220, 222, 223, 224, 225, 401, 402, 404, 405, and 406 (uncodified); amending 2003 c 360 s 218 (uncodified); adding a new section to 2003 c 360 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 5013 by Senators Honeyford and Sheldon

AN ACT Relating to recreational vehicle logos on highway sign panels; amending RCW 47.36.310; reenacting and amending RCW 47.36.320; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

SB 5014 by Senators Fraser and Swecker

AN ACT Relating to county treasurer administrative changes; amending RCW 1.12.070, 36.29.010, 63.29.135, 63.29.190, 82.02.020, 82.45.090, 84.56.310, and 84.69.020; adding a new section to chapter 84.56 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5015 by Senators Jacobsen and Deccio

AN ACT Relating to creating a nonpartisan judicial commission; amending RCW 2.04.100 and 2.06.080; adding a new section to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5016 by Senators Jacobsen, Rockefeller, Oke, Kohl-Welles and Shin

AN ACT Relating to wildlife conservation awards; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5017 by Senators Jacobsen, Thibaudeau and Shin

AN ACT Relating to the sale of logs and wood from state-owned aquatic lands; and amending RCW 79.90.245.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5018 by Senators Jacobsen, Rockefeller, Kline, Franklin and Spanel

AN ACT Relating to part-time faculty of community and technical colleges; amending RCW 28B.50.4892; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5019 by Senator Jacobsen

AN ACT Relating to student athletes' bill of rights; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5020 by Senators Jacobsen, Kohl-Welles, Kline and Fraser

AN ACT Relating to leaves of absence for peace corps volunteers; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5021 by Senators Jacobsen, Prentice and Parlette

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5022 by Senators Jacobsen and Spanel

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5023 by Senators Jacobsen and Oke

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 5024 by Senators Jacobsen, Kline and Shin

AN ACT Relating to tax incentives to encourage telework; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5025 by Senators Jacobsen and Kohl-Welles

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5026 by Senators Regala, Honeyford, Fraser and Parlette

AN ACT Relating to tax abatements for property damaged or destroyed by natural disasters; and amending RCW 84.70.010.

Referred to Committee on Ways & Means.

SB 5027 by Senator Jacobsen

AN ACT Relating to the collection of the real estate excise tax upon transfers of water rights; amending RCW 90.03.280, 82.45.010, and 82.45.090; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SB 5028 by Senator Jacobsen

AN ACT Relating to property tax levies; amending RCW 84.55.005; and repealing RCW 84.55.0101.

Referred to Committee on Government Operations & Elections.

SB 5029 by Senators Jacobsen, Rockefeller, Kohl-Welles, Kline, Franklin and Eide

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

Referred to Committee on Water, Energy & Environment.

SB 5030 by Senators Jacobsen and Fraser

AN ACT Relating to toxic exposures reporting and tracking review panel; and adding new sections to chapter 70.104 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5031 by Senators Haugen, Jacobsen, Kastama and Swecker

AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5032 by Senators Fairley, Swecker, Regala, Fraser, Kline and Spanel

AN ACT Relating to the six-year review of property tax exemptions; adding a new section to chapter 44.28 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Ways & Means.

SB 5033 by Senators Kastama and Shin

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

Referred to Committee on Government Operations & Elections.

SB 5034 by Senator Kastama

AN ACT Relating to disclosure of and restrictions on campaign funding; amending RCW 42.17.020, 42.17.103, 42.17.110, 42.17.510, and 42.17.530; reenacting and amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.505; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5035 by Senators Thibaudeau, Brandland and Franklin

AN ACT Relating to forensic pathology; amending RCW 43.103.030 and 43.79.445; and repealing RCW 28B.20.426.

Referred to Committee on Health & Long-Term Care.

SB 5036 by Senators Fraser, Zarelli, Regala and Spanel

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

Referred to Committee on Ways & Means.

SB 5037 by Senators Prentice, Kohl-Welles, Kline, Deccio and Franklin

AN ACT Relating to problem gambling; amending RCW 43.20A.890, 67.70.340, 82.04.350, 82.04.290, and 9.46.071; adding a new section to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5038 by Senators Honeyford, Oke, Kline, Mulliken and Eide

AN ACT Relating to the duty to yield to emergency and police vehicles; amending RCW 46.61.210 and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SJR 8200 by Senators Jacobsen and Deccio

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8201 by Senator Jacobsen

Amending the Constitution to remove initiatives and referenda powers.

Referred to Committee on Government Operations & Elections.

SCR 8400 by Senators Brown and Esser

Establishing cutoff dates for the 2005 regular session.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5018 which was referred to the Committee on Labor, Commerce, Research & Development; Senator Bill No. 5029, which was referred to the Committee On Water, Energy & Environment and Senate Concurrent Resolution No. 8400 which the rules were suspended and placed on the second reading calendar under suspension of the rules.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4400 by Representatives Kessler and Armstrong

Notifying the Governor that the Legislature is organized.

HCR 4401 by Representatives Kessler and Armstrong

Adopting joint rules.

HCR 4402 by Representatives Kessler and Armstrong

Calling three joint sessions of the legislature.

HCR 4403 by Representatives Kessler and Armstrong

Remembering former legislators.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5029 which was referred to the Committee on Water, Energy and Environment, House Concurrent Resolution No. 4400, House Concurrent Resolution No. 4401, House Concurrent Resolution No. 4402 and House Concurrent Resolution No. 4403 which the rules were suspended and they were placed on the second reading calendar.

MOTION

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

SECOND READING

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

Notifying the Governor that the Legislature is organized.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4400.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Spanel and Honeyford to notify the Governor that the Legislature is ready to transact business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4400 was immediately transmitted to the House of Representatives.

SECOND READING

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

Establishing cutoff dates for the 2005 regular session.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8400.

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

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8400 was immediately transmitted to the House of Representatives.

SECOND READING

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

Adopting joint rules.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4401.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler and Armstrong

Calling three joint sessions of the legislature.

The measure was read the second time.

MOTIONS

Senator Finkbeiner moved that the following amendment by Senator Finkbeiner be adopted.

On page 1, line 6, after "Constitution," insert the following:

"with the exception of the office of Governor, for which certification shall be deferred in order to enable election contests filed in the courts to be acted upon,"

On page 1, line 12, after "officials" insert, "except the Governor" and strike the remainder of line 12 and all of line 13 through "Governor".

On page 2, line 2, after "Alexander" strike "." and insert the following:

"; and

BE IT FURTHER RESOLVED, By the House of Representatives, the Senate concurring, That the Senate meet the House of Representatives in Joint Session on Tuesday, January 25, 2005, at 11:45 a.m. in the House Chamber, for the purpose of certifying the vote of the office of Governor as required by Article III, section 4, of the state Constitution."

Senators Finkbeiner, Schmidt, Sheldon, Johnson, and Mulliken spoke in favor of adoption of the amendment.

Senators Hargrove and Kastama spoke against adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Benton spoke in favor of adoption of the amendment.

Senator Hewitt and Brown spoke against adoption of the amendment.

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

Senator Eide demanded a division.

The motion by Senator Eide that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 1, line 6 to Concurrent Resolution No. 4402.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Finkbeiner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the resolution.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Finkbeiner spoke against passage of the resolution.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4402.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4402 and the concurrent resolution passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

HOUSE CONCURRENT RESOLUTION NO. 4402, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. Point of personal privilege. Well, I really can't help but making this comment. I know this is somewhat of a touchy issue for all of us. When we were voting on the amendment, the new fine Senator from the 28th District, they called his name twice, and twice he said, Aye. We just want to say, can't we just accept the human error and take the over vote that they won it."

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Kessler and Armstrong

Remembering former legislators.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403 was adopted by voice vote.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2005 Standing Committee Assignments.

Agriculture & Rural Economic Development (7) – Rasmussen, Chair; Shin, Vice Chair; Delvin; Jacobsen; Morton; *Schoesler, Sheldon.

Early Learning, K-12 & Higher Education (16) – McAuliffe, Chair; Pridemore, Vice Chair (Higher Education); Weinstein, Vice Chair (Early Learning & K-12); Berkey; Benton; Carrell; Delvin; Eide; Kohl-Welles; Mulliken; Pflug; Rasmussen; Rockefeller; *Schmidt; Schoesler; Shin.

Financial Institutions, Housing & Consumer Protection (11) – Fairley, Chair; Berkey, Vice Chair; *Benton; Benson; Brandland; Delvin; Franklin; Keiser; Prentice; Schmidt; Spanel.

Government Operations & Elections (10) – Kastama, Chair; Berkey, Vice Chair; Benton; Fairley; Haugen; Kline; McCaslin; Mulliken; Pridemore; *Roach.

Health & Long-Term Care (11) – Keiser, Chair; Thibaudeau, Vice Chair; Benson; Brandland; *Deccio; Franklin; Kastama; Kline; Johnson; Parlette; Poulsen.

Human Services & Corrections (7) – Hargrove, Chair; Regala, Vice Chair; Brandland; Carrell; McAuliffe; *Stevens; Thibaudeau.

International Trade & Economic Development (7) – Shin, Chair; Sheldon, Vice Chair; Doumit; Eide; *Pflug; Roach; Zarelli.

Judiciary (9) – Kline, Chair; Weinstein, Vice Chair; Carrell; Esser; Hargrove; *Johnson; Kohl-Welles; McCaslin; Thibaudeau.

Labor, Commerce, Research & Development (9) – Kohl-Welles, Chair; Franklin, Vice Chair; Brown; Deccio; Hewitt; Honeyford; Keiser; *Parlette; Prentice.

Natural Resources, Ocean & Recreation (9) – Jacobsen, Chair; Doumit, Vice Chair; Fraser; Hargrove; Morton; *Oke; Spanel; Stevens; Swecker.

Transportation (12) – Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson; Eide; Esser; Kastama; Mulliken; Oke; Spanel; *Swecker; Weinstein.

Water, Energy & Environment (9) – Poulsen, Chair; Rockefeller, Vice Chair; Fraser; Hewitt; Honeyford; *Morton; Mulliken; Pridemore; Regala.

Ways & Means (17) – Prentice, Chair; Doumit, Vice Chair, Operating Budget; Fraser, Vice Chair, Capital Budget; Brandland; Fairley; Hewitt; Kohl-Welles; Parlette; Pflug; Pridemore; Rasmussen; Regala; Roach; Rockefeller; Schoesler; Thibaudeau; *Zarelli.

Rules (20) – Lt. Governor, Chair; Franklin, Vice Chair; Brown; Doumit; Eide; Esser; Finkbeiner; Fraser; Haugen; Hewitt; Honeyford; Johnson; Kline; Kohl-Welles; Parlette; Regala; Spanel; Stevens; Thibaudeau; Zarelli.

Senator Eide moved that the committee assignments be confirmed.

The President declared the motion by Senator Eide to confirm the committee assignments passed.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill No. 6118

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 31st day of March, 2004.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Engrossed Second Substitute Senate Bill No. 6358

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 26th day of March, 2004.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Engrossed Senate Bill No. 6453
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 1st day of April, 2004.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Senate Bill No. 6493

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 26th day of March, 2004.

SAM REED, Secretary of State

(Seal)

MOTION

At 3:42 p.m. on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Tuesday, January 11, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 11, 2005

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all members were present.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 7, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Washington State Potato Commission.

If you have any questions about the report, please call Washington State Auditors Office at 902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Accountability Audit Report, Washington State Potato Commission is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 7, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Financial Statements Audit, Washington State Potato Commission. This report is mandated under Chapter 41.40 and 41.45 RCW.

If you have any questions about the report, please call Washington State Auditors Office at 902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Financial Statements Audit, Washington State Potato Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 4, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Institute for Public Policy, Washington State's Family Integrated Transitions Program for Juvenile Offenders.

If you have any questions about the report, please call Roxanne Lieb at 586-2768.

Sincerely,

Roxanne Lieb, Director

The Washington State Institute for Public Policy, Washington State's Family Integrated Transitions Program for Juvenile Offenders is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 3, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Institute for Public Policy, Final Report on Alternative Routes to Teacher Certification in Washington State.

If you have any questions about the report, please call Roxanne Lieb at 586-2745.

Sincerely,
Roxanne Lieb, Director

The Washington State Institute for Public Policy, Final Report on Alternative Routes to Teacher Certification in Washington State is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

December 30, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Grays Harbor College.

If you have any questions about the report, please call Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Audit Report, Grays Harbor College is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was vetoed by the Governor, together with the official veto message setting forth his objection to the section or item of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 5677

Senate Bill No. 6561

Substitute Senate Bill No. 6636

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 1st day of April, 2004.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Second Substitute Senate Bill No. 6599

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 1st day of April, 2004.

SAM REED, Secretary of State
(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill No. 5733

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 26th day of March, 2004.

SAM REED, Secretary of State
(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill No. 6225

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 26th day of March, 2004.

SAM REED, Secretary of State
(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Engrossed Second Substitute Senate Bill No. 6274

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 26th day of March, 2004.

SAM REED, Secretary of State
(Seal)

MOTION

On motion of Senator Eide, the vetoed and partially vetoed bills were held at the desk.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 11, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5039 by Senators Rasmussen, Schoesler and Shin

AN ACT Relating to milk and milk products; amending RCW 15.36.051, 15.36.231, and 15.36.241; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5040 by Senators Shin, Hewitt, Mulliken and Sheldon

AN ACT Relating to providing additional funding for the community economic revitalization board's programs; amending RCW 43.160.060; adding a new section to chapter 43.176 RCW; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 5041 by Senators McCaslin and Kline

AN ACT Relating to discretionary weapons enhancements for sentence ranges; amending RCW 9.94A.533; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5042 by Senator McCaslin

AN ACT Relating to tolling the statute of limitations for felonies; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 11:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of a Joint Session with the House of Representatives to receive the State of the State Address.

JOINT SESSION

Pursuant to House Concurrent Resolution No. 4400, Speaker of the House Frank Chopp, called the Joint Session to order.

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

Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen to seats at the Rostrum.

Senators were invited to seats within the House Chamber.

The Clerk called the roll of the House. The Clerk called the roll of the Senate.

A quorum of the Legislature was present.

Speaker Chopp: "The first purpose of this Joint Session is to comply with the Constitutional requirement of canvassing the vote for and against referenda and initiatives and for the constitutional elective officers."

MESSAGE FROM SECRETARY OF STATE

MR. SPEAKER:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 2,883,499 votes cast by the 3,514,078 registered voters of the state for and against the initiatives and referendum which were submitted to the vote of the people at the state general election held on the 2nd day of November, 2004, as received from the County Auditors.

Initiative Measure No. 872

"Initiative Measure No. 872 concerns elections for partisan offices. This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general

election, regardless of party."

Yes 1,632,225
No 1,095,190

Initiative Measure No. 884

"Initiative Measure No. 884 concerns dedicating funds designated for educational purposes. This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%."

Yes 1,102,996
No 1,654,112

Initiative Measure No. 892

"Initiative Measure No. 892 concerns authorizing additional "electronic scratch ticket machines" to reduce property taxes. This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes."

Yes 1,069,414
No 1,711,785

Referendum Measure No. 55

"The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools. This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds."

Yes 1,122,964
No 1,572,203

Initiative Measure No. 297

"Initiative Measure No. 297 concerns "mixed" radioactive and nonradioactive hazardous waste. This measure would add new provisions concerning "mixed" radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits."

Yes 1,812,581
No 810,795

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 30th day of November, 2004.

SAM REED, Secretary of State

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 2nd day of November, 2004, for all federal, statewide, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

Office	Division	District	Position	Name	Party	Votes
President/Vice President				John Kerry/John Edwards	D	1,510,201
				George Bush/Dick Cheney	R	1,304,894

				Michael Badnarik/Richard V. Campagna	L	11,955
				John Parker/Teresa Gutierrez	WW	1,077
				David Cobb/Patricia Lamarche	G	2,974
				James Harris/Margaret Trowe	SW	547
				Michael Anthony Peroutka/Chuck Baldwin	C	3,922
				Bill Van Auken/Jim Lawrence	SE	231
				Ralph Nader/Peter Camejo	I	23,283
US Senator				Patty Murray	D	1,549,708
				"George R. Nethercutt, Jr."	R	1,204,584
				J. Mills	L	34,055
				Mark B. Wilson	G	30,304
US Representative	1			Jay Inslee	D	204,121
				Randy Eastwood	R	117,850
				Charles Moore	L	5,798
US Representative	2			Rick Larsen	D	202,383
				Suzanne Sinclair	R	106,333
				Bruce Guthrie	L	7,966
US Representative	3			Brian Baird	D	193,626
				Thomas A. Crowson	R	119,027
US Representative	4			Sandy Matheson	D	92,486
				Doc Hastings	R	154,627
US Representative	5			Don Barbieri	D	121,333
				Cathy McMorris	R	179,600
US Representative	6			Norm Dicks	D	202,919
				Doug Cloud	R	91,228
US Representative	7			Jim McDermott	D	272,302
				Carol Cassidy	R	65,226
US Representative	8			Dave Ross	D	157,148
				Dave Reichert	R	173,298
				Spencer Garrett	L	6,053
US Representative	9			Adam Smith	D	162,433
				Paul J. Lord	R	88,304
				Robert F. Losey	G	5,934
Governor				Christine Gregoire	D	1,371,153
				Dino Rossi	R	1,371,414
				Ruth Bennett	L	63,346
Lt. Governor				Brad Owen	D	1,443,505
				Jim Wiest	R	1,019,790

				Jocelyn A Langlois	L	117,147
				Bern Haggerty	G	73,328
Secretary of State				Laura Ruderman	D	1,209,299
				Sam Reed	R	1,369,421
				Jacqueline Passey	L	82,097
State Treasurer				Mike Murphy	D	1,575,499
				Oscar S. Lewis	R	941,754
				John Sample	L	96,144
State Auditor				Brian Sonntag	D	1,668,575
				Will Baker	R	841,772
				Jason G. Bush	L	101,161
Attorney General				Deborah Senn	D	1,163,964
				Rob McKenna	R	142,568
				J. Bradley Gibson	L	56,792
				Paul Richmond	G	44,020
Commissioner of Public Lands				Mike Cooper	D	1,223,207
				Doug Sutherland	R	1,309,441
				Steve Layman	L	88,171
Superintendent of Public Instruction				Teresa (Terry) Bergeson	NP	1,293,560
				Judith Billings	NP	1,036,912
Insurance Commissioner				Mike Kreidler	D	1,393,764
				John Adams	R	1,058,583
				Stephen D. Steele	L	107,295
State Supreme Court Justice		1		Jim Johnson	NP	1,178,194
				Mary Kay Becker	NP	1,086,319
State Supreme Court Justice		5		Barbara Madsen	NP	1,892,177
State Supreme Court Justice		6		Richard B. Sanders	NP	1,310,998
				Terry Sebring	NP	837,077
Court of Appeals	2	3	2	C.C. Bridgewater	NP	167,222
Court of Appeals	3	2	1	Dennis J. Sweeney	NP	113,621
Superior Court Judge			1	William D. (Bill) Acey	NP	9,940
Superior Court Judge			1	Rebecca M. Baker	NP	19,111
Superior Court Judge			2	Allen C. Nielson	NP	17,990
Superior Court Judge			1	Alan R. Hancock	NP	30,579
Superior Court Judge			2	Vickie I. Churchill	NP	29,939
Superior Court Judge			1	"E. Thompson ""Tom"" Reynolds"	NP	9,966
Superior Court Judge			1	Joel Penoyar	NP	8,988
State Senator			1	Rosemary McAuliffe	D	33,389

				Jason Bontrager	R	25,229
State Representative		1	1	Al O'Brien	D	31,238
				Jeff Merrill	R	25,037
				Terry Bartlett Buholm	L	1,872
State Representative		1	2	Mark Ericks	D	29,767
				Joshua Freed	R	28,313
State Senator		2		Marilyn Rasmussen	D	28,395
				Deryl McCarty	R	25,438
State Representative		2	1	Dennis Townsend	D	25,478
				Jim McCune	R	27,528
State Representative		2	2	Glen Nutter	D	22,835
				Tom Campbell	R	30,505
State Senator		3		Lisa Brown	D	25,930
				Mike Casey	R	15,647
State Representative		3	1	Alex Wood	D	25,237
				David Stevens	R	15,724
		3	2	Timm Ormsby	D	23,765
				Ryan Leonard	R	16,634
State Senator		4		Tim Hattenburg	D	23,437
				Bob McCaslin	R	34,447
State Representative		4	1	Jim Peck	D	21,905
				Larry Crouse	R	35,071
		4	2	Ed Foote	D	19,356
				Lynn Schindler	R	37,323
State Senator		5		Kathy Huckabay	D	26,457
				Cheryl Pflug	R	38,186
				Jaime Capili	L	1,327
State Representative		5	1	Jeff Griffin	D	28,273
				Jay Rodne	R	33,417
				Keith Kemp	L	2,122
		5	2	Barbara deMichele	D	27,200
				Glenn Anderson	R	34,283
				Beau Gunderson	L	1,922
State Senator		6		Laurie Dolan	D	32,104
				Brad Benson	R	33,312
State Representative		6	1	Don A. Barlow	D	29,775
				John Serben	R	32,136
			2	Douglas Dobbins	D	24,580

				John E. Ahern	R	37,755
State Representative		7	1	Jack Miller	D	17,327
				Bob Sump	R	33,863
				Dave Wordinger	L	1,621
State Representative		7	2	Yvette Joseph	D	17,422
				Joel Kretz	R	32,578
State Senator		8		John David	D	15,486
				Jerome Delvin	R	37,360
State Representative		8	1	Rick Dillender	D	14,054
				Shirley Hankins	R	38,546
State Representative		8	2	Jerad Koepp	D	15,734
				Larry Haler	R	36,404
State Senator		9		Gail Rowland	D	16,387
				Mark G. Schoesler	R	32,105
State Representative		9	1	Sean Gallegos	D	15,960
				Don Cox	R	32,018
State Representative		9	2	Eileen (Mac) Macoll	D	18,115
				David Buri	R	28,964
State Senator		10		Mary Margaret Haugen	D	31,196
				April Lynne Axtheim	R	29,219
				Brett Wilhelm	L	1,653
State Representative		10	1	Nancy Conard	D	28,415
				Chris Strow	R	30,228
				Tom Bronkema	L	1,728
State Representative		10	2	Mark L. Norton	D	22,894
				Barbara Baily	R	34,899
				Lew Randall	L	1,903
State Senator		11		Margarita Prentice	D	25,303
				Bill Roenicke	R	10,929
				Jennifer Christensen	L	2,545
State Representative		11	1	Zack Hudgins	D	25,724
				Elizabeth Harris	R	12,261
State Representative		11	2	Bob Hasegawa	D	25,714
				Ruth Gibbs	R	13,058
State Senator		12		Linda Evans Parlette	R	40,620
State Representative		12	1	Tony Zinman	D	16,684
				Cary Condotta	R	31,919
State Representative		12	2	Todd R. Smith	D	15,972

				Mike Armstrong	R	31,725
State Representative		13	1	Dale Hubbard	D	14,745
				Jenea Holmquist	R	29,551
State Representative		13	2	Patrick Wicklund	D	14,531
				Bill Hinkle	R	30,004
State Senator		14		Leni Skarin	D	14,811
				Alex Deccio	R	27,534
State Representative		14	1	Don Hinman	D	14,799
				Mary Skinner	R	27,457
State Representative		14	2	Clarence Gipson	D	13,705
				Jim Clements	R	28,349
State Representative		15	1	Bruce Chandler	R	29,067
State Representative		15	2	Michael H. Kepcha	D	11,491
				Dan Newhouse	R	24,035
State Senator		16		Rebecca Francik	D	14,807
				Mike Hewitt	R	29,845
State Representative		16	1	Jim Barnett	D	15,604
				Maureen Walsh	R	27,485
State Representative		16	2	Bill Grant	D	25,514
				Nathan (Nate) Brook	R	18,177
State Senator		17		Paul Waadevig	D	23,193
				Don Benton	R	29,563
State Representative		17	1	Pat Campbell	D	23,317
				Jim Dunn	R	28,405
State Representative		17	2	Deb Wallace	D	27,526
				Roy Rhine	R	24,340
State Senator		18		Dave Seabrook	D	29,745
				Joseph Zarelli	R	34,706
State Representative		18	1	Pam Brokaw	D	27,330
				Richard Curtis	R	35,500
State Representative		18	2	Brian Beecher	D	24,981
				Ed Orcutt	R	37,408
State Senator		19		Mark L. Doumit	D	39,470
State Representative		19	1	Brian Hatfield	D	39,239
State Representative		19	2	Brian Blake	D	38,028
State Senator		20		Chuck Bojarski	D	19,238
				Dan Swecker	R	35,372
State Representative		20	1	Joel W. Staloch	D	20,650

				Richard DeBolt	R	33,515
State Representative		20	2	Gary Alexander	R	41,293
State Representative		21	1	Mary Helen Roberts	D	32,800
				Roger S. "Cowboy" Wilson	R	16,419
				Stephen Cornell	L	1,221
State Representative		21	2	Brian Sullivan	D	33,743
				Alan D. Tagle	R	17,002
State Senator		22		Karen Fraser	D	44,695
State Representative		22	1	Brendan Williams	D	34,486
				Ann Burgman	R	22,886
State Representative		22	2	Sam Hunt	D	43,016
State Senator		23		Phil Rockefeller	D	36,150
				Doug Kitchens	R	25,814
State Representative		23	1	Sherry Appleton	D	34,323
				Frank Mahaffay	R	25,878
				Dan Goebel	L	1,502
State Representative		23	2	Terry Ducheane	D	26,144
				Beverly Woods	R	34,883
State Senator		24		Jim Hargrove	D	48,379
State Representative		24	1	Kevin Van De Wege	D	31,432
				Jim Buck	R	32,939
State Representative		24	2	Lynn Kessler	D	47,728
State Senator		25		Jim Kastama	D	30,521
				Rose Hill	R	25,622
State Representative		25	1	Ron Morris	D	24,287
				Joyce McDonald	R	31,054
State Representative		25	2	Dawn Morrell	D	29,935
				Michele Smith	R	25,478
State Representative		26	1	Patricia Lantz	D	29,788
				Matt Rice	R	29,427
				Ted Haley	L	1,782
State Representative		26	2	Derek Kilmer	D	30,245
				Lois McMahan	R	29,236
				Ed Jurkovskis	L	1,324
State Senator		27		Debbie Regala	D	32,344
				Kim Wheeler	R	13,897
State Representative		27	1	Dennis Flannigan	D	36,661
		27	2	Jeannie Darneille	D	31,954

				Ian Foraker	R	13,644
State Senator		28		Helen McGovern	D	22,903
				Mike Carrell	R	25,159
State Representative		28	1	Debi Srail	D	21,892
				Georganne "Gigi" Talcott	R	25,729
State Representative		28	2	Tami Green	D	23,697
				Bob Lawrence	R	23,462
State Representative		29	1	Steve Conway	D	28,739
State Representative		29	2	Steve Kirby	D	28,663
State Representative		30	1	Mark Miloscia	D	24,815
				Tony Moore	R	18,743
				Robert Brengman	L	1,085
State Representative		30	2	Joe Henry	D	19,790
				Skip Priest	R	23,111
				Jonathan Wright	L	1,416
State Representative		31	1	Dan Roach	R	41,041
State Representative		31	2	Jan Shabro	R	40,410
State Representative		32	1	Maralyn Chase	D	44,809
State Representative		32	1	Ruth Kagi	D	37,038
				Margaret R. Wiggins	R	19,550
				Gordon W. Bohnke	L	1,897
State Representative		33	1	Shay Schual-Berke	D	26,580
				Bruce Elliott	R	14,471
State Representative		33	2	Dave Upthegrove	D	31,184
State Representative		34	1	Eileen L. Cody	D	42,369
				Savun Neang	R	11,712
				Bud Shasteen	L	2,317
State Representative		34	2	Joe McDermott	D	41,960
				Paul F. Byrne	R	12,587
				Virginia Abeyta	L	2,438
State Representative		35	1	Kathy Haigh	D	42,052
State Representative		35	2	"William ""Ike"" Eickmeyer"	D	32,655
				Bob Benze	R	23,007
State Representative		36	1	Helen Sommers	D	54,921
				Floyd Loomis	R	11,791
				John Palmer	L	3,091
State Representative		36		Mary Lou Dickerson	D	59,188
				Don Zeek	L	6,797

State Representative		37	1	Sharon Tomiko Santos	D	40,192
				Kwame Wyking Garrett	R	5,508
State Representative		37	2	Eric Pettigrew	D	38,755
				Aaron Alberg	R	6,558
State Senator		38		Jean Berkey	D	28,202
				Tim Hanley	R	14,962
State Representative		38	1	John McCoy	D	23,663
				Kim Halvorson	R	20,247
State Representative		38	2	Mike Sells	D	25,142
				Erv Hogle	R	18,464
State Senator		39		Susanne Olson	D	25,146
				Val Stevens	R	29,741
State Representative		39	1	Joel Selling	D	23,671
				Dan Kristiansen	R	30,443
State Representative		39	2	Pedro Gonzales	D	21,960
				Kirk Pearson	R	32,344
State Senator		40		Harriet A. Spanel	D	37,573
				Gerald Baron	R	23,514
State Representative		40	1	Dave Quall	D	44,630
State Representative		40	2	Jeff Morris	D	44,219
State Senator		41		Brian Weinstein	D	32,473
				Jim Horn	R	29,984
				Jim Brown	L	1,371
State Representative		41	1	Lance Ramsay	D	26,218
				Fred Jarrett	R	33,581
				George Holt	L	1,726
State Representative		41	2	Judy Clibborn	D	35,457
				Fawn Spady	R	25,625
				Brian Reilly	L	1,685
State Representative		42	1	Robin E. Bailey	D	24,471
				Doug Ericksen	R	33,452
State Representative		42	2	Kelli Linville	D	33,596
				John Hobberlin	R	24,457
State Representative		43	1	Ed Murray	D	55,336
				Zac Green	R	8,294
State Representative		43	2	Frank Chopp	D	53,515
				Mark Griswold	R	9,586
State Representative		44	1	Hans Dunshee	D	33,010

				Mike Hope	R	27,957
State Representative		44	2	John Lovick	D	34,903
				Stephen E. West	R	24,444
State Representative		45	1	Robert E. Adair	D	24,074
				Toby Nixon	R	34,464
State Representative		45	2	Larry Springer	D	30,500
				Jeffrey Possinger	R	27,465
				Miles F. Holden	L	1,462
State Representative		46	1	Jim McIntire	D	44,410
				Brien L. Downie	R	10,438
				Mack J.T. Barnette	L	1,280
				Chris LaRoche	G	5,700
State Representative		46	2	Phyllis G. Kenney	D	50,007
				Gary Stute	L	6,927
State Representative		47	1	Geoff Simpson	D	26,152
				Steve Altick	R	23,396
				Duane Grindstaff	L	952
State Representative		47	2	Pat Sullivan	D	26,173
				Jack D. Cairnes	R	22,446
				Kelly Guthridge	L	1,421
State Representative		48	1	Ross Hunter	D	30,095
				James Whitfield	R	22,613
State Representative		48	2	Debi Golden	D	24,834
				Rodney Tom	R	26,650
State Senator		49		Craig Pridemore	D	24,470
				Don Carlson	R	23,829
State Representative		49	1	Bill Fromhold	D	29,106
				Justin Riley	R	17,591
State Representative		49	2	Jim Moeller	D	27,930
				Mike W. Smith	R	18,416

MR. SPEAKER:

I, Sam Reed, do pursuant to RCW 29A.64.061, do hereby file this amended abstract of the results for the office of Governor at the November 2, 2004 general election. This amended abstract of votes is the result of a requested statewide hand recount of the ballots cast for that office. Attached is a summary of the results as certified and transmitted by the county canvassing boards for the thirty-nine counties of the State of Washington pursuant to RCW 29A.64.061 and RCW 29A.64.070. IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington this 30th day of December, 2004.

SAM REED, Secretary of State

Manual Recount Results by County
November 2, 2004 General Election

County Christine Gregoire Dino Rossi Ruth Bennett Write Ins

Adams	1,529	3,481	81	2
Asotin	3,530	4,914	193	0
Benton	19,834	44,895	1,118	0
Chelan	10,077	18,438	532	14
Clallam	16,230	18,836	920	0
Clark	72,828	85,924	4,123	3
Columbia	671	1,371	37	4
Cowlitz	20,204	20,045	1,094	36
Douglas	4,360	8,667	219	18
Ferry	1,278	1,900	118	3
Franklin	4,977	10,634	227	8
Garfield	428	840	25	2
Grant	7,821	17,431	535	0
Grays Harbor	13,729	13,457	575	31
Island	16,895	20,000	814	0
Jefferson	10,650	7,295	466	18
King	506,194	351,306	18,952	1,363
Kitsap	56,236	57,775	3,097	174
Kittitas	6,125	9,567	277	12
Klickitat	3,919	4,767	265	5
Lewis	10,247	20,851	757	0
Lincoln	1,850	3,686	100	0
Mason	11,797	12,519	680	0
Okanogan	6,107	9,460	468	0
Pacific	5,210	4,730	296	0
Pend Oreille	2,567	3,368	179	3
Pierce	145,431	157,905	7,255	341
San Juan	5,872	3,660	320	7
Skagit	23,250	27,219	1,264	41
Skamania	2,233	2,525	178	0
Snohmonish	139,189	145,628	6,681	281
Spokane	90,581	105,584	3,881	152
Stevens	6,992	12,295	566	0
Thurston	58,970	49,426	2,575	0
Wahkiakum	993	1,099	61	6
Walla Walla	8,008	14,290	378	26
Whatcom	44,072	42,000	2,179	0
Whitman	7,722	9,365	457	10
Yakima	24,755	46,079	1,351	58
Totals	1,373,361	1,373,232	63,465	2,618

REMARKS BY SPEAKER CHOPP

Speaker Chopp: "For the members information we'll spend approximately an hour on the issue before us prior to hearing the State of the State Address from Governor Locke. We have worked with the four caucuses involved here on the order of speakers and we will rotate between the four caucuses. While there are strong view points on the issue before us I trust every member of the Legislature will uphold the decorum of the institution and I very much thank you in advance for respectful consideration."

MOTION

Representative Armstrong: "Mr. Speaker, in accordance with Article 3, Section 4 of the Constitution, I move that further consideration of the vote for the office of Governor be deferred until Tuesday, January 25, 2005."
Representatives Armstrong, Priest, Shabro, Rodne and Erickson, spoke in favor of the motion.

Representatives Kessler, Dunshee, Darneille and Morris spoke against the motion.

POINT OF ORDER

Representative DeBolt: "Mr. Speaker, I feel that he's impugning the body because this is not a partisan issue. This is an issue that is taken up with every citizen of this State."

POINT OF ORDER

Representative Schual-Berke: "I rise to a point of order, Mr. Speaker. I am concerned that I am hearing the good lady impugning the motives and behavior of other elected officials."

POINT OF INQUIRY

Senator Esser: "Thank you, Mr. Speaker, could you please tell the body how many votes from each chamber, the Senate and the House, will be needed for this motion to carry."

SPEAKERS RULING

Speaker Chopp: "Neither the Joint Rules adopted by the House and Senate, nor Reed's Rules, which the House and Senate separately rely upon for guidance in answering parliamentary questions, address the issue of voting in a joint session.

The Speaker has therefore turned to several sources for guidance in deciding the standards that will govern the conduct of our joint session today.

These include Mason's Manual of Legislative Procedure, Article 3, Section 4 of our state constitution, records of a previous vote in joint session in 1941, and parliamentary common law.

Mason's, the parliamentary manual of the 49 other state legislatures, specifies the following in section 782.

When the two houses meet in a joint session they, in effect, merge into one house where the quorum is a majority of the members of both houses, where the votes of member of each house have equal weight, and where special rules can be adopted to govern joint sessions or they can be governed by the parliamentary common law.

Article 3, section 4 of our state constitution provides that when two or more persons for election to a state constitutional office receive the highest and equal number of votes, one of them shall be chosen by the joint vote of both houses.

The only instance of a recorded roll call vote in joint session in our state's history occurred in 1941. in that case, a motion to refer an election protest to a special committee was defeated by a vote of 15 to 30 by members of the Senate and a vote of 30 to 68 by members of the House. The journal then states that the motion "having failed to received the constitutional majority in both the Senate and the House, was declared lost."

One could interpret this as dicta, a simple statement of fact, or as a requirement that the votes necessary for passage of a motion in joint session are a constitutional majority of the members of the Senate plus a constitutional majority of the members of the House.

The Speaker rejects the last interpretation. It would be untenable to find that when sitting in joint session the vote of the members of one house could serve to make the vote of the members of the other house irrelevant.

The Speaker therefore finds and rules that the vote necessary to decide any question presented to the body in joint session is a majority of the combined membership of the House and Senate."

Senators Johnson, Parlette, Schmidt, Roach, Sheldon and Finkbeiner spoke in favor of the motion.

Senators Hargrove, Kastama, Rockefeller and Brown spoke against the motion.

MOTION

Representative Hunt demanded that the previous question be put.

The Speaker declared the question to be the motion of Representative Hunt, "Shall the main question be now put?"

The motion by Representative Hunt that the previous question be put was sustained by division of the Chamber.

POINT OF ORDER

Senator Benton: "Reed's Rules and Senate Rules require two-thirds majority vote to limit debate. Are we operating under that assumption here today as well and was the voting sustained by two-thirds majority?"

REMARKS BY THE SPEAKER

Speaker Chopp: "The Speaker has said by previous statement there that it just takes a majority to determine a question in a joint session. Thank you. Your point is not well taken."

MOTION

On motion of Representative Clements, Representatives Cox and Hankins were excused.

The question before the Joint Session is the motion that further consideration of the vote of the office of Governor be deferred until Tuesday, January 25, the 16th Legislative Day.

Representative Armstrong again spoke in favor of the motion.

ROLL CALL

The Clerk called the roll of Senate members, and the vote on the motion to defer further consideration of the vote for the Office of Governor until Tuesday, January 25th, the 16th Legislative Day, was: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

ROLL CALL

The Clerk called the roll of House members, and the vote on the motion to defer further consideration of the vote for the Office of Governor until Tuesday, January 25th, the 16th Legislative Day, was: Yeas - 41, Nays - 55, Absent - 0, Excused - 2

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 41.

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

Excused: Representatives Cox and Hankins - 2.

The motion to defer further consideration of the vote for the Office of Governor until Tuesday, January 25, the 16th Legislative Day failed by the following vote: Yeas - 65, Nays - 80, Absent - 0, Excused - 2.

Having failed to receive support from a majority of the members of the Joint Session, the motion was declared lost.

REMARKS BY THE SPEAKER

Speaker Chopp: "In view of the election results previously read certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington:

Christine O. Gregoire – Governor
Brad Owen – Lieutenant Governor
Sam Reed – Secretary of State
Mike Murphy – State Treasurer
Brian Sonntag – State Auditor
Rob McKenna – Attorney General
Terry Bergeson – Superintendent of Public Instruction
Mike Kriedler – Insurance Commissioner
Doug Sutherland – Commissioner of Public Lands."

The Speaker and the President of the Senate signed the certified of election for duly elected constitutional officers.

Pursuant to House Concurrent Resolution No. 4400, the President of the Senate, Lieutenant Governor Brad Owen called the Joint Session to order at 1:46 p.m. Members were requested to take their seats.

REMARKS BY PRESIDENT OWEN

President Owen: "The joint session has also been convened today to receive the State of the State message from his excellency Governor Gary Locke and to honor him for his many years of service to the people of the great state of Washington."

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Priest, Roberts, Rodney and Senators Esser, Johnson, Kline and Rockefeller.

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Green, Kretz, McCoy and Walsh and Senators Eide, Haugen, Hewitt and Zarelli.

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session has assembled and to escort him from his chambers to the House Chamber: Representatives Serben and Sullivan and Senators Parlette and Fraser.

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

The President introduced the Statewide Elected Officials in attendance: Secretary of State Sam Reed, State Treasurer Mike Murphy; Commissioner of Public Lands Doug Sutherland; Insurance Commissioner Mike Kriedler; and Superintendent of Public Instruction Terry Bergeson

INTRODUCTION OF SPECIAL GUEST

President Owen introduced and greeted, Attorney General-Elect Rob McKenna who was seated in the Gallery.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the officers and members of the Consular Association of Washington: Jorge Gilbert, Consul of Chile; Yoshiyuki Kimura, Senior Consul of Japan; Kim Jae-gouk, Consul General of The Republic of Korea and Dean of the

Washington Consular Corps; Victor Lapatinskas, Consul of Lithuania Jorge Madrazo, Consul of Mexico; Miguel Angel Velasquez, Consul of Peru and Vice President of the Consular Association of Washington; Dennis Leith, Her Majesty's Consul, United Kingdom and Robert Chen, Director General, Taipei Economic and Cultural Office.

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

The flags were escorted to the Rostrum by the Washington National Guard Joint Color Guard.

The prayer was offered by Reverend Jim Erlandson, of the Community of Christ Church, Olympia.

Reverend Jim Erlandson: "Would you join me in prayer. Gracious creator, we come before you giving reverence to you and to the gifts you have given us. For we are a most fortunate people, we celebrate the beauty of our natural environment, the heritage of our mothers and fathers who pioneered this extraordinary part of the world. The liberty ensured us by our government of the people, by the people and for the people.

We give thanks to you for this awesome gift. As this Legislature of the State of Washington begins its fifty-ninth session we come to you for your blessing over this difficult and valuable endeavor. The women and men who have accepted responsibility for the governance of this state come here through much sacrifice and with a positive intent, to serve their neighbors and constituents wisely and honorably. Gift of the them with clear vision to see the depth of the issues of which they deal. Gift them with patience and tolerance that they might work together productively governing with the spirit of cooperation for the common good. Provide them with strength to conquer the long days and nights of work and stress. Protect them in their travels and watch over their families while they serve their community. Divine one, please bless this assembly and all those who work for, with and who supported that the fruit of their labors might be bountiful and that the course set here may lead this state to even greater prosperity. We prayer humbly.

Amen."

INTRODUCTION OF SPECIAL GUEST

President Owen: "Before I introduce the Governor I want to say how much we will miss the incredible First Lady that we've had here in the state of Washington. Her assistance with children issues, her support of the Governor on education and the things that she's done throughout his term of office and how she always comes in and brightens up a room. Ladies and Gentlemen, I would like to present to you, Mona Locke.

It is my distinct pleasure to introduce to you our Governor. He was an Eagle Scout, he had a distinguished career in public service prior to becoming Governor and he's been an excellent father to Emily, Dylan and now Madeline, which we've all had those days and those evenings when we've been working brightened when he's brought the children into the Chamber, at least on the Senate side I know that he did that, I'm sure that he was as well and that was always a wonderful addition to the process and help bring into focus what we're all here working for. So without further adue, it's my great honor to introduce you, His Excellency Governor Gary Locke."

STATE OF STATE ADDRESS BY GOVERNOR GARY LOCKE

"Mr. President, Mr. Speaker, Honorable Chief Justice, distinguished Justices of the Washington State Supreme Court, statewide elected officials, members of the Washington State Legislature, members of the Consular Association, and people of our great state of Washington: It's been an honor and privilege to serve as governor these past eight years.

My service has been made possible by my family members love and encouragement. I want to acknowledge them: My father, Jimmy Locke; my mother, Julie; my sister Marian Monwai and her husband Peter; my sister Jannie Chow and her husband Eddie; my brother Jeffrey Locke and his wife Doris; my sister Rita Yoshihara and her husband Joe; and my brother-in-law Judd Lee.

And it is with great pleasure and honor that I recognize and acknowledge my wife, Mona. Mona has been a tremendous First Lady for the state of Washington, as well as a loving, supportive wife, and an amazing, nurturing mother. She has been a dedicated champion for families and children across our state, especially in the area of early learning. She co-chaired the Governor's Commission on Early Learning and later helped establish a separate 501c3 non-profit Foundation for Early Learning. She also spearheaded the Computers for Kids program, where Department of Corrections inmates have refurbished 20,000 surplus computers and donated them to schools across the state.

I'm not the only one saying goodbye today. Mona and I are leaving a city we truly love. And our children Emily, Dylan and Madeline are leaving the only town and only home they have ever known. We will all miss Olympia very much.

It was 22 years ago yesterday that I was sworn in as a member of the state House of Representatives. I sat where Rep. Judy Clibborn now sits. And I can still spot a few of the people that were here when I started. Public service has been my life and my passion.

I am very proud of the progress we've made during my two terms as governor of the great state of Washington. From raising academic achievement to increasing family wage jobs; from restoring wild salmon runs to increasing sales of Washington agricultural harvests to foreign markets; from streamlining regulations to improving services to Washington citizens.

I'm especially proud because we've faced some formidable challenges. Challenges that seemed to come from every direction. A major earthquake. An energy crisis. Droughts. September 11th, and the constant challenge of improving homeland security. We survived, we rebounded, and we're charging ahead.

Just a couple of years ago, we were in the depths of some very tough economic times. We faced serious state budget shortfalls like 47 other states across America. Significant decisions had to be made, and we made them, using our Priorities of Government budgeting approach – an approach that should still be used regardless of the amount of resources available.

Now Washington state is showing clear signs of a strong economic recovery that is broad, deep and all across our state. Our unemployment rate has dropped by almost two percentage points since a year ago, twice as fast as the rest of America. We've gone in a short time from one of the highest unemployment rates in America to close to the national average! The new jobs that are being created are good jobs, too, paying much more than new elsewhere in the nation.

It's policies we have enacted together that have helped spur this recovery, creating thousands of private sector jobs. Policies like:

- incentives for businesses to locate in rural Washington,
- the transportation improvement package, · and the acceleration of state construction projects.

We have Washington on track for a very bright future.

During my inaugural address in 1997 I shared with you the story of my family. My grandfather's work as a houseboy here in Olympia, receiving English lessons in exchange for his labor. My father's service in World War II and his participation in the Normandy invasion. My mother's wonderful work raising five children and learning English so she could become a US citizen – at the same time I was learning English in kindergarten.

I was struck on that first inaugural day that – after nearly one hundred years and three generations – my family had traveled the mile from the house where my Grandfather worked to the Governor's mansion. As I finish my term here at the end of that century mile, I am humbled to know that it was made possible by the hard work of so many members of the Locke family.

I will always remember my parents impressing upon us kids the values they felt were critical to a successful life: get a good education, work hard, and take care of others. They are the principles that I promised to uphold eight years ago. They are the principles that have guided my decisions during all my years as governor.

I have worked to ensure that Washington is a state that provides a quality education, creates opportunities for individuals who want to work hard, and takes care of its own. A state where individuals are given not only a chance to achieve success, but also the tools they need to flourish.

The most important tool we can provide is a quality education. As you've heard me say so many times, and as many of you have now begin to chant, education is the great equalizer. It offers opportunity and hope to all it touches. It is the key to a vital economy. It is the key to an enriching future for our children.

We've made great strides in raising academic achievement during the past seven years. In fact, our kids are making some of the biggest academic gains in America! This year's WASL results are proof. In 1997, only 48 percent of 4th graders met the state reading standard. This year, 74 percent passed. And in math, in 1997, 21 percent of 4th graders met the standard. This year, 60 percent passed.

There are other measures of success for Washington's schools. In states with similar numbers of students taking the test, Washington ranks FIRST in both math and verbal scores! And our students ranked third on the ACT college readiness exam, which is by many of the private colleges in America. I am especially proud that Washington led the nation last year in reading scores for African-American fourth graders. African-American eighth graders in Washington scored better in math than in all but three states. We are closing the achievement gap.

But we know much more must be done in this area. We must continue to provide extra assistance to struggling schools and struggling students.

We have set high, rigorous standards for academic achievement for all students. Our standards are higher than most other states, because we know these are the skills students need to be successful in this global, high-tech, 21st century economy. And our students are still meeting these higher goals at a greater rate than those in the states with lower standards. We must stay

the course. So we can't turn back and lower our standards or abandon these reforms. We must stay the course. There is too much at stake.

Our success in education is a product of the hard work of our students and the dedication of teachers, parents, and community members. We can't thank or reward our educators enough for nurturing, inspiring and molding our children. They deserve our recognition.

And in higher education, there are 17,000 more students attending our colleges and universities a year than seven years ago.

We have established many significant, life-changing programs, like our Promise Scholarships, which help high achieving students from middle and low-income families realize the American Dream of a college education. We developed Kindergarten Readiness Guidelines, working with the Superintendent of Public Instruction, recognizing that education begins at birth. And we have expanded job training and retraining programs, because we must also view education as life-long, continuing even through our adult and working years.

With record high school graduations over the next few years, we must add enrollments to our colleges and universities. Because tuition only provides a small amount of a universities budget, without extra dollars we will have to turn students away. As our economy improves, we want our kids to fill these new jobs, instead of businesses needing to hire workers from out of state. Education sets the foundation for individuals to succeed.

And with hard work a good, family-wage job should be the payoff. To ensure that such jobs are available, we must keep the businesses we have and attract new ones to our state. We must continue to cultivate a healthy, dynamic business climate. And we must also make sure that our workforce is protected and fairly compensated. The hard work of our labor force should not be exploited for the gain of a few, but instead for the profit of employers, employees, and society as a whole.

In just the last two years, nine national companies have chosen Washington over Oregon, Idaho and even California for major facilities, employing thousands. And Boeing airplanes still mean "Made in Washington." This is because the state of Washington is known for its innovation, competitiveness, quality of life and entrepreneurial spirit.

Recent studies by independent organizations confirm our success in improving our business climate. The Small Business Entrepreneurial Council ranked Washington the 4th friendliest business environment in the nation. A study by the conservative, anti-tax, Tax Foundation ranked Washington as having the ninth most business friendly tax climate.

Unfortunately, not all Washingtonians possess the capacity to support themselves. Some are physically sick, developmentally disabled or suffer from mental illness. Others have worked hard their entire lives, but have reached their retirement years and need a little extra help. And many children, through no fault of their own, are living in intolerable conditions.

It is our responsibility, as individuals and government, to help those who are in need. Even through tough budget times, we have maintained a safety net for those who are unable to take care of themselves, whether in institutions or community settings.

I am proud that we have taken great strides in broadening access to health care. We're one of the few states in the nation that provides health care to children from families with incomes up to 250% of the poverty level. Most states only provide up to 200 percent of the poverty level. We've made it convenient for seniors to purchase low-cost, American-made prescription drugs from Canada. And we're the only state with a real commitment to providing decent housing for migrant farm workers who harvest the food we put on our tables.

And if we are to continue our success in helping families move off of public assistance and become self-sufficient, we must maintain the emphasis on affordable child care and quality job training programs. It is one thing to be governor and guide the policies of state government. But it is the people who work in our agencies every day who really make government work. It's been my honor to work with so many incredibly talented, dedicated individuals in our state agencies – our directors, managers, line staff and members of the Governor's Office. Many of our state agencies have been ranked the very best in their respective fields. Many of our agency directors are leaders in their national associations. And they have each held themselves to the highest ethical standards.

The quality of our leaders is reflected in national rankings. And in the two evaluations done since I took office, Governing Magazine and Cornell University have each time named Washington among the four best-managed states in America.

No one goes into public service to get rich. Instead, the payoff is that every day you have the opportunity to help someone achieve a better life, whether it is helping someone in finding a job or finding loving, adoptive parents for an abandoned child.

It is important that in the politics of governing we not forget to recognize the dedication of these individuals, these great public servants, the public employees of the state of Washington. I thank our public employees for the outstanding work they do to promote the welfare of our state.

But government can only do so much. Our society depends on dedicated volunteers who give of their time and energy across our state. So many individuals and organizations put in countless hours volunteering in hospitals, schools, nursing homes, and other places of need. For example, in 1998, Superintendent of Public instruction Terry Bergeson and I created the Washington Reading Corps for struggling readers in our elementary schools.

Since its inception, 75,000 struggling readers have made phenomenal reading progress thanks to 50,000 volunteer tutors. And our state's volunteer spirit has never been more evident than in recent weeks as individuals, businesses and non-profit organizations throughout our state have risen to the challenge of helping the Tsunami victims in South Asia.

But there is always more that can be done. I encourage everyone in our state to share their gifts with their communities – to help take care of others. Take some time to help those who need assistance. Participate in the preservation and cleanup of our natural environment. Fight for the rights of oppressed groups in our society. Invest your time on behalf of others.

Our state is so diverse – in its geography, climate, culture, industries and communities. From Forks to Walla Walla; Point Roberts to Vancouver; and Long Beach to Colville – the people of this state possess a shared, irrepressible spirit. We all have a common goal: a strong and prosperous Washington, where everyone has a chance to succeed. I call upon the Legislature, the next governor, and all the people of our state to pull together to achieve this goal. My administration leaves you a stronger, healthier state poised for even greater things.

Eight years ago I was blessed with two titles of immense honor and responsibility: Governor, and a few months later, Dad. One title ends tomorrow. The other lasts forever.

Emily will soon turn 8. She misses her friends in Olympia very, very much. Dylan will soon turn 6. And Madeline is just 2 months old! Doesn't she have a lot of hair? Mona and I have been so touched all these years by the warmth, graciousness and well wishes of people all across our state. The books and quilts for the children and the letters, cards and emails. We can't thank you enough.

As we begin a new chapter of our life, Mona, myself, Emily, Dylan, and Madeline leave office with cherished memories that are sure to last at least through the next 100-year journey. Our family has been so blessed. We thank you from the bottom of our hearts – for the incredible privilege and honor – of serving you, the people of the state of Washington – for the opportunity to make Washington an even greater place to live, work and raise a family. Thank you very much. God Bless you all."

REMARKS BY THE PRESIDENT

President Owen: "Governor, thank you very much for your excellent remarks. We appreciate you for hanging around for just a little bit longer here. Representative Kessler, I'm going to take things a little out of order here because I would like to do a presentation first. The Governor for the last several years as he's been Governor has signed a document making a number of people in the state what we call Washington Generals. Years ago, Lieutenant Governor Cherberg who served for thirty-two years, the longest serving Lt. Governor in the history of the nation of which I have no intentions of trying to exceed, created the Washington Generals and we're now trying to raise the level of awareness and the work that they do. It's a charitable organization and he signed these documents and we just recently learned that he's not a Washington General so Chuck Hartaway the Commanding General of the Washington Generals, if you'd come forward and Governor if you'd come forward. We would like to bestow upon you that which you have bestowed upon many. The rank of a Washington Generals. We know that you will be promoting the state of Washington in your years to come and we want to recognize your tremendous service to the people of the great state of Washington, so Chuck and I'd like to give you a certificate as a Washington General just as you have given to many others."

POINT OF PERSONAL PRIVILEGE

Representative Kessler: "Thank you very much. It is indeed an honor and a privilege to stand before this body and to, along with Senator Spanel, honor our Governor Locke who has served us so well these past eight years. We tried to find out what a good gift would be for Governor Locke and I tried to find Mona to see Mona, Mona, could you come up with something to give to Governor Locke? that he would very much enjoy and she had a fabulous suggestion but I'm sorry to say that we overrode your suggestion. We came up with something that we hope that you, Governor, will enjoy and that your family will enjoy for years to come. So with that Senator Spanel and I would like to present you with a historic photograph Governor that we hope you will enjoy for years to come. It is a photograph of the Governor's Mansion that will bring, I hope wonderful memories, not just the bats and the belfry but memories of all you have done for the state of Washington, one of your children's first years and months in the Governor's Mansion, so please accept this from us."

POINT OF PERSONAL PRIVILEGE

Senator Spanel: "Well, I'd just to say thank you for your years of service and since when I started out in the House you were there and I appreciate working with you those years but I think, it's quite an accomplishment to be Governor for eight years and come out of it with three children. Start out with two and go to five, I think some have come with children but, anyway, I think this is a gift that your children also will enjoy for many, many years."

REMARKS BY THE PRESIDENT

President Owen: 'Governor Locke, it has been a great honor of mine over the years to serve with you. It's been a pleasure to have the opportunity to introduce you before the Joint Sessions, to work with you on various issues. I would like to note that it is always been a something of pride to be able to say that you were our Governor when I traveled in different places around the nation and the world so you have brought great dignity and poise to the office of Governor and honored it very much in your service so thank you very much for you tremendous service to the people of the state of Washington and for being a wonderful Governor in making us all very proud."

The President appointed a special committee to escort Governor and Mrs. Locke from the House Chamber: Representatives Serben and Sullivan and Senators Parlette and Fraser.

The President appointed a special committee to escort the state wide elected officials from the House Chamber: Representatives Green, Kretz, McCoy and Walsh and Senators Eide, Haugen, Hewitt and Zarelli.

The President appointed a special committee to escort the Supreme Court Justices from the House Chamber: Representatives Priest, Roberts, Strow and Williams and Senators Esser, Johnson, Kline and Rockefeller.

MOTION

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

The President returned the gavel to Speaker Chopp.

Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen and members of the Washington State Senate from the House Chambers.

AFTERNOON SESSION

The Senate was called to order at 2:55 p.m. by President Owen.

MOTION

At 2:56 p.m. on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Wednesday, January 12, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 11, 2005

2005 REGULAR SESSION

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 12, 2005

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

December 23, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Washington State Auditors report on The Evergreen State College.

If you have any questions about the report, please call the Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Report, The Evergreen State College is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 23, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Washington State Auditors report on the Centralia College

If you have any questions about the report, please call the Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor,

The Accountability Audit Report, Centralia College is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 23, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Washington State Auditors report on the Bellevue Community College
If you have any questions about the report, please call the Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor,

The Accountability Audit Report on the Bellevue Community College is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 23, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Washington State Auditors Report on the Washington State Fruit Commission (Yakima County). This report is mandated under RCW 15.28.

If you have any questions about the report, please call the Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Washington State Fruit Commission report (Yakima County) is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Washington State Auditors Report on the Audit Report on Medicaid.
If you have any questions about the report, please call Washington State Auditors Office at 902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Auditors Report on the Audit Report on Medicaid is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the State Interoperability Executive Committee report on the High-Level Final Statewide Public Safety Communications Interoperability Plan. This report is mandated under RCW 43.105.

If you have any questions about the report, please call 902-3557.

Sincerely,

Carrie Tellefson, Government Relations Director

The State Interoperability Executive Committee report on the High-Level Final Statewide Public Safety Communications Interoperability Plan is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Washington State Prescription Drug Program report. This report is mandated under Chapter 29 Laws of 2003 First Special Session.

If you have any questions about the report, please call .

Sincerely,

Dennis Braddock, Secretary

The Washington State Prescription Drug Program report is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5043 by Senator Mulliken

AN ACT Relating to noise control; amending RCW 70.107.050 and 70.107.060; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5044 by Senators Mulliken and Parlette

AN ACT Relating to contract interests of an officer of a rural public hospital district; and amending RCW 42.23.030.

Referred to Committee on Government Operations & Elections.

SB 5045 by Senators Doumit and Morton

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5046 by Senators Regala and Johnson

AN ACT Relating to ethics complaints; and amending RCW 42.52.425 and 42.52.450.

Referred to Committee on Government Operations & Elections.

SB 5047 by Senator Regala

AN ACT Relating to cost-effective prevention and early intervention programs; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 5048 by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5049 by Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller

AN ACT Relating to disclosing information about mold in residential dwelling units; amending RCW 59.18.060; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5050 by Senators Fraser and Hewitt

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

Referred to Committee on Ways & Means.

SB 5051 by Senators Fraser and Hewitt

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 43.88.032, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 115, 131, 330, and 403 (uncodified); amending 2004 c 277 ss 201, 110, 209, 221, 262, and 236 (uncodified); creating new sections; repealing 2003 1st sp.s. c 26 s 603 (uncodified); repealing 2004 c 277 s 302 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5052 by Senators Johnson, Kline and Rockefeller

AN ACT Relating to uniform estate tax apportionment; amending RCW 83.100.020; adding a new chapter to Title 83 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5053 by Senators Kline and Johnson

AN ACT Relating to service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody; and amending RCW 4.28.100.

Referred to Committee on Judiciary.

SB 5054 by Senators Johnson, Kline and Rockefeller

AN ACT Relating to patient authorization of disclosure of health care information; and amending RCW 70.02.030.

Referred to Committee on Health & Long-Term Care.

SB 5055 by Senators Johnson, Kline and Rockefeller

AN ACT Relating to trust and estate management; amending RCW 11.02.005, 11.12.110, 11.28.170, 11.40.020, 11.40.030, 11.40.051, 11.40.070, 11.42.020, 11.42.030, 11.42.070, 11.88.080, 11.94.010, 11.98.039, 21.35.005, and 22.28.030; and repealing RCW 11.04.270.

Referred to Committee on Judiciary.

SB 5056 by Senators Haugen, Swecker, Prentice, Kastama, Fairley, Honeyford, Zarelli, Hewitt, Berkey, Fraser, Thibaudeau, Jacobsen, McAuliffe, Rasmussen, Kline and Rockefeller

AN ACT Relating to creating the department of archaeology and historic preservation; amending RCW 43.17.020, 27.34.020, 27.34.070, 27.34.210, 27.34.230, 27.34.330, 27.34.342, and 27.34.344; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; repealing RCW 27.34.310 and 27.34.320; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5057 by Senators Jacobsen, Swecker, Weinstein and Haugen

AN ACT Relating to the agency council on coordinated transportation; and amending RCW 47.06B.020 and 47.06B.901.

Referred to Committee on Transportation.

SB 5058 by Senators Haugen, Swecker, Prentice, Jacobsen and Weinstein

AN ACT Relating to changing the payment date of motor vehicle fuel tax and special fuel tax when paying by electronic funds transfer; amending RCW 82.36.035 and 82.38.160; repealing RCW 82.36.405 and 82.38.289; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5059 by Senators Haugen, Swecker, Jacobsen, Benton and Rockefeller

AN ACT Relating to state transportation bond payment revenue; and adding a new section to chapter 39.42 RCW.

Referred to Committee on Transportation.

SB 5060 by Senators Haugen, Swecker and Jacobsen

AN ACT Relating to regulating the use of automated traffic safety cameras; amending RCW 3.46.120, 3.50.100, 35.20.220, 46.63.030, and 46.63.140; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5061 by Senator Jacobsen

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

Referred to Committee on Health & Long-Term Care.

SB 5062 by Senators Jacobsen and Rasmussen

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

Referred to Committee on Agriculture & Rural Economic Development.

SB 5063 by Senators Jacobsen, Rasmussen and Kline

AN ACT Relating to creation of a telework enhancement funding board; and adding a new chapter to Title 47 RCW.

Referred to Committee on International Trade & Economic Development.

SB 5064 by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles, Weinstein and Keiser

AN ACT Relating to electronic medical records and health information technologies; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5065 by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles and Keiser

AN ACT Relating to injuries resulting from health care; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5066 by Senators Benton, Kohl-Welles and Oke

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.08.0291; reenacting and amending RCW 82.04.050; and creating a new section.

Referred to Committee on Ways & Means.

SB 5067 by Senator Benton

AN ACT Relating to lawful vehicle combinations; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 5068 by Senators Keiser, Thibaudeau, McAuliffe, Kline, Franklin, Haugen and Kohl-Welles

AN ACT Relating to health information for youth; adding a new section to chapter 70.24 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5069 by Senators Keiser, Kohl-Welles, Franklin, Thibaudeau, Brown, Kline and Regala

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5070 by Senators Spanel, Stevens and Haugen

AN ACT Relating to superior court judges; amending RCW 2.08.063; and creating a new section.

Referred to Committee on Judiciary.

SB 5071 by Senators McAuliffe and Rasmussen

AN ACT Relating to elimination of mandatory norm-referenced student assessments; amending RCW 28A.230.195; and repealing RCW 28A.230.190, 28A.230.193, 28A.230.230, and 28A.230.260.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5072 by Senators McAuliffe and Rasmussen

AN ACT Relating to the powers, duties, and membership of the state board of education and the Washington professional educator standards board and the elimination of the academic achievement and accountability commission; amending RCW 28A.305.130, 28A.300.130, 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010, 28A.300.020, 28A.310.110, and 28A.315.085; adding a new section to chapter 28A.305 RCW; creating new sections; repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030, 28A.655.900, and 28A.660.901; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5073 by Senators Prentice and Zarelli

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 28A.160.195, 28A.305.210, 41.50.110, 41.50.110, 43.07.130, 43.08.190, 43.10.180, 43.10.215, 43.72.900, 46.09.170, 66.16.010, 67.40.025, 67.40.040, 70.105D.070, 70.146.030, 70.146.080, and 70.148.020; reenacting and amending RCW 43.320.110; creating new sections; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5074 by Senators Prentice and Zarelli

AN ACT Relating to fiscal matters; amending RCW 66.16.010; amending 2004 c 276 ss 105, 106, 107, 108, 110, 111, 115, 117, 118, 120, 121, 122, 123, 124, 126, 129, 131, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 217, 218, 301, 302, 304, 306, 307, 308, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 701, 702, 703, 709, 802 (uncodified); amending 2003 1st sp.s. c 25 ss 119, 152, and 617 (uncodified); adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5075 by Senators Kohl-Welles, Schmidt, Pridemore, Rasmussen, Kline and Rockefeller

AN ACT Relating to academic eligibility for the Washington promise scholarship program; and amending RCW 28B.119.010.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5076 by Senators McAuliffe, Schmidt, Pridemore, Kohl-Welles and Rasmussen

AN ACT Relating to college in the high school; amending RCW 28A.150.275, 28A.225.290, and 28A.600.160; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5077 by Senators Eide, Schmidt and Berkey

AN ACT Relating to failing to summon assistance; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5078 by Senators Roach, Stevens, Honeyford, Mulliken, McCaslin and Benton

AN ACT Relating to voter registration; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on Government Operations & Elections.

SB 5079 by Senators Roach, Oke, Honeyford, Mulliken, Hewitt, Swecker, McCaslin and Benton

AN ACT Relating to a special runoff election for governor; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5080 by Senators Roach, Mulliken, Swecker, Hewitt, Oke, Parlette, Deccio, Zarelli, Stevens, McCaslin, Pflug, Carrell, Johnson, Honeyford and Benton

AN ACT Relating to election ballot requirements; amending RCW 29A.08.625, 29A.40.091, and 29A.84.130; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5081 by Senators Roach, Swecker, Oke, Deccio, Zarelli, Mulliken, Honeyford, Schmidt, Stevens, Benson, McCaslin and Benton

AN ACT Relating to monitoring of a child's telephone conversations by a parent or guardian; and amending RCW 9.73.080.

Referred to Committee on Human Services & Corrections.

SB 5082 by Senators Roach, Schmidt, Hewitt, Oke, Mulliken, Deccio, Zarelli, Stevens, McCaslin and Benton

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29A.40.091, 29A.40.110, 29A.48.050, and 29A.60.160.

Referred to Committee on Government Operations & Elections.

SB 5083 by Senators Roach, Mulliken, Pflug, Parlette, Oke, Benton, Schmidt, Benson, Swecker, Stevens, Zarelli, Carrell, Honeyford, Deccio and Schoesler

AN ACT Relating to state government performance audits; and amending RCW 43.88.160.

Referred to Committee on Government Operations & Elections.

SB 5084 by Senators McAuliffe, Hargrove, Kohl-Welles, Rasmussen and Regala

AN ACT Relating to postsecondary education and training support for former foster youth; amending RCW 28B.92.060 and 28B.12.060; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5085 by Senators Weinstein, Haugen, Jacobsen and Kline

AN ACT Relating to child passenger restraint systems; and amending RCW 46.61.687.

Referred to Committee on Transportation.

SB 5086 by Senators Shin, Schoesler and Rasmussen

AN ACT Relating to the rural Washington loan fund; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5081 which was referred to the Committee on Human Services & Corrections and Senate Bill No. 5086 which was referred to the Committee on International Trade & Economic Development.

MOTION

At 11:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House of Representatives.

JOINT SESSION

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

Pursuant to House Concurrent Resolution No. 4400, Speaker of the House (Representative Lovick presiding) called the Joint Session to order.

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

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

REMARKS BY PRESIDENT OWEN

President Owen: "The purpose of the Joint Session is to administer the oath of office to statewide elected officials and to receive the inaugural address from Her Excellency, Governor Christine Gregoire."

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Chase, Priest, Rodne and Uptegrove, and Senators Carrell, Doumit, McCaslin and Weinstein.

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Kretz, Murray, B. Sullivan and Walsh, and Senators Delvin, Pflug, Pridemore and Poulsen.

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire that the joint session has assembled and to escort her to the House Chamber: Representatives Kagi and Serben, and Senators Eide and Schmidt.

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

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

INTRODUCTION OF SPECIAL GUESTS

The President introduced the special guests present in the Chambers: Governor Gary Locke, Oregon Governor Ted Kulongoski, Governor Mike Lowry, Governor Booth Gardner, Governor Al Rosellini, Congressman Jim McDermott, Former Lands Commissioner Jennifer Belcher, former State Senator Betti Sheldon, former Secretary of State Ralph Munro and former Attorney General of Virginia Mary Sue Terry.

The President introduced the members of the Consular Corps: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Daravuth Huoth, Consul of Cambodia; Frank Brozovich, Consul of Croatia, Solomon Tadesse, Consul General of Ethiopia; Jack Cowan, Consul of France; Enid Dwyer, Consul of Jamaica; Kazuo Tanaka, Consul General of Japan; Kim, Jae-gouk, Consul General of The Republic of Korea and Dean of the Washington Consular Corps; Victor Lapatinskas, Consul of Lithuania; Jorge Madrazo, Consul of Mexico; Miguel Angel Velasquez, Consul of Peru and Vice President of the Consular Association of Washington; Vladimir Volnov, Consul General of The Russian Federation; John Gokcen, Consul General of Turkey; Dennis Leith, Her Majesty's Consul, United Kingdom; Gary Furlong, Consul General of Uzbekistan; and Robert Chen, Director General, Taipei Economic and Cultural Office.

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

The Washington State Patrol Color Guard presented the colors. The National Anthem was sung by Kathleen Murphy, sister of State Treasurer Mike Murphy. The prayer was offered by Father Michael J. Ryan, Holy Spirit Catholic Church of Kent.

OATHS OF OFFICE

Justice Mary Fairhurst administered the Oath of Office to Doug Sutherland, Commissioner of Public Lands.

Justice Barbara Madsen administered the Oath of Office to Mike Kriedler, Insurance Commissioner.

Justice Susan Owens administered the Oath of Office to Terry Bergeson, Superintendent of Public Instruction.

Chief Justice Gerry Alexander administered the Oath of Office to Rob McKenna, Attorney General.

Justice Charles Johnson administered the Oath of Office to Brian Sonntag, State Auditor.

Associate Justice Tom Chambers administered the Oath of Office to Mike Murphy, State Treasurer.

Justice Richard B. Sanders administered the Oath of Office to Sam Reed, Secretary of State

Justice Bobbe Bridge administered the Oath of Office to Brad Owen, Lieutenant Governor.

Chief Justice Gerry Alexander administered the Oath of Office to Christine Gregoire, Governor.

GOVERNOR'S INAUGURAL ADDRESS

Governor: Gregoire: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington state legislature, members of the Consular Corps, and fellow citizens: I am honored and humbled to be your new governor, and to have the opportunity to lead the people of this great state.

As I stand here today, I am mindful that this opportunity – like all the opportunities in this state – are the legacy of those who came before us. And speaking of legacy – I am especially honored to have former governors Rosellini, Gardner, Lowry and Governor Locke here today. These are our state's foremost experts on the subject of legacy, and every person in this state owes them a debt of gratitude.

I certainly have many people to thank personally for the legacy I was given. I have my mom to thank. As you may know, she was a short order cook and I am very proud of her. I have her to thank for solid values – forgiveness, compassion, respect and caring -- for my work ethic, and the love she provided me. She taught me to laugh and enjoy life. She also taught me one thing over and over again: the importance of education. I know her proudest moments came when I graduated from college and from law school.

I have Mr. Reis, my sixth grade English teacher, to thank. Vernon Reis opened the world to me through books. He taught me that while I was physically firmly planted in blue-collar Auburn, Washington in the 50s and early 60s, intellectually I could go anywhere, explore anything, and sample exciting new ideas simply by opening a book. Mr. Reis, will you please stand?

I have Fred Faber, a Moses Lake businessman, to thank. He was like a father to me, and made me a part of his family. Fred taught me to pursue my dreams – he even paid my tuition to attend law school – and generously and wisely taught me never to let barriers get in the way of your dreams. While he has passed away, his legacy lives warmly on in my memory and his family is my family. Allow me to introduce the Faber family.

I have Dr. Chris Griffith, an Olympia surgeon, to thank. In those dark days after I was diagnosed with breast cancer, I was truly blessed to have him for support, along with my family and church. This talented, compassionate, caring surgeon really gets it when it comes to bedside manner, and I can't imagine going through that terrible ordeal without him. When I called Dr. Griffith to ask him to come today and thank him again for his support, he wisely noted, "we are all patients at some time in our lives." Dr. Griffith could not be with us today; he is in surgery, quite likely saving another life.

I have Father Michael Ryan, who gave today's invocation, to thank. Father Mike baptized our daughter Michelle, and to this day, he likes to whisper to me, in a voice loud enough so she can always hear, that if the baptism didn't take, we can do it again. Like many of you, my spiritual life guides me, and Father Mike helped me transform my religion into a living faith. And Father Mike connected our family to one of the anchors in our lives – our church group. Father Mike, and our church group, will you please stand?

And, of course, I have my family to thank. I want to thank my wonderful husband and daughters, who, in the last year, have seen me through a bout with cancer, a long campaign, and two recounts. I would like you to meet the First Gentleman of this state, Mike Gregoire. He is the best husband I could have asked for – an outstanding father to our two daughters, and proud veteran who served this country in Vietnam. He is retired now, and plans to invest his time in working to improve the lives of his fellow veterans. Our two daughters are Courtney, who is in her last semester at law school, and Michelle, a college sophomore. Mike and I like to say we are getting poorer by degrees. For all you parents of teenagers, I have some good news for you. If you are as fortunate as Mike and I, you can look forward to seeing your relationship change from a test of wills with a teen, to becoming the best of friends.

And finally, I'd like you to meet some members of my extended family. Some have come from as far away as Florida and North Dakota. I mention these vital people in my life because we all have a chance to have a positive influence in the lives of others. We all leave personal legacies for the people we know and love.

And as elected officials, we have a special obligation to leave an even larger legacy of opportunity, prosperity, and optimism. As we gather here today, it seems fitting to ask, what will our legacy be? Will we leave a legacy of holding government accountable, cutting through the red tape and breaking down the barriers that hinder business development? Will we leave a legacy of strong democratic institutions and faith in government? Will we work to provide health care for every child in this state? Will we dramatically lower our high school dropout rate, and help every young person fulfill his or her full potential?

That's exactly what I'm here to do – not alone, but together with all of you, Republican and Democrat alike. Think about the legacy we have inherited: Our agricultural products are among the finest in the world.

We have Pacific Rim ports that are major economic engines for our state's thriving international trade. We are a global leader in aviation, high-tech, biotech, and health care. Our state is a magnet for smart, creative people, and we have well-trained workers, and well-educated scientists and entrepreneurs. We have fine universities, some on the leading edge of research and innovation,

and one of the nation's best systems of community and technical colleges. In the last decade, our public schools and teachers have done heroic work to raise the academic achievement levels of our children. We have a rich and diverse cultural heritage, vibrant arts, and a spirit of openness and inclusion. We are also blessed with a unique legacy of natural resources and landscapes so beautiful they attract tourists from around the world. We have so much to be thankful for.

It's our responsibility to pass on what we inherited, not to squander it, but to build on it. And frankly, I worry about the legacy we may leave.

When citizens don't have confidence their tax dollars are being used efficiently and effectively, we have work to do.

When we lose 20 percent of our manufacturing jobs in five years, we have work to do. When half a million people have no health insurance, we have work to do.

When children start kindergarten already behind because they didn't get early education, we have work to do.

When a third of our high school students don't finish high school on time, we have work to do.

And when Hood Canal, Puget Sound, Lake Roosevelt, and the Spokane River are polluted, we have work to do.

This is not an easy time to lead. Much has been written about red states and blue states and the great political divide – not to mention the razor thin governor's race here. Many have asked how I can govern without a clear mandate from the voters. I believe the voters have given all of us a mandate – a mandate to overcome our differences, and to solve problems. Truly, the challenges we face are not Democratic challenges or Republican challenges. In fact, they are not political challenges at all; they are fiscal challenges, and educational challenges, and the challenges of figuring out how to take care of each other and create a future worthy of our children.

It is healthy to have differences of opinion about how to rise to these challenges. It is unhealthy to let those differences paralyze us. We can leave our legacy only if we are willing to change – to go beyond partisan labels, and to solve the problems facing Washingtonians. We can build the strength of the center of our political spectrum – that ground where left and right converge and move forward. This is the imperative of our election.

Our divisions are not nearly as deep as others may think. All of us basically want the same things: opportunity for our children, and prosperity for our families and communities. We want state government agencies that are accountable, efficient and effective. We want affordable health care and college tuition, and successful businesses that provide good jobs. We want a wholesome culture that makes the most of our diverse heritage. And we want a clean and sustainable environment that contributes to our quality of life.

Clearly the election recount ordeal of the last two months has challenged us, and among our challenges this session is election reform. We want every vote to count – and to be counted right the first time. I will, therefore, create a task force, chaired by Secretary of State Sam Reed, and former State Senator Betti Sheldon, to review our election process and report back to me and to the legislature with recommended reforms by March 1st. This task force will travel the state and listen carefully to suggestions from citizens on how we can move forward with improvements in our election system.

Speaking of what government must do better, I believe we all agree there is a need for change in Olympia. Change is here and more is coming. Let me give you an example of where we are headed. Today, businesses are regulated by, and pay taxes to multiple government agencies. They face a blizzard of paperwork, threats of penalties, different due dates, and different definitions of who has to pay what and do what. And if they have multiple locations or branches, government will multiply the number of forms and regulations they have to cope with. So I want to make my views about this perfectly clear: No business in Washington should have to put up with all of that. I believe that the vast majority of regulated businesses want to do the right thing, and we should make that easier instead of harder. I will propose legislation to establish a new government management accountability and performance approach in state government -- GMAP for short. We must hold state agencies accountable. We will require agencies to be more effective and efficient in achieving results, and ensuring that public tax dollars are being spent wisely.

This is a significant challenge. And change involves measured risk. As Governor Booth Gardner once told me, if you are succeeding 10 times out of 10, you're not taking enough risk. So I want to say that I am willing to take risks, and willing to tolerate failure as long as we admit it, can learn from it and keep moving forward. I will challenge agency directors to take good risks, and to pursue innovative changes that make life better for business and for our citizens. There will be some failures, but we will learn from them and move on.

I will ask a lot of state employees because I intend to pay them fairly, and because I respect and admire them. In the Attorney General's office, I was proud that our employees contributed over \$5,000 to tsunami relief efforts in 24 hours after that disaster struck. They didn't wait for the national appeals. They acted quickly, decisively and generously. They knew they couldn't single-handedly overcome the tragedy of the tsunami – but they united to do what they could, and they made a positive difference. We must do the same to address another overwhelming challenge -- political gridlock and escalating prices in our health care system. There is just no reason why the richest nation in the world can't provide health care to all its people. This is a national problem that begs for a national solution. We can't truly solve this problem at the state level. But we can make a

difference. We can expand access to affordable health insurance by providing a pooled state health plan to business, so they can afford to offer insurance to their employees. Every employee should have access to doctors like Chris Griffith. We can make prescription drugs more affordable by pooling our purchases. We can make importation of drugs from Canada legal. And we can set a goal of all our children having health care coverage by 2010.

We all are united in the knowledge that we need to get Washingtonians back to work. Since 2001, this state has lost nearly 100,000 jobs. Toward that end, I am proposing the creation of a Life Sciences Discovery Fund to finance new research in two areas: debilitating diseases, such as Parkinson's, Alzheimer's, and cancer – and improving the quality and yield of our agricultural crops. Our state has earned a special bonus because of our leadership in the national tobacco lawsuit. I want to combine those bonus dollars with private sector and foundation funding to create a \$1 billion fund that has the potential to leave a huge legacy of better health, more and better crops, and new jobs and economic opportunity on both sides of the Cascades. It's been said that government doesn't create jobs, business does. For the most part, this is true. But government creates the environment in which businesses can excel and expand. Small businesses, like the one Fred Faber owned, are the backbone of our economy. I will propose tax relief for small and start-up enterprises. I will make state government a more aggressive and savvy player in economic development, and I will work to bring new jobs to the communities in this state that need them most. We must be ready to compete in a global economy. So I will challenge our Competitiveness Council to think globally so we can succeed locally, in every community and every corner of our state. A strong transportation system is essential to a thriving economy and we have important challenges throughout the state – be it freight mobility concerns in Eastern Washington or the viaduct and Lake Washington bridge issues in Seattle.

I am honored to have Oregon Governor Ted Kulongowski here today. We already have talked about working together to address our interstate bridge issues, and we plan to work together on many other issues in the years ahead. Like our neighbors in Oregon, we are all challenged by our commitment to high academic standards that prepare every student for good jobs in the 21st century. In 1993, we passed a sweeping education reform measure that has led to rigorous standards and real school improvement. The education reform act made our schools accountable for results. Now we need to make sure we have necessary funding to ensure we will get the results we're after. Because this need is urgent, I intend to name a broad-based bipartisan commission to find and propose efficiencies and long-term funding solutions – for early education, K – 12, and our colleges and universities. This is a very tall order. But education is the foundation on which our future must be built. We must provide early childhood education and coordinate our early learning programs so that every child starts kindergarten ready to learn. A mountain of research shows us that when kids start school already behind, many never catch up. That's why we must make sure that every child gets the early learning that is the foundation for a successful life. We know the positive power of teachers like Mr. Reis to help every child thrive. We also know the consequences when children lack that vital connection with a caring teacher. We cannot keep the faith with our children if we betray our commitments to their teachers. That's why we need to fund cost-of-living pay increases to teachers – something voters overwhelmingly supported.

We also need to address an educational emergency. Today, nearly a third of our high school students do not graduate on time, with their peers. High school dropouts earn half as much as graduates. They often are chronically unemployed and dependent on government help, and they are at higher risk to end up in our jails and prisons. That's why we will design our middle and high schools so no student gets lost in the crowd and disconnected from his or her own potential. And we can't stop with high school graduation. Today, our two- and four-year colleges are all bursting at the seams. We need to take down the no-vacancy signs that kept 1,500 students out of college last year. And we need to give families some certainty about the cost of college education so they can plan for the future.

Surely no issue unites us more than our appreciation for our military personnel who are bringing aid to devastated countries, defending us against terrorism, and fighting to make a free election possible in Iraq. When those soldiers come home – and we pray daily for their safe return – we must thank them and welcome them. Our state has a special relationship with our military services. Our military bases are an important part of our economy, and military retirees are a growing part of our population. We are all proud of that. But we can also do a better job of making sure that our veterans and their families get what they need and deserve from us. My administration will make that a very high priority, and I can assure you that Mike will remind me, probably often, of that commitment. I know that all I've talked about today adds up to a very ambitious agenda.

But we live in a time when anything less would be insufficient. We need to set an ambitious agenda, but at the same time, we need to be honest. We cannot achieve all our goals overnight. We will need enormous patience and persistence, not just for a single legislative session, but for the long term. We must not promise more than we can deliver. Governing involves tough choices between important programs – especially now, when we face a \$1.8 billion budget shortfall. We will not be able to do all we want to do this year.

But we can make progress – on job creation and business growth, on improving our education system from early learning to graduate education, on health care, environmental protection and veterans' issues. These are all enormous challenges. And whether we are Democrat or Republican, old or young, rich or poor, these are our challenges. This will require

change – change in the way we think about partisan politics, and change in the way we reach out to each other and reconcile our differences. As Gandhi so famously said, we must all "be the change we want to see in the world." If we want unity, we must all be unifiers. If we want accountability, each of us must be accountable for all we do. It is up to us to live up to the legacy that was left for us, and to leave a legacy that is worthy of our children and of future generations. We can do this. And we can start today.

Thank you very, very much. God bless all of you, and God bless our wonderful state."

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

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

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

The President returned the gavel to Speaker Pro Tempore Lovick.

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

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

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 1:42 p.m. by President Owen.

MOTION

At 1:42 p.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 13, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 12, 2005

2005 REGULAR SESSION

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 13, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

January 12, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Office of Governor, Pardons. This report is mandated under Section 11 of Article III of the Constitution of the State of Washington.

If you have any questions about the report, please call Office of the Governor at 902-4111.

Sincerely,
Gary Locke, Governor

The Office of Governor, Pardons is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, pursuant to RCW 29A.64.061, do hereby file this amended abstract of the results for the office of Governor at the November 2, 2004 general election. This amended abstract of votes is the result of a requested statewide hand recount of the ballots cast for that office. Attached is a summary of the results as certified and transmitted by the county canvassing boards for the thirty-nine counties of the State of Washington pursuant to RCW 29A.64.061 and RCW 29A.64.070

Manual Recount Results by County
November 2, 2004 General Election

County Christine Gregoire Dino Rossi Ruth Bennett Write Ins

Adams	1,529	3,481	81	2
Asotin	3,530	4,914	193	0
Benton	19,834	44,895	1,118	0
Chelan	10,077	18,438	532	14
Clallam	16,230	18,836	920	0
Clark	72,828	85,924	4,123	3
Columbia	671	1,371	37	4
Cowlitz	20,204	20,045	1,094	36
Douglas	4,360	8,667	219	18
Ferry	1,278	1,900	118	3
Franklin	4,977	10,634	227	8
Garfield	428	840	25	2
Grant	7,821	17,431	535	0
Grays Harbor	13,729	13,457	575	31
Island	16,895	20,000	814	0
Jefferson	10,650	7,295	466	18
King	506,194	351,306	18,952	1,363
Kitsap	56,236	57,775	3,097	174
Kittitas	6,125	9,567	277	12
Klickitat	3,919	4,767	265	5
Lewis	10,247	20,851	757	0

Lincoln	1,850	3,686	100	0
Mason	11,797	12,519	680	0
Okanogan	6,107	9,460	468	0
Pacific	5,210	4,730	296	0
Pend Oreille	2,567	3,368	179	3
Pierce	145,431	157,905	7,255	341
San Juan	5,872	3,660	320	7
Skagit	23,250	27,219	1,264	41
Skamania	2,233	2,525	178	0
Snohomish	139,189	145,628	6,861	281
Spokane	90,581	105,584	3,881	152
Stevens	6,992	12,295	566	0
Thurston	58,970	49,426	2,575	0
Wahkiakum	993	1,099	61	6
Walla Walla	8,008	14,290	378	26
Whatcom	44,072	42,000	2,179	0
Whitman	7,722	9,365	457	10
Yakima	24,755	46,079	1,351	58
Totals	1,373,361	1,373,232	63,465	2,618

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 30th day of December, 2004.

SAM REED, Secretary of State
(Seal)

MESSAGE FROM SECRETARY OF STATE

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

CANVASS OF THE RETURNS
OF THE GENERAL ELECTION
HELD ON NOVEMBER 2, 2004

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 2,883,499 votes cast by the 3,514,078 registered voters of the state for and against the initiatives and referendum which were submitted to the vote of the people at the state general election held on the 2nd day of November, 2004, as received from the County Auditors.

Initiative Measure No. 872

"Initiative Measure No. 872 concerns elections for partisan offices. This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party."

Yes	1,632,225
No	1,095,190

Initiative Measure No. 884

"Initiative Measure No. 884 concerns dedicating funds designated for educational purposes. This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%."

Yes 1,102,996
No 1,654,112

Initiative Measure No. 892

"Initiative Measure No. 892 concerns authorizing additional "electronic scratch ticket machines" to reduce property taxes. This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes."

Yes 1,069,414
No 1,711,785

Referendum Measure No. 55

"The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools. This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds."

Yes 1,122,964
No 1,572,203

Initiative Measure No. 297

"Initiative Measure No. 297 concerns "mixed" radioactive and nonradioactive hazardous waste. This measure would add new provisions concerning "mixed" radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits."

Yes 1,812,581
No 810,795

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 2nd day of November, 2004, for all federal, statewide, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

Office Div. Dist. Name Party Votes

President/

Vice President John Kerry/John Edwards D 1510201

George Bush/Dick Cheney R 1304894
Michael Badnarik/
Richard V. Campagne L 11955
John Parker/Teresa Gutierrez WW 1077
David Cobb/Patricia Lamarche G 2974
James Harris/Margaret Trowe SW 547
Michael Anthony Peroutka/
Chuck Baldwin C 3922
Bill Van Auken/Jim Lawrence SE 231
Ralph Nader/Peter Camejo I 23283

US Senator Patty Murray D 1549708

George R. Nethercutt, Jr. R 1204584
J. Mills L 34055
Mark B. Wilson G 30304

US Representative 1 Jay Inslee D 204121

Randy Eastwood R 117850
Charles Moore L 5798

2 Rick Larsen D 202383

Suzanne Sinclair R 106333
Bruce Guthrie L 7966

3 Brian Baird D 193626

Thomas A. Crowson R 119027

4 Sandy Matheson D 92486

Doc Hastings R 154627

5 Don Barbieri D 121333

Cathy McMorris R 179600

6 Norm Dicks D 202919

Doug Cloud R 91228

7 Jim McDermott D 272302

Carol Cassady R 65226

8 Dave Ross D 157148

Dave Reichert R 173298
Spencer Garrett L 6053

9 Adam Smith D 162433

Paul J. Lord R 88304
Robert F. Losey G 5934

Governor Christine Gregoire D 1371153

Dino Rossi R 1371414
Ruth Bennett L 63346

Lt. Governor Brad Owen D 1443505

Jim Wiest R 1019790
Jocelyn A Langlois L 117147
Bern Haggerty G 73328

Secretary of State Laura Ruderman D 12009299

Sam Reed R 1369421
Jacqueline Passey D 82097

State Treasurer Mike Murphy D 1575499

Oscar S. Lewis R 941754
John Sample L 96144

State Auditor Brian Sonntag D 1668575

Will Baker R 841772
Jason G. Bush L 101161

Attorney General Deborah Senn D 1163964

Rob McKenna R 1425368
J. Bradley Gibson L 56792
Paul Richmond D 44020

Commissioner of Public Lands Mike Cooper D 1223207

Doug Sutherland R 1309441
Steve Layman D 88171

Superintendent of Public Instruction Teresa (Terry) Bergeson NP 1293560

Judith Billings NP 1036912

Insurance Commissioner Mike Kreidler D 1393764

John Adams R 1058583
Stephen D. Steele D 107295

State Supreme/
Court Justice 1 Jim Johnson NP 1178194

Mary Kay Becker NP 1086319

5 Barbara Madsen NP 1892177

6 Richard B. Sanders NP 1310998
Terry Sebring NP 837077

Court of Appeals 2 3 2 C.C. Bridgewater NP 167222

3 2 1 Dennis J. Sweeney NP 113621

Superior Court Judge 1 William D. (Bill) Acey NP 9940

1 Allen C. Nielson NP 17990
2 Alan R. Hancock NP 30579
2 Vickie I. Churchill NP 29939
1 E. Thompson "Tom" Reynolds NP 9966
1 Joel Penoyar NP 8988

State Senator 1 Rosemary McAuliffe D 33389

Jason Bontrager R 25229

Representative 1 1 Al O'Brien D 31238

Jeff Merrill R 25037
Terry Bartlett Buholm L 1872

Representative 1 2 Mark Ericks D 29767

Joshua Freed R 28313

Senator 2 Marilyn Rasmussen D 28395

Deryl McCarty R 25438

Representative	2	1	Dennis Townsend	D	25478		
						Jim McCune	R 27528
Representative	2	2	Glen Nutter	D	22835		
						Tom Campbell	R 30505
Senator	3		Lisa Brown	D	25930		
						Mike Casey	R 15647
Representative	3	1	Alex Wood	D	25,237		
						David Stevens	R 15,724
	3	2	Timm Ormsby	D	23765		
						Ryan Leonard	R 16634
Senator	4		Tim Hattenburg	D	23437		
						Bob McCaslin	R 34,447
Representative	4	1	Jim Peck	D	21,905		
						Larry Crouse	R 35071
	4	2	Ed Foote	D	19,356		
						Lynn Schindler	R 37323
Senator	5		Kathy Huckabay	D	26457		
						Cheryl Pflug	R 38,186
						Jaime Capili	L 1327
Representative	5	1	Jeff Griffin	D	28273		
						Jay Rodne	R 33,417
						Keith Kemp	L 2,122
	5	2	Barbara deMichele	D	27200		
						Glenn Anderson	R 34283
						Beau Gunderson	L 1922
Senator	6		Laurie Dolan	D	32104		
						Brad Benson	R 33,312
Representative	6	1	Don A. Barlow	D	29775		
						John Serben	R 32,136
	6	2	Douglas Dobbins	D	24,580		
						John E. Ahern	R 37755
Representative	7	1	Jack Miller	D	17327		
						Bob Sump	R 33863
						Dave Wordinger	L 1621
Representative	7	2	Yvette Joseph	D	17422		
						Joel Kretz	R 32578
Senator	8		John David	D	15486		
						Jerome Delvin	R 37360
Representative	8	1	Rick Dillender	D	14054		
						Shirley Hankins	R 38546
Representative	8	2	Jerad Koepp	D	15734		

Senator 9 Gail Rowland D 16387

Representative 9 1 Sean Gallegos D 15960

Representative 9 2 Eileen (Mac) Macoll D 18115

Senator 10 Mary Margaret Haugen D 31196

Representative 10 1 Nancy Conard D 28415

Representative 10 2 Mark L. Norton D 22894

Senator 11 Margarita Prentice D 25303

Representative 11 1 Zack Hudgins D 25724

Representative 11 2 Bob Hasegawa D 25714

Senator 12 Linda Evans Parlette R 40620

Representative 12 1 Tony Zinman D 16684

Representative 12 2 Todd R. Smith D 15972

Representative 13 1 Dale Hubbard D 14745

Representative 13 2 Patrick Wicklund D 14531

Senator 14 Leni Skarin D 14811

Representative 14 1 Don Hinman D 14799

Representative 14 2 Clarence Gipson D 13705

Larry Haler R 36404

Mark G. Schoesler R 32105

Don Cox R 32018

David Buri R 28964

April Lynne Axtheim R 29219
Brett Wilhelm L 1653

Chris Strow R 30228
Tom Bronkema L 1728

Barbara Baily R 34899
Lew Randall L 1903

Bill Roenicke R 10929
Jennifer Christensen L 2545

Elizabeth Harris R 12261

Ruth Gibbs R 13058

Cary Condotta R 31919

Mike Armstrong R 31725

Jenea Holmquist R 29551

Bill Hinkle R 30004

Alex Deccio R 27534

Mary Skinner R 27457

Representative 15 1 Bruce Chandler R 29067
Representative 15 2 Michael H. Kepcha D 11491
Senator 16 Rebecca Francik D 14807
Representative 16 1 Jim Barnett D 15604
Representative 16 2 Bill Grant D 25514
Senator 17 Paul Waadevig D 23193
Representative 17 1 Pat Campbell D 23317
Representative 17 2 Deb Wallace D 27526
Senator 18 Dave Seabrook D 29745
Representative 18 1 Pam Brokaw D 27330
Representative 18 2 Brian Beecher D 24981
Senator 19 Mark L. Doumit D 39470
Representative 19 1 Brian Hatfield D 39239
Representative 19 2 Brian Blake D 38028
Senator 20 Chuck Bojarski D 19238
Representative 20 1 Joel W. Staloch D 20650
Representative 20 2 Gary Alexander R 41293
Representative 21 1 Mary Helen Roberts D 32800
Representative 21 2 Brian Sullivan D 33743

Jim Clements R 28349
Dan Newhouse R 24035
Mike Hewitt R 29845
Maureen Walsh R 27485
Nathan (Nate) Brook R 18177
Don Benton R 29563
Jim Dunn R 28405
Roy Rhine R 24340
Joseph Zarelli R 34706
Richard Curtis R 35500
Ed Orcutt R 37408
Dan Swecker R 35372
Richard DeBolt R 33515
Roger S. "Cowboy" Wilson R 16419
Stephen Cornell L 1221
Alan D. Tagle R 17002

Senator 22 Karen Fraser D 44695

Representative 22 1 Brendan Williams D 34486

Ann Burgman R 22886

Representative 22 2 Sam Hunt D 43016

Senator 23 Phil Rockefeller D 36,150

Doug Kitchens R 25814

Representative 23 1 Sherry Appleton D 34,323

Frank Mahaffay R 25,878

Dan Goebel L 1,502

Representative 23 2 Terry Ducheane D 26144

Beverly Woods R 34,883

Senator 24 Jim Hargrove D 48379

Representative 24 Kevin Van De Wege D 31432

Jim Buck R 32939

Representative 24 2 Lynn Kessler D 47728

Senator 25 Jim Kastama D 30521

Rose Hill R 25622

Representative 25 1 Ron Morris D 24287

Joyce McDonald R 31,054

Representative 25 2 Dawn Morrell D 29935

Michele Smith R 25,478

Representative 26 1 Patricia Lantz D 29788

Matt Rice R 29427

Ted Haley L 1782

Representative 26 2 Derek Kilmer D 30245

Lois McMahan R 29236

Ed Jurkovskis L 1324

Senator 27 Debbie Regala D 32,344

Kim Wheeler R 13,897

Representative 27 1 Dennis Flannigan D 36,661

27 2 Jeannie Darneille D 31,954

Ian Foraker R 13,644

Senator 28 Helen McGovern D 22,903

Mike Carrell R 25,159

Representative 28 1 Debi Srail D 21,892

Georganne "Gigi" Talcott R 25,729

Representative 28 2 Tami Green D 23,697

Bob Lawrence R 23462

Representative 29 1 Steve Conway D 28,739

Representative 29 2 Steve Kirby D 28663

Representative 30 1 Mark Miloscia D 24815

Tony Moore R 18,743
Robert Brengman L 1,085

Representative 30 2 Joe Henry D 19,790

Skip Priest R 23,111
Jonathan Wright L 1416

Representative 31 1 Dan Roach R 41041

Representative 31 2 Jan Shabro R 40410

Representative 32 1 Maralyn Chase D 44809

Representative 32 2 Ruth Kagi D 37038

Margaret R. Wiggins R 19550
Gordon W. Bohnke L 1897

Representative 33 1 Shay Schual-Berke D 26580

Bruce Elliott R 14,471

Representative 33 2 Dave Upthegrove D 31184

Representative 34 1 Eileen L. Cody D 42,369

Savun Neang R 11,712
Bud Shasteen L 2317

Representative 34 2 Joe McDermott D 41960

Paul F. Byrne R 12587
Virginia Abeyta L 2438

Representative 35 1 Kathy Haigh D 42052

Representative 35 2 William "Ike" Eickmeyer D 32655

Bob Benze R 23007

Representative 36 1 Helen Sommers D 54921

Floyd Loomis R 11,791
John Palmer L 3091

Representative 36 2 Mary Lou Dickerson D 59,188

Don Zeek L 6797

Representative 37 Sharon Tomiko Santos D 40192

Kwame Wyking Garrett R 5508

Representative 37 2 Eric Pettigrew D 38755

Aaron Alberg R 6558

Senator 38 Jean Berkey D 28,202

Tim Hanley R 14962

Representative 38 1 John McCoy D 23663
Representative 38 2 Mike Sells D 25142
Senator 39 Susanne Olson D 25146
Representative 39 1 Joel Selling D 23671
Representative 39 2 Pedro Gonzales D 21960
Senator 40 Harriet A. Spanel D 37573
Representative 40 1 Dave Quall D 44630
Representative 40 2 Jeff Morris D 44219
Senator 41 Brian Weinstein D 32,473
Representative 41 1 Lance Ramsay D 26,218
Representative 41 2 Judy Clibborn D 35,457
Representative 42 1 Robin E. Bailey D 24,471
Representative 42 2 Kelli Linville D 33,596
Representative 43 1 Ed Murray D 55,336
Representative 43 2 Frank Chopp D 53,515
Representative 44 1 Hans Dunshee D 33,010
Representative 44 2 John Lovick D 34,903
Representative 45 1 Robert E. Adair D 24,074

Kim Halvorson R 20247
Erv Hoglund R 18464
Val Stevens R 29741
Dan Kristiansen R 30443
Kirk Pearson R 32344
Gerald Baron R 23514
Jim Horn R 29,984
Jim Brown L 1,371
Fred Jarrett R 33,581
George Holt L 1,726
Fawn Spady R 25,625
Brian Reilly L 1,685
Doug Ericksen R 33,452
John Hobberlin R 24,457
Zac Green R 8,294
Mark Griswold R 9,586
Mike Hope R 27,957
Stephen E. West R 24,444
Toby Nixon R 34,464

Representative 45 2 Larry Springer D 30,500

Jeffrey Possinger R 27,465
Miles F. Holden L 1,462

Representative 46 1 Jim McIntire D 44,410

Brien L. Downie R 10,438
Mack J.T. Barnette L 1280
Chris LaRoche G 5,700

Representative 46 2 Phyllis G. Kenney D 50,007

Gary Stute L 6,927

Representative 47 1 Geoff Simpson D 26,152

Steve Altick R 23,396
Duane Grindstaff L 952

Representative 47 2 Pat Sullivan D 26,173

Jack D. Cairnes R 22,446
Kelly Guthridge L 1,421

Representative 48 1 Ross Hunter D 30,095

James Whitfield R 22,613

Representative 48 2 Debi Golden D 24,834

Rodney Tom R 26,650

Senator 49 Craig Pridemore D 24,470

Don Carlson R 23,829

Representative 49 1 Bill Fromhold D 29,106

Justin Riley R 17,591

Representative 49 2 Jim Moeller D 27930

Mike W. Smith R 18416

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 30th day of November, 2004.

(Seal)

SAM REED, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of the State of the state of Washington, do hereby certify that, I have canvassed the returns of the mandatory recount votes cast for the office of Governor at the state general election held on November 2, 2004, to be canvassed and verified. According to the official returns received from the County Auditors for the thirty-nine counties of the state, the full, true and correct total of votes cast for each candidate is as follows:

2004 RECOUNT RESULTS

Office Division District Position Name Party Votes

Christine Gregoire D 1,372,442
Dino Rossi R 1,372,484
Ruth Bennett L 63,415

2004 GOVERNOR RECOUNT RESULTS BY COUNTY

County Christine Gregoire Dino Rossi Ruth Bennett

Adams	1,529	3,486	81
Asotin	3,525	4,904	193
Benton	19,831	44,890	1,118
Chelan	10,077	18,437	523
Clallam	16,226	18,832	919
Clark	72,800	85,894	4,123
Columbia	671	1,370	37
Cowlitz	20,207	20,047	1,093
Douglas	4,359	8,666	219
Ferry	1,278	1,900	118
Franklin	4,967	10,619	227
Garfield	428	840	25
Grant	7,826	17,429	535
Grays Harbor	13,719	13,449	575
Island	16,888	19,997	814
Jefferson	10,642	7,289	466
King	505,836	351,127	18,936
Kitsap	56,164	5,7693	3,090
Kittitas	6,125	9,567	277
Klickitat	3,919	4,767	265
Lewis	10,245	20,842	756
Lincoln	1,850	3,686	100
Mason	11,788	12,507	682
Okanogan	6,101	9,450	465
Pacific	5,210	4,730	295
Pend Oreille	2,567	3,366	179
Pierce	145,199	157,704	7,241
San Juan	5,872	3,660	321
Skagit	23,266	27,224	1,267
Skamania	2,232	2,522	178
Snohomish	139,070	145,553	6,852
Spokane	90,573	105,569	3,878
Stevens	6,992	12,293	566
Thurston	58,955	49,413	2,574
Wahkiakum	993	1,100	61
Walla Walla	8,006	14,277	381
Whatcom	44,056	41,978	2,177
Whitman	7,715	9,363	457
Yakima	24,735	46,044	1,351

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 30th day of November, 2004.

SAM REED, Secretary of State
(Seal)

MOTION

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

INTRODUCTION AND FIRST READING

SB 5087 by Senators Kohl-Welles, Schmidt, Jacobsen, Keiser, Rockefeller, Franklin, Shin, Spanel, McAuliffe and Kline

AN ACT Relating to part-time faculty of community and technical colleges; amending RCW 28B.50.4892; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5088 by Senators Stevens, Mulliken, Benson, Honeyford, Johnson and Carrell

AN ACT Relating to indication of voter abstention; and amending RCW 29A.36.111.

Referred to Committee on Government Operations & Elections.

SB 5089 by Senators Sheldon, Fraser and Kline

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

Referred to Committee on Water, Energy & Environment.

SB 5090 by Senators Sheldon, Benson and Mulliken

AN ACT Relating to the privatization of liquor sales; amending RCW 66.08.026, 66.08.150, 66.08.220, 66.24.440, 66.08.050, 66.08.235, 66.04.010, 66.16.030, 66.16.040, 66.20.160, 66.20.180, and 66.24.380; adding a new chapter to Title 66 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5091 by Senators Sheldon, Morton, Benson and Mulliken

AN ACT Relating to prohibiting the assessment of fees for basic parkland access by the state parks and recreation commission; amending RCW 79A.05.070; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5092 by Senator Jacobsen

AN ACT Relating to the beginning farmers loan program; adding a new section to chapter 43.180 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5093 by Senator Jacobsen

AN ACT Relating to providing matching funds for local economic development strategic planning for agriculture; adding a new section to chapter 15.04 RCW; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5094 by Senator Jacobsen

AN ACT Relating to special assessments for conservation district activities and programs; and amending RCW 89.08.400.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5095 by Senators Doumit, Morton, Berkey, Swecker, Haugen, Mulliken, Rasmussen, Hargrove and Sheldon

AN ACT Relating to regulatory reform of the hydraulic project approval program; amending RCW 77.55.100; adding new sections to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5096 by Senators Jacobsen, Esser, Kastama, Swecker, Franklin, Kohl-Welles, Benson, Oke, Schmidt, Sheldon and Roach

AN ACT Relating to the armed forces license plate collection; amending RCW 46.16.755, 73.04.115, and 41.04.007; reenacting and amending RCW 46.16.313, 73.04.110, and 43.79A.040; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

SB 5097 by Senators Kohl-Welles, Kline, Rasmussen, Franklin, Roach and Pridemore

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5098 by Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles

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

Referred to Committee on Water, Energy & Environment.

SB 5099 by Senators Poulsen, Fraser, Kline, Kohl-Welles and Brown

AN ACT Relating to motor vehicle emissions; adding a new section to chapter 70.120 RCW; adding a new section to chapter 46.16 RCW; creating a new section; and repealing 1991 c 199 s 229 (uncodified).

Referred to Committee on Water, Energy & Environment.

SB 5100 by Senators Poulsen, Fraser, Kline and Kohl-Welles

AN ACT Relating to state greenhouse gas emissions; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5101 by Senators Poulsen, Morton, Fraser, Rockefeller, Pridemore, Regala, Hewitt, Kline, Kohl-Welles, Brown and Oke

AN ACT Relating to providing incentives to support renewable energy; adding new sections to chapter 82.16 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5102 by Senators Poulsen, Keiser and Kline

AN ACT Relating to greater enforcement in certain areas of vehicle size, weight, and load laws; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5103 by Senators Poulsen and Keiser

AN ACT Relating to galley services on Washington state ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5104 by Senators Regala, Brandland, Hargrove, Weinstein, Esser, Kohl-Welles and Oke

AN ACT Relating to the "Keep Kids Safe" license plate series; amending RCW 43.121.100; reenacting and amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5105 by Senators Swecker, Jacobsen, Kastama and Oke

AN ACT Relating to certification of entities regulated by the utilities and transportation commission under Title 81 RCW; amending RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.68 RCW; recodifying RCW 81.68.045; and declaring an emergency.

Referred to Committee on Transportation.

SB 5106 by Senators Swecker, Jacobsen, Kastama and Oke

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.

Referred to Committee on Transportation.

SB 5107 by Senators Fairley, Berkey, Parlette and Hewitt

AN ACT Relating to allowing reimbursement limits under the mobile home relocation assistance act to be set by rule; and amending RCW 59.21.021.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5108 by Senators Fraser, Berkey, Fairley and Kline

AN ACT Relating to increasing the administrative cap on the housing assistance program and the affordable housing program; and amending RCW 43.185.050 and 43.185A.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5109 by Senators Jacobsen and Kline

AN ACT Relating to a conservation futures levy; and amending RCW 84.34.230.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5110 by Senators Rockefeller and Oke

AN ACT Relating to adding an additional port district member to the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

SB 5111 by Senators Morton, Poulsen, Parlette, Roach, Schmidt, Oke, Hewitt, Zarelli, Finkbeiner, Stevens, Swecker, Deccio, Honeyford, Mulliken, Kline and Sheldon

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

Referred to Committee on Water, Energy & Environment.

SB 5112 by Senators Shin, Schmidt, Rockefeller, Rasmussen, Kline, Sheldon, Keiser, Doumit, Berkey, Kastama, Haugen, McAuliffe, Franklin, Johnson, Kohl-Welles, Benson and Oke

AN ACT Relating to veterans of the Afghanistan conflict and the Persian Gulf War II; amending RCW 28B.15.628; and reenacting and amending RCW 41.04.005.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5113 by Senators Shin, Rockefeller, Kline, Keiser, Rasmussen and Berkey

AN ACT Relating to allowing the department of ecology to permit by rule certain water storage facilities; and amending RCW 90.03.250.

Referred to Committee on Water, Energy & Environment.

SB 5114 by Senators Shin, Kohl-Welles, Kline, Keiser, Rasmussen and Oke

AN ACT Relating to prohibiting smoking within thirty-five feet of a public place; and amending RCW 70.160.020.

Referred to Committee on Health & Long-Term Care.

SB 5115 by Senators Shin, Rockefeller, Weinstein, Kline, Keiser, Fairley, Regala, Berkey, Haugen, McAuliffe and Rasmussen

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.37.190 and 46.63.020; reenacting and amending RCW 9.94A.515; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5116 by Senators Shin, Rasmussen, Kohl-Welles, Weinstein, Kline, Keiser, Berkey, Fairley, Regala, McAuliffe and Spanel

AN ACT Relating to skate parks; and adding a new section to chapter 67.20 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5117 by Senators Parlette, Roach, Finkbeiner, Deccio and Swecker

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5118 by Senators Parlette, Doumit, Oke and Esser

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 84.33.140, and 77.12.203; adding a new section to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5119 by Senators Parlette, Roach, Mulliken, Honeyford, Johnson, Carrell, Stevens, Oke, Deccio, Schoesler and Berkey

AN ACT Relating to requiring a review of the local government whistleblower program; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5120 by Senators Poulsen and Fraser

AN ACT Relating to management of water resources for the mainstem of the Columbia river; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5121 by Senators Keiser, Swecker, Poulsen, Schmidt and Haugen

AN ACT Relating to determining long-term air transportation needs including airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 5122 by Senators Kastama, Jacobsen, Weinstein, Rockefeller, Kline and Kohl-Welles

AN ACT Relating to nonpartisan elections for the office of secretary of state; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and adding a new section to chapter 43.07 RCW.

Referred to Committee on Government Operations & Elections.

SB 5123 by Senators Kastama, Rasmussen, Regala and Franklin

AN ACT Relating to the sale of precursor drugs; amending RCW 69.43.010 and 69.43.030; adding new sections to chapter 69.43 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5124 by Senators Kastama, Jacobsen, Rasmussen, Weinstein, Haugen, Berkey, McAuliffe, Keiser, Kline, Shin and Brown

AN ACT Relating to improving government performance and accountability; adding new sections to chapter 43.09 RCW; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 41.04 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 2.04 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5125 by Senators Kohl-Welles, Poulsen, Keiser, Franklin, Fraser, Kline and Pridemore

AN ACT Relating to soils contamination in child use areas; adding a new section to chapter 70.105D RCW; adding a new section to chapter 74.15 RCW; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Water, Energy & Environment.

SB 5126 by Senators Kohl-Welles, Kastama, Roach and Keiser

AN ACT Relating to developing policies, procedures, and mandatory training programs on sexual harassment for all state employees; adding a new section to chapter 41.06 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5127 by Senators Kohl-Welles, Benton, Hargrove, Roach, Prentice, Thibaudeau, Stevens, Fraser and Keiser

AN ACT Relating to services for victims of trafficking of humans; adding a new section to chapter 7.68 RCW; adding a new section to chapter 43.330 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SJM 8000 by Senators Parlette, Morton, Mulliken, Delvin and Sheldon

Supporting the establishment of the Ice Age Floods National Geologic Trail.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:04 p.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Friday, January 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 13, 2005

2005 REGULAR SESSION

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 14, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 13, 2005

SB 5069 Prime Sponsor, Keiser: Establishing family leave insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Without recommendation. Signed by Senators Berkey, Vice Chair; Benton, Delvin, Franklin, Keiser and Schmidt

Passed to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report were reported to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE STATE OFFICES

April 5, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Institution for Public Policy.
If you have any questions about the report, please call Robert Barnoski at 360-586-2744.

Sincerely,
Roxanne Leib, Secretary

The Washington State Institution for Public Policy is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

July 23, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Audit Report, Community Colleges of Spokane. This report is mandated under Revised Code of Washington 43.88.160(6).

If you have any questions about the report, please call Washington State Auditors Office at 902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Washington States Audit Report, Community Colleges of
Spokane is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 14, 2005

MR. PRESIDENT:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4403,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4403.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5128 by Senators Carrell, Kline, Swecker, Kastama, Deccio, Pflug and Kohl-Welles

AN ACT Relating to the sale or purchase of any dog for fighting purposes; and amending RCW 16.52.117.

Referred to Committee on Judiciary.

SB 5129 by Senators Carrell, Kline, Kastama, Franklin, Regala, Benson, Delvin, Shin, Rasmussen and Benton

AN ACT Relating to civilly committing sexually violent predators who are involuntarily committed under chapter 10.77 RCW; and amending RCW 71.09.025 and 71.09.030.

Referred to Committee on Human Services & Corrections.

SB 5130 by Senators Carrell, Franklin, Kastama and Rasmussen

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

Referred to Committee on Human Services & Corrections.

SB 5131 by Senators Carrell, Mulliken, Kline, Swecker, Schoesler, Franklin, Benson, Kastama, Regala, Delvin, Kohl-Welles and Rasmussen

AN ACT Relating to firearms; and amending RCW 9.41.040, 9.41.047, 9.41.060, and 9.41.075.

Referred to Committee on Judiciary.

SB 5132 by Senators Carrell, Schmidt, Benson, Swecker, Honeyford, Delvin, Schoesler, Roach, Mulliken and Benton

AN ACT Relating to the release of personal information; and reenacting and amending RCW 42.17.310.

Referred to Committee on Government Operations & Elections.

SB 5133 by Senators Brandland, McCaslin, Johnson and Mulliken

AN ACT Relating to privileged communications between spouses; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 5134 by Senators Jacobsen, Oke and Rasmussen

AN ACT Relating to the disabled hunters and fishers advisory committee; and amending RCW 77.04.150.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5135 by Senators Kastama, Mulliken, Zarelli, Doumit and Rasmussen

AN ACT Relating to volunteer fire fighters' and reserve officers' relief and pensions; amending RCW 41.24.010 and 41.24.030; and adding a new section to chapter 41.24 RCW.

Referred to Committee on Ways & Means.

SB 5136 by Senators Doumit, Mulliken, Zarelli and Rasmussen

AN ACT Relating to fire protection district property tax levies; amending RCW 84.52.043; reenacting and amending RCW 84.52.010; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5137 by Senators Haugen, Swecker, Oke and Poulsen

AN ACT Relating to vessel dealer trust accounts; and amending RCW 88.02.220.

Referred to Committee on Transportation.

SB 5138 by Senators Jacobsen, Swecker, Haugen, Oke and Poulsen

AN ACT Relating to transportation fees; amending RCW 46.16.237, 46.16.270, 46.20.055, 46.20.070, 46.20.117, 46.20.120, and 46.20.311; reenacting and amending RCW 46.20.308; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5139 by Senators Haugen, Oke, Poulsen and Swecker

AN ACT Relating to highway and bridge tolling authority; amending RCW 47.56.075 and 47.56.076; and repealing RCW 47.56.273, 47.56.282, 47.56.284, 47.56.286, 47.56.287, 47.56.288, 47.56.290, 47.56.291, 47.56.310, 47.56.320, 47.56.330, 47.56.340, 47.56.343, 47.56.345, 47.56.360, 47.56.380, 47.56.390, 47.56.400, 47.56.410, 47.56.420, 47.56.430, 47.56.440, 47.56.450, 47.56.460, 47.56.470, 47.56.480, 47.56.490, 47.56.500, 47.56.580, 47.56.590, 47.56.610, 47.56.630, 47.56.631, 47.56.640, 47.56.643, 47.56.646, 47.56.649, 47.56.652, 47.56.655, 47.56.658, 47.56.659, 47.56.661, 47.56.667, 47.56.700, 47.56.701, 47.56.702, 47.56.703, 47.56.704, 47.56.705, 47.56.706, 47.56.7115, 47.56.7125, 47.56.740, 47.56.741, 47.56.742, 47.56.743, 47.56.744, 47.56.745, 47.56.746, 47.56.747, 47.56.748, 47.56.749, 47.56.750, 47.56.751, 47.56.752, 47.56.753, 47.56.754, 47.56.755, 47.56.756, 47.56.760, 47.56.761, 47.58.500, 47.60.445, 47.60.450, 47.60.500, 47.60.502, 47.60.503, 47.60.505, and 47.60.530.

Referred to Committee on Transportation.

SB 5140 by Senators Berkey, Kastama and Kohl-Welles

AN ACT Relating to the disposal of surplus funds of candidates or political committees; and amending RCW 42.17.095.

Referred to Committee on Government Operations & Elections.

SB 5141 by Senators Rasmussen, Schmidt, McAuliffe, Delvin, Rockefeller, Shin, Weinstein, Berkey, Pflug, Kohl-Welles, Hargrove, Kline, Regala, Thibaudeau and Spanel

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5142 by Senators Schoesler, Rasmussen, Morton and Delvin

AN ACT Relating to air registrations for elevators and warehouses; and amending RCW 70.94.151.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5143 by Senators Weinstein, Swecker, Jacobsen, Mulliken, Brandland and Parlette

AN ACT Relating to the "Ski & Ride Washington" special license plate; reenacting and amending RCW 46.16.313 and 46.16.316; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5144 by Senators Eide, Keiser, Doumit, Poulsen, Weinstein, Fairley, Schmidt, Regala, Jacobsen, Kastama, Fraser, Berkey, Kline, Brown, Spanel, Kohl-Welles, Shin, Rasmussen and Pridemore

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5145 by Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin

AN ACT Relating to a boater safety education program; amending RCW 79A.60.010; adding new sections to chapter 79A.60 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5146 by Senators Keiser, Parlette, Kastama and Brandland

AN ACT Relating to allowing confidential quality improvement committee meetings, proceedings, and deliberations; and amending RCW 70.44.062.

Referred to Committee on Health & Long-Term Care.

SB 5147 by Senators Kohl-Welles and Kline

AN ACT Relating to paid petition signature gathering; amending RCW 29A.84.280; reenacting RCW 29A.84.250; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5148 by Senators Kohl-Welles, Kline, Fairley and Carrell

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

Referred to Committee on Judiciary.

SB 5149 by Senators Kohl-Welles, Thibaudeau, Keiser, Kline and Spanel

AN ACT Relating to prescription drug marketing and disclosure; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5150 by Senators Haugen, Swecker and Jacobsen

AN ACT Relating to marine pilot licensing qualifications and procedures; amending RCW 88.16.035, 88.16.090, and 88.16.118; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SJR 8202 by Senators Eide, Keiser, Doumit, Poulsen, Weinstein, Fairley, Schmidt, Jacobsen, Kastama, Regala, Fraser, Berkey, Kline, Brown, Spanel, Kohl-Welles, Shin, Rasmussen and Pridemore

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

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5129 which was referred to the Committee on Human Services & Corrections.

MOTION

At 12:05 p.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 17, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 14, 2005

2005 REGULAR SESSION

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 17, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 14, 2005

MR. PRESIDENT:

The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8400
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8400.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5151 by Senators Franklin, Oke, Regala, Benton, Rasmussen, Roach, Eide, Haugen, Berkey, Kline and Fairley

AN ACT Relating to disposition of surplus property by a metropolitan park district; amending RCW 35.61.132 and 35.61.132; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5152 by Senators Zarelli, Pridemore and Stevens

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

Referred to Committee on Government Operations & Elections.

SB 5153 by Senators Pridemore and Kline

AN ACT Relating to the implementation of a local surcharge on consumer fireworks to support enforcement of consumer fireworks regulations by counties, cities, and towns; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5154 by Senators Pridemore and Zarelli

AN ACT Relating to the leasehold excise tax exemption for certain historical property; and amending RCW 35.21.755.

Referred to Committee on Government Operations & Elections.

SB 5155 by Senators Morton, Mulliken, Roach, Hewitt, Swecker, Parlette, Carrell, Schoesler, Delvin, Benson, Honeyford and Deccio

AN ACT Relating to noxious weeds; and amending RCW 17.10.145.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5156 by Senators Morton, Swecker, Oke, Deccio, Stevens, Honeyford, Mulliken and Hewitt

AN ACT Relating to governmental consensus processes; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5157 by Senators Regala, Carrell, Kline, Roach, Zarelli, Kastama, Oke, Franklin, Brandland, McCaslin and Shin

AN ACT Relating to local law enforcement automatic fingerprint identification systems; amending RCW 43.43.570; and creating a new section.

Referred to Committee on Judiciary.

SB 5158 by Senators Keiser, Brandland, Kastama, Parlette and Benson

AN ACT Relating to making certain provisions in the uniform health care information act consistent with the health insurance portability and accountability act privacy regulation, by addressing the period of validity of an authorization, accounting for disclosures, reporting of criminal activities, sharing quality improvement information, and modifying provisions on payment for health care, health care operations, and related definitions; and amending RCW 70.02.010, 70.02.020, 70.02.030, and 70.02.050.

Referred to Committee on Health & Long-Term Care.

SB 5159 by Senator Keiser

AN ACT Relating to fees for performing independent reviews of health care disputes; and amending RCW 43.70.235.

Referred to Committee on Health & Long-Term Care.

SB 5160 by Senators Eide, Swecker, Berkey and Regala

AN ACT Relating to the use of a wireless communications device while operating a motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5161 by Senators Eide and Swecker

AN ACT Relating to accident reports; and amending RCW 46.52.030 and 46.52.060.

Referred to Committee on Transportation.

SB 5162 by Senators Zarelli, Benton, Sheldon and Oke

AN ACT Relating to a small trailer license fee; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5163 by Senators Haugen, Jacobsen, Spanel and Kline

AN ACT Relating to eliminating the handling loss deduction for the motor vehicle fuel tax; repealing RCW 82.36.029; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5164 by Senators Haugen, Oke, Jacobsen, Swecker, Poulsen, Spanel and Shin

AN ACT Relating to impact fees imposed by the department of transportation; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5165 by Senators Kline, Brandland, Roach, Stevens, Regala, Shin, Keiser, McCaslin and Thibaudeau

AN ACT Relating to expansion of the DNA identification system; amending RCW 43.43.735, 43.43.754, 43.43.752, and 46.63.110; adding a new section to chapter 43.43 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5166 by Senators Hargrove, Stevens, Kline, Hewitt, Regala, Zarelli, Brandland, Roach, Carrell, McCaslin and Shin

AN ACT Relating to studying electronic monitoring as an alternative to incarceration; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5167 by Senator Hargrove

AN ACT Relating to firearm noise suppressors; and amending RCW 9.41.250.

Referred to Committee on Judiciary.

SB 5168 by Senators Hargrove and Shin

AN ACT Relating to volunteer ambulance personnel; and amending RCW 35A.11.110.

Referred to Committee on Government Operations & Elections.

SB 5169 by Senators Hargrove and Shin

AN ACT Relating to the carry over of funds for biotoxin testing and monitoring; amending RCW 77.32.555; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5170 by Senators Carrell, Rasmussen, Rockefeller and Shin

AN ACT Relating to conduct of law enforcement officers; adding a new section to chapter 43.43 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 5171 by Senators Carrell, Rockefeller, Rasmussen, Shin, Schoesler, Delvin and McAuliffe

AN ACT Relating to enhancing school safety through information sharing between schools and juvenile justice and care agencies; and amending RCW 13.50.050.

Referred to Committee on Human Services & Corrections.

SB 5172 by Senators Johnson, Kline, Esser and Weinstein

AN ACT Relating to the revised uniform arbitration act; amending RCW 3.46.150, 3.50.800, 3.50.805, 15.49.071, 35.20.010, 35.22.425, 35.23.555, 35.27.515, 35.30.100, 35A.11.200, 46.96.150, 49.66.090, 59.18.320, 59.18.330, 59.20.260, 59.20.270, and 70.87.205; adding a new chapter to Title 7 RCW; repealing RCW 7.04.010, 7.04.020, 7.04.030, 7.04.040, 7.04.050, 7.04.060, 7.04.070, 7.04.080, 7.04.090, 7.04.100, 7.04.110, 7.04.120, 7.04.130, 7.04.140, 7.04.150, 7.04.160, 7.04.170, 7.04.175, 7.04.180, 7.04.190, 7.04.200, 7.04.210, and 7.04.220; and providing an effective date.

Referred to Committee on Judiciary.

SB 5173 by Senators Johnson, Weinstein, Esser and Kline

AN ACT Relating to the uniform mediation act; amending RCW 7.75.050, 26.09.015, 35.63.260, and 48.43.055; reenacting and amending RCW 42.17.310; adding a new chapter to Title 7 RCW; repealing RCW 5.60.070 and 5.60.072; and providing an effective date.

Referred to Committee on Judiciary.

SB 5174 by Senators Shin, Schmidt, Kohl-Welles, Rasmussen, Kline, Keiser, Roach, Doumit, Regala, Berkey, Pflug, McAuliffe, Franklin and Eide

AN ACT Relating to providing a source of funding for customized work force training; amending RCW 43.163.020; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 28C RCW.

Referred to Committee on International Trade & Economic Development.

SB 5175 by Senators Shin, Schmidt, Kohl-Welles, Rasmussen, Rockefeller, Eide, Kline, Roach, Berkey, Doumit and McAuliffe

AN ACT Relating to excise tax incentives for international companies investing in Washington; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 5176 by Senators Shin, Doumit, Rasmussen, Eide, Roach and Berkey

AN ACT Relating to department of community, trade, and economic development programs; amending RCW 43.21J.010, 43.63A.230, 43.168.020, 43.168.040, 43.168.050, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.130, 43.168.150, 43.330.050, 43.330.060, 43.330.090, 43.330.092, 47.36.330, and 43.31.522; creating a new section; repealing RCW 43.31.057, 43.31.145, 43.31.390, 43.31.403, 43.31.406, 43.31.409, 43.31.411, 43.31.414, 43.31.417, 43.31.526, 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.715, 43.160.115, 43.160.180, 43.165.010, 43.168.031, 43.170.010, 43.170.020, 43.170.030, 43.170.040, 43.170.060, 43.170.070, 43.172.005, 43.172.010, 43.172.011, 43.172.020, 43.172.030, 43.172.040, 43.172.050, 43.172.060, 43.172.070, 43.172.080, 43.172.090, 43.172.100, 43.172.110, 43.172.120, 43.172.900, 43.172.901, 43.172.902, 43.172.903, 43.330.180, 43.21A.670, 43.23.240, 43.30.470, 43.70.450, 77.12.750, 79A.05.350, and 90.71.090; providing an effective date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5177 by Senators Swecker, Jacobsen, Haugen and Oke

AN ACT Relating to transportation benefit districts; amending RCW 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, 36.73.150, 82.14.060, 35.21.225, 47.56.075, and 82.80.030; reenacting and amending RCW 82.14.050; adding new sections to chapter 36.73 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5178 by Senators Kastama, Keiser, Benson and Brandland

AN ACT Relating to licensing specialty hospitals; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5179 by Senators Morton, Jacobsen, Sheldon and Stevens

AN ACT Relating to forest health; amending 2004 c 218 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5180 by Senators Kastama, Roach, Sheldon and Shin

AN ACT Relating to the Washington economic development finance authority; amending RCW 43.163.210; and reenacting and amending RCW 43.163.130.

Referred to Committee on Government Operations & Elections.

SB 5181 by Senators Rasmussen, Esser, Kastama and Benson

AN ACT Relating to ownership of vehicle parts used in reconstruction; and amending RCW 46.12.030.

Referred to Committee on Transportation.

SB 5182 by Senators Franklin and Sheldon

AN ACT Relating to single burial use of multiple internment space; and adding a new section to chapter 68.05 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5183 by Senators Franklin, Thibaudeau, Rockefeller, Kastama, Fraser, Keiser, Regala, Weinstein, Hargrove, Doumit, Shin, Brandland, Kline, Kohl-Welles, Poulsen, Jacobsen and McAuliffe

AN ACT Relating to tax relief to promote affordable housing; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5184 by Senators Franklin, Carrell, Brandland, Regala and Rasmussen

AN ACT Relating to law enforcement services at residential habilitation centers and state hospitals; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5185 by Senators Franklin and Kline

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Health & Long-Term Care.

SB 5186 by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen

AN ACT Relating to increasing the physical activity of Washington citizens; amending RCW 70.38.015, 36.70A.070, 36.81.121, 43.17.250, 28A.300.040, and 28A.320.015; reenacting and amending RCW 35.77.010 and 79A.05.030; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5187 by Senators Franklin, Thibaudeau, Rockefeller, Keiser, Kline and Jacobsen

AN ACT Relating to guardianship bond requirements; and amending RCW 11.88.105.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5188 by Senators Franklin, Thibaudeau, Kohl-Welles, Keiser, Kline, Rasmussen, Fairley, Jacobsen and McAuliffe

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

Referred to Committee on Health & Long-Term Care.

SB 5189 by Senators Franklin, Thibaudeau, Keiser, Regala, Doumit, Rockefeller, Brown, Kline, Fairley, Rasmussen, McAuliffe, Fraser, Prentice, Jacobsen, Poulsen and Kohl-Welles

AN ACT Relating to lead-based paint activities; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5190 by Senators Fraser, Schoesler, Rasmussen and Swecker

AN ACT Relating to adulteration of commercial feed; amending RCW 15.53.902 and 15.53.904; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5191 by Senators Weinstein, Esser, McAuliffe, Swecker, Eide, Poulsen, Brown, Kastama, Schmidt, Spanel, Berkey, Rockefeller, Rasmussen, Jacobsen, Kline and Kohl-Welles

AN ACT Relating to an education finance study; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5192 by Senators Delvin, Fraser and Regala

AN ACT Relating to city and county disability boards; amending RCW 41.26.110; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5193 by Senators Pflug, Regala, Parlette and Fraser

AN ACT Relating to the membership of the executive committee of the select committee on pension policy; and amending RCW 41.04.276.

Referred to Committee on Ways & Means.

SB 5194 by Senators Franklin, Benton and Keiser

AN ACT Relating to the United States longshore and harbor workers' compensation account in the Washington insurance guaranty association; amending RCW 48.32.010, 48.32.020, 48.32.030, 48.32.040, 48.32.050, 48.32.060, and 48.32.100; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5195 by Senators Fairley, Benton, Keiser, Benson and Berkey

AN ACT Relating to adopting the interstate insurance product regulation compact; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5196 by Senators Fairley, Benton, Keiser, Benson, Franklin and Berkey

AN ACT Relating to insurable interests and employer-owned life insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5197 by Senators Fairley, Benton, Keiser, Franklin and Berkey

AN ACT Relating to the administrative supervision of financially distressed insurers; amending RCW 48.31.020 and 48.31.115; and adding new sections to chapter 48.31 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5198 by Senators Keiser, Brandland and Berkey

AN ACT Relating to the implementation of changes to medicare supplement insurance requirements as mandated by the medicare modernization act of 2003 and other federal requirements; amending RCW 48.66.020, 48.66.045, 48.66.055, and 48.66.130; adding a new section to chapter 48.66 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SJM 8001 by Senators Fraser, McCaslin, Kohl-Welles, Franklin, Brown and Kline

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Judiciary.

SJR 8203 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to provide for a revenue stabilization fund.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5155 which was referred to the Committee on Natural Resources, Ocean & Recreation and Senate Bill No. 5174 which was referred to the Committee on International Trade & Economic Development.

MOTION

At 12:05 p.m. on motion of Senator Eide, the Senate adjourned until 11:45 a.m., Tuesday, January 18, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 17, 2005

2005 REGULAR SESSION

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 18, 2005

The Senate was called to order at 11:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 18, 2005

SB 5180 Prime Sponsor, Kastama: Authorizing the economic development finance authority to continue issuing bonds.
Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Roach

Passed to Committee on International Trade & Economic Development.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 12, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Social & Health Services report entitled "Care & Medicaid Payments for Licensed Boarding Homes." This report is mandated under Chapter 231, Laws of 2003.

If you have any questions about the report, please call Pat Hague at 360-725-2447.

Sincerely,
Dennis Braddock, Secretary

The Social & Health Services report entitled "Care & Medicaid Payments for Licensed Boarding Homes." is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5199 by Senators Poulsen, Swecker and Haugen

AN ACT Relating to vehicle length and width measurement exclusive devices and specialized equipment; amending RCW 46.44.010 and 46.44.030; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5200 by Senators Kastama, Swecker, Haugen, Franklin, Regala, Oke and Shin

AN ACT Relating to transferring overweight sealed ocean-going containers between ocean marine terminals and railheads; adding a new section to chapter 46.44 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5201 by Senators Haugen, Kastama, Swecker, Johnson, Benton, Weinstein and Shin

AN ACT Relating to high-occupancy toll lanes; amending RCW 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.66 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5202 by Senators Parlette, Hewitt, Zarelli, Brandland, Schoesler, Delvin, Mulliken, Johnson, Rasmussen, Benton, Roach, Oke, Benson and Stevens

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

Referred to Committee on Ways & Means.

SB 5203 by Senators Parlette, Morton, Mulliken, Honeyford, Stevens, Deccio, Swecker, Roach, Delvin and Sheldon

AN ACT Relating to a water policy pilot project in the Methow river basin; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5204 by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin

AN ACT Relating to chattel liens; amending RCW 60.10.030; adding new sections to chapter 60.08 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5205 by Senators Fraser and Hewitt

AN ACT Relating to making payments under certain bond authorization acts; and amending RCW 39.53.120, 43.99K.030, and 67.40.060.

Referred to Committee on Ways & Means.

SB 5206 by Senators Doumit, Brandland, Fraser and Pridemore

AN ACT Relating to training for newly elected county officers; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Government Operations & Elections.

SB 5207 by Senators Doumit, Hargrove and Sheldon

AN ACT Relating to liability limitations for providing pilotage services; and amending RCW 88.16.115 and 88.16.118.

Referred to Committee on Transportation.

SB 5208 by Senators Haugen, Delvin, Weinstein, Esser, Carrell, Keiser, McAuliffe and Rasmussen

AN ACT Relating to negotiating state patrol officer wages and wage-related matters; amending RCW 41.56.473 and 41.56.475; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5209 by Senators Hargrove, McAuliffe, Rasmussen and Oke

AN ACT Relating to antiharassment protection orders; amending RCW 10.14.170; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5210 by Senators Doumit and Mulliken

AN ACT Relating to allowing fire protection facilities to use impact fees; and amending RCW 82.02.090.

Referred to Committee on Government Operations & Elections.

SB 5211 by Senators Keiser, Hewitt, Prentice, Mulliken, Sheldon, Finkbeiner, Shin, Franklin, Rockefeller and Kohl-Welles

AN ACT Relating to prohibiting pyramid promotional schemes; adding a new chapter to Title 19 RCW; and repealing RCW 19.102.010 and 19.102.020.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5212 by Senators Fairley, Benson and Keiser

AN ACT Relating to funding group life insurance; and amending RCW 48.24.020 and 48.24.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5213 by Senators Brandland, Hargrove, Esser, Regala, McAuliffe, Thibaudeau, Stevens, Kohl-Welles and Shin

AN ACT Relating to supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs; amending RCW 74.08.025; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5214 by Senators Morton, Brandland, Hewitt, Benson, Carrell and Mulliken

AN ACT Relating to authorizing multiyear excess property tax levies for cemetery districts; amending RCW 84.52.052 and 68.52.310; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 5215 by Senators Morton, Brandland, Hewitt, Benson, Carrell, Stevens, Mulliken, Fraser, Regala, Sheldon, Roach and Rockefeller

AN ACT Relating to waters of the state to fight forest and range fires; adding a new section to chapter 90.28 RCW; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5216 by Senators Morton, Hewitt, Benson, Stevens, Mulliken, Sheldon, Roach and Oke

AN ACT Relating to gray wolf management; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5217 by Senators Regala, Hewitt, Poulsen, Honeyford, Rockefeller, Kastama, Fraser, Morton, Benson and Mulliken

AN ACT Relating to the solid waste advisory committee; and amending RCW 70.95.040.

Referred to Committee on Water, Energy & Environment.

SB 5218 by Senators Regala, Hewitt, Eide, Zarelli, Kohl-Welles, Rasmussen and Benton

AN ACT Relating to the taxation of temporary staffing services; amending RCW 82.04.460, 82.04.290, and 82.08.054; reenacting and amending RCW 82.04.190 and 82.08.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5219 by Senators Kastama, Schmidt, Rockefeller and Pridemore

AN ACT Relating to changing primary dates and associated election procedures; amending RCW 29A.04.311, 29A.20.121, 29A.24.050, 29A.24.131, 29A.24.171, 29A.24.201, and 29A.28.011; repealing RCW 29A.04.158 and 29A.24.200; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5220 by Senators Kastama, Pridemore, Fraser and Berkey

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

Referred to Committee on Government Operations & Elections.

SB 5221 by Senators Schmidt, Rasmussen, Brandland, Sheldon, Benson, Shin, Spanel, Kastama, Haugen, Schoesler, Fraser, Morton, Roach, Hewitt, Rockefeller, Franklin, McAuliffe, Kohl-Welles, Mulliken, Benton and Oke

AN ACT Relating to the joint committee on veterans' and military affairs; and amending RCW 73.04.150.

Referred to Committee on Government Operations & Elections.

SB 5222 by Senators Esser and Doumit

AN ACT Relating to the insanity defense; amending RCW 10.77.020; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5223 by Senators Esser and Doumit

AN ACT Relating to decriminalizing "fine-only" misdemeanors; amending RCW 15.53.904, 16.52.095, 19.32.180, 19.76.110, 19.84.040, 24.03.420, 24.03.425, 24.06.465, 24.06.470, 26.04.110, 26.04.240, 28A.535.070, 35.34.280, 35A.33.160, 35A.34.280, 36.40.240, 48.36A.360, 49.12.130, 70.54.030, 70.90.205, 70.95B.140, 70.119.130, 72.40.100, 73.04.020, 78.04.050, 81.44.105, 84.08.050, 88.02.110, and 90.36.050; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5224 by Senators Esser and Doumit

AN ACT Relating to penalties for indecent liberties; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5225 by Senators Jacobsen, Swecker, Oke, Doumit, Hargrove and Rasmussen

AN ACT Relating to deer and elk hunting; and amending RCW 77.32.450.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5226 by Senators Jacobsen, Swecker, Oke, Hargrove, Fraser, Morton, Rasmussen and Shin

AN ACT Relating to short-term fishing licenses; and amending RCW 77.32.470 and 77.32.430.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5227 by Senators Jacobsen, Doumit, Fraser and Rasmussen

AN ACT Relating to wildlife harvest reports; amending RCW 77.32.070 and 77.15.280; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5228 by Senators Jacobsen, Swecker, Oke, Doumit, Fraser, Rockefeller, Rasmussen and Roach

AN ACT Relating to Wild On Washington license plates; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5229 by Senators Swecker, Jacobsen, Doumit, Fraser, Kohl-Welles and Rasmussen

AN ACT Relating to endangered wildlife license plates; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5230 by Senators Swecker, Jacobsen, Oke, Doumit, Fraser, Rockefeller, Kohl-Welles and Rasmussen

AN ACT Relating to Washington's Wildlife license plate collection; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5231 by Senators Jacobsen and Oke

AN ACT Relating to the definition of the term "conviction" in chapter 77.15 RCW; and amending RCW 77.15.050.

Referred to Committee on Judiciary.

SB 5232 by Senators Oke, Swecker and Jacobsen

AN ACT Relating to turkey tags; and amending RCW 77.32.460.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5233 by Senators Doumit and Oke

AN ACT Relating to food fish and shellfish commercial licenses; and amending RCW 77.65.010, 77.65.170, 77.65.190, 77.65.210, and 77.65.390.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5234 by Senators Jacobsen, Oke, Swecker, Doumit, Hargrove and Rasmussen

AN ACT Relating to hunting access; amending RCW 77.12.320; reenacting and amending RCW 4.24.210; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5235 by Senators Kohl-Welles, Keiser, Fraser, Prentice and Kline

AN ACT Relating to establishing fees to administer child labor laws; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5236 by Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline

AN ACT Relating to providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account; and amending RCW 39.12.070 and 39.12.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5237 by Senators Keiser, Kohl-Welles, Parlette, Honeyford, Prentice and Shin

AN ACT Relating to mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers; amending RCW 51.14.110, 51.14.110, and 51.14.030; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5238 by Senators Kohl-Welles, Parlette, Fraser and Honeyford

AN ACT Relating to the boilers and unfired pressure vessels law; amending RCW 70.79.080, 70.79.090, 70.79.160, 70.79.190, 70.79.320, and 70.79.170; adding a new section to chapter 70.79 RCW; and repealing RCW 70.79.360.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5239 by Senators Kohl-Welles, Fraser, Keiser, Franklin, Prentice and Rockefeller

AN ACT Relating to limiting lien authority against a residential homeowner; and amending RCW 60.04.031.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5240 by Senators Keiser, Kohl-Welles, Fraser, Prentice and Kline

AN ACT Relating to authorizing the director of labor and industries to issue and enforce civil penalties for violations of the minimum wage act and chapter 49.48 RCW; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding new sections to chapter 49.48 RCW; adding new sections to chapter 49.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5241 by Senators Fraser, Swecker, Rockefeller, Rasmussen, Sheldon and Oke

AN ACT Relating to district court judges; amending RCW 3.34.010; and creating a new section.

Referred to Committee on Judiciary.

SB 5242 by Senators Doumit, Brandland, Hargrove, Pridemore, Kohl-Welles and Rasmussen

AN ACT Relating to inmates of local correctional institutions possessing weapons; and amending RCW 9.94.040.

Referred to Committee on Human Services & Corrections.

SB 5243 by Senators Kohl-Welles, Hargrove and Stevens

AN ACT Relating to assessments for the prostitution prevention and intervention account; amending RCW 9.68A.105 and 9A.88.120; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5244 by Senators Regala, Fraser and Rasmussen

AN ACT Relating to the public employment of retirees from the teachers' retirement system and the public employees' retirement system; amending RCW 41.32.010, 41.32.055, 41.32.570, 41.40.010, 41.40.010, and 41.40.037; reenacting and amending RCW 41.40.037; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5245 by Senators Fraser, Regala, McAuliffe, Rasmussen and Shin

AN ACT Relating to technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter; amending RCW 41.04.270, 41.32.860, 41.34.070, 41.37.010, 41.37.020, 41.37.050, 41.37.250, 41.40.197, and 41.40.850; reenacting RCW 41.45.070; repealing RCW 41.35.050, 41.37.040, 41.40.032, and 41.50.067; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5246 by Senators Fraser, Regala, McAuliffe and Rasmussen

AN ACT Relating to public pensions that replaces gain-sharing provisions with certain changes in benefits and sets contribution rates for the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.32.835, 41.35.610, 41.31A.010, 41.31A.020, 41.45.061, 41.34.040, 41.32.010, 41.32.4851, 41.32.489, 41.40.010, 41.40.010, 41.40.197, and 41.40.1984; adding new sections to chapter 41.45 RCW; creating a new section; decodifying RCW 41.31A.030, 41.31A.040, and 41.45.054; repealing RCW 41.31.010, 41.31.020, and 41.31.030; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5247 by Senators Morton, Regala and Fraser

AN ACT Relating to survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1; and amending RCW 41.26.160, 41.26.161, and 41.26.162.

Referred to Committee on Ways & Means.

SB 5248 by Senators Kastama, Keiser, Rockefeller, Brandland and Thibaudeau

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

Referred to Committee on Health & Long-Term Care.

SB 5249 by Senators Pridemore, Kastama, Berkey and Schmidt

AN ACT Relating to authorizing state agencies to waive bond and retainage requirements on small works roster contracts; and amending RCW 39.04.155.

Referred to Committee on Government Operations & Elections.

SB 5250 by Senators Pridemore, Kastama, Berkey, Schmidt and Shin

AN ACT Relating to authorizing the department of general administration to enter into additional job order contracts; and amending RCW 39.10.130.

Referred to Committee on Government Operations & Elections.

SB 5251 by Senators Zarelli and Pridemore

AN ACT Relating to shoreline master programs; and amending RCW 90.58.080.

Referred to Committee on Water, Energy & Environment.

SJR 8204 by Senators Morton, Brandland, Hewitt, Benson, Carrell and Mulliken

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 11:48 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of a Joint Session with the House of Representatives to receive the State of the Judiciary Address.

JOINT SESSION

Pursuant to House Concurrent Resolution No. 4400, Speaker of the House Frank Chopp called the Joint Session to order.

The Sergeant at Arms of the House announced the arrival of the Senate. The Speaker (Representative Lovick presiding) instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Lisa Brown and Minority Leader Bill Finkbeiner to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Speaker (Representative Lovick presiding) called the Joint Session to order. The Clerk called the roll of the members of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

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

The President appointed a special committee to escort the Supreme Court Justices to the Chamber: Representatives Appleton, Ericks, Priest and Rodne, and Senators Eide, Rockefeller, Carrell and Johnson.

The President appointed a special committee to escort the State elected officials to the Chamber: Representatives Kretz, Lantz, Takko and Walsh, and Senators Regala, Shin and Stevens.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her to the Chamber: Representatives Pettigrew and Serben, and Senators Franklin and Schmidt.

The President appointed a special committee to escort Chief Justice Gerry Alexander to the Chamber: Representatives McCune and Springer, and Senators Kline and Esser.

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

The State Elected Officials arrived, were escorted to the front of the Chamber and were introduced: Secretary of State Sam Reed, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson and Commission of Public Lands Doug Sutherland.

Governor Christine Gregoire arrived, was escorted to the Rostrum.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the Rostrum by Cub Scout Pack 205 from Centennial Elementary School, Olympia. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend David James, St. John's Episcopal Church, Olympia.

The President complimented Cub Scout Pack 205 for their exemplary presentation of the colors.

The President introduced Chief Justice Gerry Alexander for delivery of the State of the Judiciary address for which the Joint Session was convened.

STATE OF THE JUDICIARY

Chief Justice Gerry Alexander: "President Owen, Speaker Chopp, Governor Gregoire, state elected officials, members of the House and Senate, fellow justices, ladies and gentlemen. Good afternoon.

Let me first extend thanks to all of the members of the legislature for the warm welcome you have accorded me and my fellow justices on this and other occasions. I must tell you at the outset that I am delighted to be back with you in this grand old legislative building where I delivered my first state of the judiciary address four years ago.

As some of you may know, I was raised in Olympia and I have spent almost all of my adult life in this city. Having lived within sight of this building for all of these years has led me to have great affection for this magnificent building and the other buildings on this campus, including, of course, the Temple of Justice. I am so pleased that the Washington Legislature took the steps that it did to restore this building to its former glory. The Legislative Building is truly the centerpiece of the most beautiful state capitol campus in the land and it looks great. As a proud Washingtonian and Olympian, I thank you.

As you have undoubtedly observed, members of our court have been frequent guests in this building of late, what with various oath taking sessions, a State of the State message by former Governor Locke, and, of course, an inauguration and inaugural ball. The truth is that we enjoy being a part of these events, but we promise you now that the traditional opening rituals of this legislative session are behind us, we will recede into the Temple of Justice across the way and try to be less noticeable.

That, I suppose, is as it should be under the doctrine of separation of powers, one of the crown jewels of our form of government. I think, though, that it is a good thing for the branches of government to have contact such as we have had this past week or so, because our government functions better if the elected members of the three branches get acquainted with one another and gain a better appreciation of the role that each performs in our democracy.

Let me also thank the members of the legislature for inviting me to deliver this message on behalf of Washington's judiciary. We know that time is precious to all of you during a legislative session. We are also aware that you need not accord me this privilege. The state constitution requires only that the judges of the Supreme Court report to the governor in writing in January of each year on defects and omissions in the law. It does not require the Supreme Court to report to the legislature nor does it require you to provide us with that opportunity. But by a custom that has developed in recent years, the chief justice of the Washington Supreme Court has been invited to speak to the legislature every other year, on the state of our justice system. We are most grateful for that opportunity.

Relevant to that subject I would like to say a brief word about the court on which I sit, the State Supreme Court. We have, in my view, a very fine court and I am extremely proud of all of my colleagues and am very honored to have been elected by them to serve a second four-year term as chief justice.

I can tell you that all of us on our court are unified in our desire to work with our judicial colleagues around the state to deliver equal and quality justice to all in a system that is administered, in the words of our state constitution, "openly and without unnecessary delay." Our court is currently very experienced. All of us practiced law in this state early in our careers and collectively we have 117 years of judicial service. I am pleased to say also that the relationship between the justices is very collegial. At the same time, though, we are all free thinking individuals who come from a variety of backgrounds. Thus, it is not surprising that we are not unanimous on every issue that comes before us.

Although most of you are somewhat familiar with the veteran members of the Supreme Court, I would like to say a word about our newest member, Justice James Johnson. He was sworn in at a ceremony at our court a mere eight days ago. Justice James Johnson is a native Washingtonian who obtained his B.A. degree from Harvard. He then went on to law school at the University of Washington. Following law school Justice Johnson served a two-year stint as an officer in the United States Army. For the next 20 years he served with distinction as an assistant attorney general of the state of Washington. Since 1993 he has engaged in the private practice of law in Olympia. We welcome Justice James Johnson to our court and look forward to working with him in succeeding years.

Whenever a new person comes to the court it is a happy occasion, but it is always accompanied by a tinge of sadness. That is because when someone new comes on the court that means that a valued colleague has left to create an opening. So as delighted as we are to welcome Justice James Johnson, we will still miss our friend, Justice Faith Ireland, at our conference table. I have asked Justice Ireland to be here today and I would like her to stand so that you can join me in thanking her for her twenty-plus years of devoted service to the people of the state of Washington, as a superior court judge, Supreme Court justice, and nationally recognized leader in the area of judicial education-Justice Ireland.

Let me now, in my capacity as chief justice, speak to you more directly about the state of Washington's justice system. I can tell you right up front that the judicial branch of government is managing to keep its head above water, despite the many and increasing demands that have been placed upon it. This would not be true, of course, without the hard work and ingenuity of the many judicial officers of this state as well as the splendid employees of the judicial branch, including the excellent county clerks in each of our counties. I can honestly say that in my 32 years as a judge in this state, the judiciary has never been more skilled and hard working than it is right now.

I can't begin to convey to you the depth of my admiration for the outstanding work of the 208 full- and part-time judges of our district and municipal courts who hold forth in the towns, cities, and counties of our state and who manage caseloads made heavy with over two million new filings each year. Our state's 179 superior court judges are equally as dedicated and energetic, managing to stay on top of caseloads that are enriched each year by approximately a quarter million new filings. Collectively, our two levels of trial court entertain approximately one case filing for every 2.5 citizens each year-cases that run the gamut from a dispute over a parking or speeding citation to cases where the charge is aggravated murder in the first degree. On the civil side, they entertain small claims to cases that involve millions and, in some cases, billions of dollars and significant public issues.

I am also very proud of our appellate courts. I have already made reference to the court on which I sit, the Supreme Court. Let me say a word about our State Court of Appeals, which sits in divisions that are located in Seattle, Spokane, and Tacoma. This is a workhorse court which doesn't get near the credit that it deserves. Unlike the Supreme Court, it is without discretion to decline an appeal and it must take on all cases that are ripe for review. In 2004, that court managed to maintain its tradition of staying current despite an influx of approximately 4,400 appeals, personal restraint petitions, and other petitions.

I wish I could have invited every judicial officer in the state to be here today, but, as you can tell from my remarks, they have plenty work to do at home. I did, though, ask a few judges to be here to represent all of our state's judges-allow me to introduce them to you. Representing the district and municipal court judges of our state is Judge Eileen Kato, of the King County District Court. Judge Kato is a very fine judge and is president of the District and Municipal Court Judges' Association. Judge Kato. Representing the superior courts, we have the very able Leonard Costello, president of the Superior Court Judges' Association. Judge Costello is a judge of the Kitsap County Superior Court. Judge Costello. Representing the 22 judges of our Court of Appeals, we have a veteran judge, Ken Kato of Division Three in Spokane. Judge Kato is standing in for Judge Elaine Houghton of Division Two in Tacoma, who is the chief presiding judge of the entire Court of Appeals. Judge Kato.

In past addresses to you, I have taken a few minutes to describe some of the really positive things that have taken place in the judicial branch over the last couple of years. I'm not going to do that today, not because there isn't much to talk about-there is. I could tell you, for instance, about court rules we have adopted to make our courts even more open to cameras and broadcast equipment and our court records more accessible to the public by electronic means. I could tell you also about the great work that some of our trial courts are doing, often on a shoestring, in developing and maintaining Unified Family Courts, and problem solving courts like drug courts and mental health courts. I could go on and on but I'm passing up that opportunity because I want to spend the remainder of my time talking to you about a serious problem that Washington's trial courts face, a problem that seriously inhibits the ability of those courts to deliver timely and quality justice to all of the persons who come before them-a problem that truly places justice in Washington in jeopardy.

The problem I am speaking about, in a nutshell, is the way we fund our trial courts and the extent to which we fund them. And, by the way, when I speak of trial courts I am talking about our superior courts, trial courts of general jurisdiction, and our district and municipal courts, trial courts of limited jurisdiction. There is, as you know, one or more superior court and district court in every county in our state and a municipal court in many, if not most, of our cities and towns.

As you probably know, since statehood our trial courts have largely been funded by local government, the counties and cities. Frankly, this funding mechanism worked well in the early days when courts had much less business and local government

had fewer obligations. But as the work of courts has grown dramatically and counties have, at the same time, experienced greater budget challenges, the budgets of our state's trial courts have suffered-in some places more than others. While time does not permit me to recite at length all of the ill effects of this inadequate funding, I can tell you that some of our trial courts are no longer able to provide probation services, and many, if not most, are unable to offer programs that have proven effective elsewhere like adult and juvenile drug courts, mental health courts, and unified family courts. Furthermore, too many of our trial court jurisdictions are experiencing crowded court dockets which frequently results in the postponement of trials, particularly civil trials. In three of our four largest counties, the time to trial in civil cases is over twelve months. That, ladies and gentlemen, is too long for people to wait to have their disputes resolved. This may seem trivial, but I have to tell you that the funding situation has become so bad in many counties, including our largest and wealthiest county, King, that our trial courts do not have sufficient funds to even provide box lunches for jurors when the jury is deliberating on its verdict. This means that trial judges have to permit sequestered jurors to separate at mealtimes and then return to the jury room after they have obtained a meal at their own expense.

Now our trial judges have obviously known of the problems that they face in their own jurisdictions, but the scope of the problem statewide was not fully catalogued. Consequently, the judiciary of the state determined in 2002 that a comprehensive analysis of the way our state's trial courts are funded and the sufficiency of that funding should be carried out. To conduct the study the Board for Judicial Administration, which is made up of the leadership of all four court levels in Washington, created a broad based task force. It consisted not only of judges and court administrators, but others with an interest in our state's justice system. The task force included six members of the legislature: Senators Adam Kline, Steve Johnson, Mike Hewitt, and Jim Kastama, and Representatives Pat Lantz, Lois McMahon and Ruth Kagi. We thank all of them for their service. The task force was chaired by a very distinguished attorney from Seattle, Wayne Blair, who is a past president of the Washington State Bar Association. Mr. Blair is here today and I would like him to stand and be recognized for the leadership he provided as chair of the task force. Mr. Blair. The task force was charged with focusing on trial court funding, both the structure of the funding and the amount necessary to adequately fund the trial courts and ensure long-term funding stability.

The task force completed its work in October 2004 when it issued its final report and executive summary-you have all been furnished with a copy of the report and you will receive the executive summary this week. While time will not permit me to summarize the report in great detail, I can tell you that the task force came to the conclusion, rather rapidly, that the way Washington's trial courts are funded is not very sound. As I have already indicated, these courts are largely locally funded with little financial support coming from state government. Because of a provision in the state constitution, the State is required to pay one-half of the salary of each superior court judge, but that is about it in the way of state funding. Currently Washington is 50th out of 50 states in terms of the percentage of state support for its trial courts if you include the cost of criminal prosecution and public defense.

A core finding of the task force is that there must be a rebalancing of responsibility for the funding of trial courts so that the state government, as opposed to local government, contributes in a more equitable way to the operations of the superior courts and the district and municipal courts. The report does not suggest, nor should it, that state government take over the entire responsibility for funding our trial courts, as our neighboring states of Oregon and California have done. Our state's populist traditions and a belief that government that is closest to the people is the best government, continues to suggest that counties and cities should share the cost of operating the trial courts within their jurisdiction. But it is also clear from the report that the state government should be contributing more toward the operations of its trial courts. I emphasize the words "its trial courts" because clearly the superior court is a state court, its judges being state elected officials with statewide jurisdiction. Our district courts, unlike the old justice of the peace courts, are also state courts. I am comfortable saying that because the legislature created these courts, you establish their number and location and their responsibilities and jurisdiction have been substantially increased in recent years.

The Board for Judicial Administration, after being presented with the task force report, spent considerable time reviewing its findings and recommendations. Eventually it developed a proposal for this, the 59th Legislature, to consider. Let me be clear-we understand that there are no quick fixes to the problems we see as a consequence of inadequate and unreliable funding for our trial courts. For over one hundred years, ever since statehood, our trial courts have been funded almost exclusively by local government and we know that this will not change overnight or even in one or two legislative sessions. It will take a long-term commitment from the judiciary and the legislature to rebalance the funding. We believe, though, that what we are proposing to you in this session is a reasonable first step.

Our first recommendations to you are in the area of trial court operations. We propose that state government undertake payment of one-half of the salary of our district court judges and elected municipal court judges. This would be consistent with what the state now provides for superior court judges and would be an important recognition of the increased stature of our important courts of limited jurisdiction which exist in every county of our state.

The other request in the area of trial court operations is that the State assume one-half of the costs for jurors. By that I mean one-half of the daily juror fee and mileage costs. I am sure you would agree with me that the right to trial by jury is one of the most sacred rights citizens of this nation possess. It is also a right that is guaranteed in civil and criminal cases by our state constitution. It seems only appropriate that the State should bear one-half of these costs that are now borne by counties and cities alone. In connection with this request, we are recommending that the minimum daily fee for jurors be increased from the present \$10 to between \$30 and \$45 for the second or subsequent day of jury service. As I indicated in my first state of the judiciary address four years ago, the present minimum daily fee of \$10, which was set in 1959, is woefully inadequate and, frankly, an embarrassment-it is not sufficient to reimburse jurors for the costs of parking in our larger cities, much less other out of pocket costs for things like child care that may be necessary. The argument I made four years ago for an increase in that fee is even more compelling today.

Now you may be asking yourself this question: if the State simply picks up costs already being borne by local government, how does that benefit our trial courts and allow them to deal with the problems caused by insufficient funding that have been identified in the task force report? That is a good question and one that is answered by our recommendation that one-half of the savings that counties realize as a consequence of the State's assumption of a portion of district court salaries and jury costs be set aside in local trial court improvement accounts. Decisions regarding expenditures from these accounts should be left to the sound discretion of the legislative body of the local government and should be available only for improvements to trial court operations.

The next proposal we make to you is not in the area of trial court operations. It is in the important area of public defense in criminal cases. Although the provision of public defense is, technically, a function of the executive branch, it is our trial courts that are in the best position to observe the work of our public defenders and, ultimately, it is courts that must determine if the state is meeting its constitutional obligation to provide effective counsel to indigent defendants in criminal cases. Unfortunately, our public defender systems in this state are not in good shape-I wish I could say otherwise, but I can't. Because almost the entire financial responsibility for providing counsel is being borne by local government, we have a situation where no two defender systems in Washington are the same. The result is that we have a crazy quilt of systems. Although the systems in some counties are better than in others, the most common feature that these systems share is public defender caseloads that are too large, a lack of training, and proper supervision for public defenders, and, almost always, a lack of adequate support services. The system, in other words, is broken and in crisis. What I am saying to you is borne out by the findings of the Washington State Bar Association's Blue Ribbon Panel on Public Defense and the investigative series that was recently carried in the Seattle Times. That series of articles showed that while many dedicated persons work in our public defender offices, in too many of our jurisdictions defendants are poorly served by the system.

Without assistance from the State, our cash strapped counties and cities are unable to correct the problems that have been identified in the bar study and the Times' articles. That is why we are recommending to the legislature that the State invest \$12,500,000 in the state's public defender systems in each year of the coming biennium. This money, we propose, should be distributed to the counties and cities on a formula, based largely on population and criminal filings. We recommend, though, that funding in the second year be contingent upon a showing by the jurisdiction that progress has been made in improving their system consistent with the long-ignored standards for public defense service that counties have been directed to develop pursuant to legislation passed by this body in 1989.

One might well ask at this point, why with all of the meritorious requests that are made to the legislature for funding should we be concerned about providing counsel to indigent defendants in criminal cases, when many of them will be found guilty of the crime with which they are charged or some lesser offense? The short answer is that the constitution we are all sworn to uphold guarantees the effective assistance of counsel to each defendant who is charged with a crime that carries with it a potential loss of liberty, regardless of the defendant's financial circumstances. Long before the famous United States Supreme Court case of Gideon v. Wainwright made that right binding on all of the states, as a matter of constitutional law, the legislature of this state recognized that responsibility. The year was 1909 when the 11th Legislature passed a statute, which said: Whenever a defendant shall be charged with a felony and "shall request the court to appoint counsel to assist in his defense" because "he is unable by reason of poverty to procure counsel, the court shall appoint counsel" to be paid at public expense.

Finally, we are also recommending to you that the state government phase in full funding of the cost of attorneys for the parents of children in termination proceedings. As you know, this legislature previously funded a four-year pilot project in which the State did ensure payment of these costs in the three pilot counties. This project has been immensely successful in moving these kinds of cases through the system more expeditiously than elsewhere and it has resulted in reducing the amount of time that the children, who are the subjects of these actions, spend in foster care. We also recommend that the State continue its efforts to improve the level of funding for civil legal services, consistent with the recommendations of the civil legal needs study that were approved by the Supreme Court's Task Force on Civil Equal Justice.

We recognize that what we are proposing will cost real money that the State is not now paying out. I wish, therefore, that we as judges could bring some money to the table so to speak. But, alas, as the judicial branch, we do not have the power to generate additional revenue. We do, however, collect a wide variety of fees at our trial courts. We believe that those fees, which have not been increased for some time, should be increased across the board and that other fees should be imposed for some services for which no fee is now imposed. If our recommendation in this regard is adopted by you, it will generate a substantial sum of money for the State that could assist in underwriting the costs of what we have proposed. We make this recommendation with a degree of reluctance because any increase in fees can, if it is too great, inhibit access to justice. We don't want to do that and we are satisfied that the increases we are proposing will not have that effect.

Let me close by saying that we know that this legislature will receive a myriad of requests to increase funding for a variety of governmental functions—for our common schools and universities for public employee salaries, for corrections and for public assistance, and on and on. All of these proponents, I am sure, will have a legitimate case to make. I don't mean to tell you how to sort out all of these competing requests, other than to say that the provision of justice, on both the criminal and civil side, is a core function of government that should be adequately supported by all taxpayers, not just users of the system. The first building that was built on this campus, courtesy of a long ago appropriation from the legislature, was called the Temple of Justice and the first building that every county built after this state was organized was a county courthouse. This reflects the fact that provision of justice has been and always will be a priority for Washingtonians. In order for our state's judiciary to continue to provide the quality of justice that our citizens expect us to provide, we must make the recommendations I have outlined. We hope you will give these reasonable requests favorable consideration. Thank you for listening to me so courteously and for inviting me to present this address."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the Rostrum.

The President asked the special committee to escort the Governor from the Rostrum.

The President asked the special committee to escort the State Elected Officials from the Chamber.

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

MOTION

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

The President thanked the Speaker (Representative Lovick presiding) and members of the House for their hospitality, and returned the gavel to him.

The Speaker (Representative Lovick presiding) asked the Sergeant at Arms of the House and the Sergeant at Arms to escort President of the Senate Owen, President Pro Tempore Rosa Franklin, Majority Leader Lisa Brown, Minority Leader Bill Finkbeiner and members of the Senate from the Chamber.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

MOTION

At 1:00 p.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Wednesday, January 19, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 18, 2005

TENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 19, 2005

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

January 18, 2005

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 330, originally filed with this office on June 17, 2004. On December 28, 2004, the sponsor of the proposed initiative filed 18,854 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 319,169 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 330 to you at this time. We expect to complete verification of signatures no later than February 4, 2005, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 18th day of January, 2005.

SAM REED, Secretary of State

(Seal)

Referred to the Committee on Health & Long-Term Care.

MESSAGE FROM THE SECRETARY OF STATE

January 18, 2005

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 336, originally filed with this office on August 30, 2004. On December 30, 2004, the sponsor of the proposed initiative filed 17,609 petition sheets in

support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 300,776 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 330 to you at this time. We expect to complete verification of signatures no later than February 4, 2005, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 18th day of January, 2005.

SAM REED, Secretary of State

(Seal)

Referred to the Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Message from the Secretary of State, Initiative report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5252 by Senators Fraser, Kastama, Swecker and McAuliffe

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

Referred to Committee on Ways & Means.

SB 5253 by Senators Berkey, Benton, Fairley, Benson and Prentice

AN ACT Relating to establishing mortgage broker branch offices; and amending RCW 19.146.265.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5254 by Senators Jacobsen, Rasmussen, Franklin, McAuliffe and Kohl-Welles

AN ACT Relating to a legislative youth advisory council; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 5255 by Senators Oke and Franklin

AN ACT Relating to the sales and use taxation of dietary supplements; amending RCW 82.08.0293 and 82.12.0293; and repealing RCW 82.08.925 and 82.12.925.

Referred to Committee on Ways & Means.

SB 5256 by Senators Hargrove and Stevens

AN ACT Relating to misdemeanors and gross misdemeanors; amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5257 by Senators Hargrove, Stevens and Delvin

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

Referred to Committee on Human Services & Corrections.

SB 5258 by Senators Kline, Mulliken, Stevens, Rasmussen, Delvin and Kohl-Welles

AN ACT Relating to controlled substance violations near schools; and amending RCW 69.50.435.

Referred to Committee on Judiciary.

SB 5259 by Senators Kline, Franklin, Mulliken, Keiser, Rockefeller and Shin

AN ACT Relating to reporting drug overdoses; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Judiciary.

SB 5260 by Senators Kline, Keiser and Franklin

AN ACT Relating to proceeds from civil forfeitures; and amending RCW 69.50.505, 9A.83.030, and 69.50.520.

Referred to Committee on Judiciary.

SB 5261 by Senators Fraser, Parlette, Regala, Schmidt, Rasmussen, Shin and Kohl-Welles

AN ACT Relating to interruptive military service credit within the public employees' retirement system, the school employees' retirement system, the teachers' retirement system, the law enforcement officers' and fire fighters' retirement system plan 2, the Washington state patrol retirement system, and the public safety employees' retirement system; amending RCW 41.40.170, 41.40.710, 41.40.805, 41.35.470, 41.35.650, 41.32.260, 41.32.810, 41.32.865, 41.26.520, 43.43.260, and 41.37.260; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5262 by Senators Haugen and Swecker

AN ACT Relating to the administrative review of the withholding of the driving privilege by the department of licensing; amending RCW 46.20.265, 46.20.270, 46.20.285, 46.20.289, 46.20.291, 46.20.324, 46.20.334, 46.20.342, and 46.64.025; adding a new section to chapter 46.20 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5263 by Senators Haugen, Swecker, Oke and Mulliken

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, 46.25.125, and 46.25.090; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5264 by Senators Haugen, Swecker, Kastama and Jacobsen

AN ACT Relating to driver's license examinations; amending RCW 46.20.120; adding new sections to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5265 by Senators Spanel, Swecker and Haugen

AN ACT Relating to technical corrections to chapter 46.87 RCW; amending RCW 46.87.010, 46.87.020, 46.87.030, 46.87.050, 46.87.070, 46.87.080, 46.87.120, 46.87.130, 46.87.140, and 46.87.190; and repealing RCW 46.87.085, 46.87.170, 46.87.180, and 46.87.901.

Referred to Committee on Transportation.

SB 5266 by Senators Fairley, Benson, Prentice and Benton

AN ACT Relating to reserving state authority to regulate the customer transactions of financial service providers under the jurisdiction of the department of financial institutions; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5267 by Senators Haugen, Esser, Rasmussen, Delvin and McAuliffe

AN ACT Relating to clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit; and amending RCW 43.43.112.

Referred to Committee on Transportation.

SB 5268 by Senators Esser and Kastama

AN ACT Relating to assumption by a code city with a population greater than one hundred thousand of a water-sewer district with fewer than two hundred fifty customers; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Government Operations & Elections.

SB 5269 by Senators Kohl-Welles, Hargrove, Stevens, Regala and Oke

AN ACT Relating to maintaining the residential parenting program at the women's correctional center; amending RCW 72.09.010, 72.09.015, and 72.09.450; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5270 by Senators Haugen, Swecker, Kastama, Oke, Spanel, Esser, Jacobsen and Shin

AN ACT Relating to vessel registration enforcement; adding a new section to chapter 82.49 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5271 by Senators Jacobsen, Oke, Rockefeller, Morton, Swecker, Doumit, Rasmussen and Shin

AN ACT Relating to the purchase of tidelands and shorelands and authorizing the sale of nonriparian state-owned filled tidelands or shorelands, that are currently upland in nature and no longer provide the ecological functions and public benefits normally intrinsic to functioning aquatic lands as described in RCW 79.90.450 and 79.90.455; amending RCW 79.90.010, 79.94.090, 79.94.150, and 79.90.245; reenacting and amending RCW 43.79A.040; adding new sections to chapter 79.94 RCW; adding a new section to chapter 79.90 RCW; creating a new section; repealing RCW 79.90.250; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5272 by Senators Jacobsen, Oke, Doumit and Morton

AN ACT Relating to recodification of aquatic lands statutes; amending RCW 79.90.080, 79.90.090, 79.90.100, 79.90.105, 79.90.110, 79.90.120, 79.90.130, 79.90.150, 79.90.160, 79.90.170, 79.90.180, 79.90.190, 79.90.200, 79.90.210, 79.90.215, 79.90.220, 79.90.230, 79.90.240, 79.90.245, 79.90.250, 79.90.260, 79.90.270, 79.90.280, 79.90.290, 79.90.300, 79.90.310, 79.90.320, 79.90.325, 79.90.330, 79.90.340, 79.90.350, 79.90.360, 79.90.370, 79.90.390, 79.90.400, 79.90.410, 79.90.450, 79.90.455, 79.90.456, 79.90.457, 79.90.460, 79.90.470, 79.90.475, 79.90.480, 79.90.485, 79.90.490, 79.90.500, 79.90.505, 79.90.515, 79.90.520, 79.90.535, 79.90.540, 79.90.545, 79.90.550, 79.90.555, 79.90.560, 79.90.565, 79.90.575, 79.90.580, 79.91.010, 79.91.020, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.070, 79.91.080, 79.91.090, 79.91.100, 79.91.110, 79.91.120, 79.91.130, 79.91.140, 79.91.150, 79.91.160, 79.91.170, 79.91.180, 79.91.190, 79.91.200, 79.91.210, 79.92.010, 79.92.020, 79.92.030, 79.92.035, 79.92.060, 79.92.070, 79.92.080, 79.92.090, 79.92.100, 79.92.110, 79.93.010, 79.93.020, 79.93.030, 79.93.040, 79.93.050, 79.93.060, 79.94.020, 79.94.030, 79.94.040, 79.94.050, 79.94.060, 79.94.070, 79.94.080, 79.94.090, 79.94.100, 79.94.110, 79.94.120, 79.94.130, 79.94.140, 79.94.150, 79.94.160, 79.94.170, 79.94.175, 79.94.181, 79.94.185, 79.94.220, 79.94.230, 79.94.240, 79.94.250, 79.94.260, 79.94.270, 79.94.280, 79.94.290, 79.94.300, 79.94.310, 79.94.320, 79.94.330, 79.94.390, 79.94.400, 79.94.410, 79.94.420, 79.94.430, 79.94.440, 79.95.010, 79.95.020, 79.95.030, 79.95.040, 79.95.050, 79.95.060, 79.96.010, 79.96.020, 79.96.030, 79.96.040, 79.96.050, 79.96.060, 79.96.070, 79.96.080, 79.96.085, 79.96.090, 79.96.100, 79.96.110, 79.96.120, 79.96.130, 79.96.210, 79.96.230, 79.96.906, 79.97.010, 79.97.020, 79.97.030, 79.97.050, and 79.97.060; reenacting and amending RCW 79.94.210 and 79.96.220; adding a new section to chapter 43.30 RCW; adding new chapters to Title 79 RCW; creating new sections; recodifying RCW 79.90.450, 79.90.455, 79.90.545, 79.90.546, 79.90.090, 79.90.100, 79.90.120, 79.90.410, 79.90.370, 79.90.245, 79.90.400, 79.94.170, 79.90.460, 79.90.470, 79.90.480, 79.90.485, 79.90.490, 79.90.500, 79.90.505, 79.90.510, 79.90.515, 79.90.520, 79.90.525, 79.90.530, 79.90.535, 79.90.540, 79.90.457, 79.90.580, 79.90.475, 79.90.105, 79.90.105, 79.90.555, 79.90.560, 79.90.565, 79.90.900, 79.90.901, 79.90.902, 79.90.080, 79.91.010, 79.91.020, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.070, 79.91.080, 79.91.090, 79.91.100, 79.91.110, 79.91.120, 79.91.130, 79.91.140, 79.91.150, 79.90.575, 79.91.160, 79.91.170, 79.91.180, 79.91.190, 79.91.200, 79.91.210, 79.91.900, 79.92.010, 79.92.020, 79.92.030, 79.92.035, 79.90.390, 79.92.060, 79.92.070, 79.92.080, 79.92.090, 79.92.100, 79.92.110, 79.92.900, 79.93.010, 79.93.020, 79.93.030, 79.93.040, 79.93.050, 79.93.060, 79.93.900, 79.94.330, 79.94.020, 79.94.030, 79.94.040, 79.90.110, 79.94.050, 79.94.060, 79.94.100, 79.94.110, 79.94.130, 79.94.140, 79.94.150, 79.94.090, 79.94.290, 79.94.270, 79.90.250, 79.90.260, 79.90.270, 79.90.280, 79.90.350, 79.94.080, 79.94.320, 79.90.360, 79.94.070, 79.94.280, 79.94.120, 79.94.300, 79.94.310, 79.94.210, 79.94.260, 79.94.220, 79.94.230, 79.94.240, 79.94.250, 79.90.170, 79.90.180, 79.90.190, 79.90.200, 79.90.210, 79.90.215, 79.90.220, 79.90.230, 79.90.240, 79.94.160, 79.94.175, 79.94.181, 79.94.185, 79.94.390, 79.94.400, 79.94.410, 79.94.420, 79.94.430, 79.94.440, 79.94.450, 79.94.900, 79.95.010, 79.95.020, 79.95.030, 79.95.040, 79.95.050, 79.95.060, 79.90.458, 79.95.900, 79.90.570, 79.96.120, 79.96.130, 79.90.495, 79.96.010, 79.96.020, 79.96.030, 79.96.040, 79.96.050, 79.96.060, 79.96.070, 79.96.140, 79.96.080, 79.96.085, 79.96.906, 79.96.090, 79.96.100, 79.96.110, 79.96.200, 79.96.210, 79.96.220, 79.96.230, 79.96.901, 79.96.902, 79.96.903, 79.96.904, 79.96.905, 79.90.130, 79.90.150, 79.90.160, 79.90.290, 79.90.300, 79.90.310, 79.90.320, 79.90.325, 79.90.330, 79.90.340, 79.97.010, 79.97.020, 79.97.030, 79.97.040, 79.97.050, 79.97.060, and 79.97.900; and repealing RCW 79.90.010, 79.90.015, 79.90.020, 79.90.025, 79.90.030, 79.90.035, 79.90.040, 79.90.045, 79.90.050, 79.90.055, 79.90.060, 79.90.065, 79.90.070, 79.90.380, 79.90.465, 79.93.070, and 79.94.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5273 by Senators Jacobsen, Oke, Rockefeller, Morton, Swecker and Doumit

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5274 by Senators Keiser, Parlette, Franklin, Hewitt, Prentice and Mulliken

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.060, 18.140.070, 18.140.100, 18.140.110, 18.140.120, 18.140.130, 18.140.140, 18.140.150, 18.140.155, 18.140.160, 18.140.170, 18.140.200, 18.140.202, 18.140.220, 18.140.230, 18.140.260, and 43.84.092; reenacting and amending RCW 43.84.092; adding a new section to chapter 18.140 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5275 by Senators Fairley, Benton, Regala, Kline, Franklin and Mulliken

AN ACT Relating to prohibiting the use of consumer credit histories for personal insurance renewal decisions; amending RCW 48.18.545; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5276 by Senator Benton

AN ACT Relating to collection of delinquent water-sewer district charges; and amending RCW 57.08.081.

Referred to Committee on Government Operations & Elections.

SB 5277 by Senators Hargrove and Regala

AN ACT Relating to coverage for hearing aids; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5278 by Senators Jacobsen, Kline and Fraser

AN ACT Relating to the ocean policy review commission; adding a new section to chapter 43.143 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5279 by Senator Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5280 by Senators Weinstein, Jacobsen, Finkbeiner, Schmidt, Haugen and Shin

AN ACT Relating to motorcycle safety training curriculum; and amending RCW 28A.220.080 and 46.82.420.

Referred to Committee on Transportation.

SB 5281 by Senators Spanel, Hewitt, Fraser and Swecker

AN ACT Relating to real estate excise tax fees and electronic processing of affidavits; amending RCW 82.45.180; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5282 by Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau

AN ACT Relating to a clarification of the earned release time provisions for offenders held in city or county jails; amending RCW 9.92.151 and 70.48.210; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5283 by Senators Kline, Mulliken, Keiser, Carrell, Shin, Stevens, Regala, Doumit, Rasmussen, Oke and Benton

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.524, and 9.94A.030; reenacting and amending RCW 9.94A.515 and 9.94A.525; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5284 by Senators Kline, Thibaudeau and Fairley

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5285 by Senators Poulsen, Morton, Rockefeller, Honeyford, Kline, Mulliken and Oke

AN ACT Relating to updating the water quality joint development act to provide local government flexibility for improving drinking water and treatment services; amending RCW 70.150.010, 70.150.020, 70.150.040, 70.150.070, and 90.48.285; and reenacting and amending RCW 39.10.020 and 39.10.902.

Referred to Committee on Water, Energy & Environment.

SB 5286 by Senators Kastama, Prentice and Doumit

AN ACT Relating to postretirement employment for members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.570 and 41.40.037; reenacting and amending RCW 41.40.037; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5287 by Senator Prentice

AN ACT Relating to the taxation of social card games; amending RCW 9.46.110; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5288 by Senators McAuliffe, Hargrove, Stevens, Regala, Thibaudeau and Carrell

AN ACT Relating to juveniles in the custody of law enforcement officers; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services & Corrections.

SB 5289 by Senators McAuliffe, Hargrove, Stevens, Regala, Mulliken and Benton

AN ACT Relating to the running start program; and amending RCW 28A.600.310.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5290 by Senators Delvin, Rasmussen, Schoesler, Shin, Morton, Jacobsen and Mulliken

AN ACT Relating to theft of livestock; amending RCW 9A.56.080 and 4.24.320; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5291 by Senators Poulsen, Morton, Fraser, Mulliken and Kohl-Welles

AN ACT Relating to construction and operation of renewable energy projects by joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5292 by Senators Poulsen and Morton

AN ACT Relating to nuclear power plant audits; and amending RCW 43.52.378.

Referred to Committee on Water, Energy & Environment.

SB 5293 by Senators Mulliken, Hargrove, Stevens and Delvin

AN ACT Relating to detection and investigation of fraud by the department of social and health services; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Human Services & Corrections.

SB 5294 by Senators Mulliken and Stevens

AN ACT Relating to signature upon penalty of perjury on license applications for agencies providing care for children, expectant mothers, and persons with developmental disabilities; and amending RCW 74.15.100.

Referred to Committee on Human Services & Corrections.

SB 5295 by Senators Mulliken, Hargrove and Stevens

AN ACT Relating to unique identifying numbers for agencies providing care for children, expectant mothers, or persons with developmental disabilities; and reenacting and amending RCW 74.15.030.

Referred to Committee on Human Services & Corrections.

SB 5296 by Senators Mulliken, Hargrove, Stevens and Rasmussen

AN ACT Relating to verification of the identity of persons providing care to children, expectant mothers, and persons with developmental disabilities; and reenacting and amending RCW 74.15.030.

Referred to Committee on Human Services & Corrections.

SB 5297 by Senator Mulliken

AN ACT Relating to a unique identifying number for each child eligible for state-subsidized child care; and amending RCW 74.12.340.

Referred to Committee on Human Services & Corrections.

SB 5298 by Senators Carrell, Kastama, Stevens, Berkey, Rockefeller, Rasmussen, Oke, Swecker, Delvin, Schmidt, Morton, Parlette, Benson and Mulliken

AN ACT Relating to the property taxation of qualified historic property; amending RCW 84.26.010, 84.26.020, 84.26.110, and 84.26.130; adding new sections to chapter 84.26 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5299 by Senators Carrell, Swecker and Zarelli

AN ACT Relating to property tax statistics; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Government Operations & Elections.

SB 5300 by Senators Carrell, Zarelli, Schmidt, Stevens, Esser, Delvin, Swecker, Pflug, Honeyford and Mulliken

AN ACT Relating to defenses in civil actions; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5301 by Senators Carrell, Swecker, Johnson, Schoesler, Benson, Honeyford, Stevens and Mulliken

AN ACT Relating to law libraries; and adding a new section to chapter 27.24 RCW.

Referred to Committee on Judiciary.

SB 5302 by Senators Jacobsen, Poulsen, Schmidt and Kohl-Welles

AN ACT Relating to compensation for school district boards of directors; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5303 by Senators Jacobsen, Poulsen, Kline and Franklin

AN ACT Relating to financial aid portability; amending RCW 28B.10.790 and 28B.92.030; adding new sections to chapter 28B.76 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5304 by Senators Jacobsen, Poulsen and Kline

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5305 by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken

AN ACT Relating to the use of mercury-containing vaccines; and adding a new section to chapter 70.95M RCW.

Referred to Committee on Health & Long-Term Care.

SB 5306 by Senators Weinstein, Rockefeller, Pridemore, McAuliffe, Shin, Fairley, Prentice, Keiser, Regala, Brown, Kline and Kohl-Welles

AN ACT Relating to sexual health education; adding a new section to chapter 70.24 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5307 by Senators Keiser, Eide and Kohl-Welles

AN ACT Relating to amusement rides; amending RCW 67.42.010, 67.42.020, 67.42.025, 67.42.030, 67.42.040, 67.42.050, 67.42.060, 67.42.070, 67.42.080, 67.42.090, and 19.28.351; adding a new section to chapter 67.42 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5308 by Senators Kohl-Welles, Hargrove and Oke

AN ACT Relating to mandatory reporting of child abuse or neglect; and amending RCW 26.44.030.

Referred to Committee on Human Services & Corrections.

SB 5309 by Senators Kohl-Welles, Benton and Kline

AN ACT Relating to abuse of a supervisory position; and amending RCW 9A.44.010.

Referred to Committee on Human Services & Corrections.

SB 5310 by Senators Johnson, Roach, Swecker, Schoesler, Stevens and Hewitt

AN ACT Relating to prohibiting the employment security department from asking claimants about household spending; and amending RCW 50.38.060.

Referred to Committee on Labor, Commerce, Research & Development.

SCR 8401 by Senators Jacobsen, Prentice, Poulsen, Fairley, Kline and Schmidt

Creating a joint select committee concerning Latino accessibility to higher education.

Referred to Committee on Early Learning, K-12 & Higher Education.

SCR 8402 by Senators Kohl-Welles, Schmidt, Pridemore and Kline

Authorizing an interim study creating a master plan for education.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 20, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 19, 2005

2005 REGULAR SESSION

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 20, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2005

SB 5054 Prime Sponsor, Johnson: Regarding patient authorization of disclosure of health care information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Brandland, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5311 by Senators Rasmussen, Jacobsen, McAuliffe, Mulliken, Stevens, Roach, Shin, Kohl-Welles and Spanel

AN ACT Relating to creating an autism task force; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5312 by Senators Swecker, Mulliken, Hewitt, Schmidt, Stevens, Benson, Schoesler, Honeyford, Zarelli, Oke, Roach, Carrell and Benton

AN ACT Relating to the application of referendum powers to growth management measures; amending RCW 36.70A.030; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5313 by Senators Stevens, Swecker, Johnson, Carrell, Esser, Zarelli, Benson, Mulliken and Benton

AN ACT Relating to verification that applicants for driver's licenses, permits, and identicards are lawfully within the United States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207; reenacting and amending RCW 46.20.055 and 46.20.070; adding new sections to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5314 by Senators Stevens, Esser, Honeyford, Johnson, Roach, Carrell, Swecker, Schmidt, Schoesler, Mulliken and Benton

AN ACT Relating to criminal offenses involving animals or natural resources; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, and 9.94A.535; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5315 by Senators Schoesler, Hewitt, Morton, Johnson, Swecker, Oke, Delvin, Carrell, Stevens, Honeyford, Roach, Sheldon, Mulliken, Parlette and Benton

AN ACT Relating to election procedures; amending RCW 29A.08.625, 29A.24.050, 29A.40.070, 29A.40.091, 29A.40.110, 29A.40.130, 29A.48.010, 29A.48.050, and 29A.60.160; adding a new section to chapter 29A.60 RCW; and repealing RCW 29A.24.210, 29A.24.211, and 29A.28.011.

Referred to Committee on Government Operations & Elections.

SB 5316 by Senators Jacobsen, Swecker, Haugen, Parlette, Kohl-Welles and Oke

AN ACT Relating to Washington state parks and recreation commission special license plates; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5317 by Senators Benton, Keiser, Benson, Prentice, Roach and Shin

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and amending RCW 48.02.065.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5318 by Senators Thibaudeau, Keiser, Kline, Franklin, Poulsen, McAuliffe and Kohl-Welles

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 43.70.110, 43.70.250, and 5.64.010; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5319 by Senators Oke, Doumit, Roach, Hargrove, Honeyford, Swecker, Schoesler, Rasmussen, Berkey, Delvin, Morton, Regala, Sheldon, Stevens, Johnson and Mulliken

AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194, 77.65.450, 77.65.460, 77.32.545, and 77.15.198; adding new sections to chapter 77.12 RCW; repealing RCW 77.15.192; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5320 by Senators Hargrove and Brandland

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

Referred to Committee on Human Services & Corrections.

SB 5321 by Senators Haugen, Swecker, Jacobsen and Esser

AN ACT Relating to disclosure of addresses of vehicle owners; and amending RCW 46.12.370 and 46.12.380.

Referred to Committee on Transportation.

SB 5322 by Senator Kline

AN ACT Relating to district court jurisdiction; and amending RCW 3.66.020.

Referred to Committee on Judiciary.

SB 5323 by Senators Kline, Esser, Hargrove, Carrell, Stevens, Regala, Fairley, Thibaudeau and Shin

AN ACT Relating to threshold property values for crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5324 by Senators Pflug, Doumit, Parlette, Fraser, Kohl-Welles and Rasmussen

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

Referred to Committee on Ways & Means.

SB 5325 by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 5326 by Senators Kohl-Welles, Pridemore, Esser, Kline, Weinstein, Poulsen, Finkbeiner, McAuliffe, Keiser and Spanel

AN ACT Relating to providing home rule charter cities the ability to choose their election system; and amending RCW 29A.52.210.

Referred to Committee on Government Operations & Elections.

SB 5327 by Senators Fairley and Kohl-Welles

AN ACT Relating to creating an office of privacy protection; adding a new section to chapter 43.10 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5328 by Senators Fairley and McAuliffe

AN ACT Relating to restricting the use of personal credit histories and credit scores; adding a new section to chapter 48.18 RCW; and repealing RCW 48.18.545 and 48.19.035.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5329 by Senators Pflug, Shin, Esser, Schoesler, Roach, Rasmussen, Rockefeller, Berkey and Mulliken

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 5330 by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

AN ACT Relating to economic development grants; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 5331 by Senators Doumit, Hewitt, Brown, Honeyford, Fraser, Hargrove, Parlette and Jacobsen

AN ACT Relating to creating a historic county courthouse program; adding a new section to chapter 27.34 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5332 by Senators Kline, Franklin, Shin, Keiser, Weinstein, Poulsen, Thibaudeau, Prentice, Kohl-Welles, Eide, Finkbeiner, Rasmussen and Pridemore

AN ACT Relating to honoring the Reverend Doctor Martin Luther King, Jr.; and amending RCW 36.04.170.

Referred to Committee on Government Operations & Elections.

SB 5333 by Senators Regala, Esser, Prentice, Hewitt, Pridemore and McCaslin

AN ACT Relating to voter-approved regular property tax levies; and amending RCW 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 5334 by Senators Kastama, Finkbeiner, Esser and Keiser

AN ACT Relating to equalizing the costs of providing municipal services to newly annexed areas; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5335 by Senators Fairley and Delvin

AN ACT Relating to local government insurance transactions; amending RCW 48.62.031; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5336 by Senators Jacobsen and Oke

AN ACT Relating to park rangers employed by the state parks and recreation commission; and amending RCW 10.93.020, 10.93.140, 41.26.030, and 79A.05.160.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5337 by Senators Rockefeller, Kastama and Roach

AN ACT Relating to metropolitan park districts; amending RCW 35.61.290, 35.61.300, and 36.69.310; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5338 by Senators Fraser and Honeyford

AN ACT Relating to the establishment of a water court; amending RCW 2.08.010, 43.03.012, 90.03.110, 90.03.120, 90.03.160, 90.03.180, 90.03.190, 90.03.210, 90.03.230, 34.05.514, 34.05.518, 34.05.570, 34.05.578, and 34.05.588; reenacting and amending RCW 34.05.526; adding a new chapter to Title 2 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Water, Energy & Environment.

SB 5339 by Senators Franklin, Regala, Hewitt, Brown, McCaslin, Fairley, Zarelli, Weinstein, Stevens, Kline, Hargrove and Kohl-Welles

AN ACT Relating to recidivism reduction through discharge of convicted felons; amending RCW 9.94A.637; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5340 by Senators Rasmussen, Roach, Shin, Jacobsen, Delvin, Carrell, Rockefeller, Fraser, Franklin, Kastama, Regala and Pridemore

AN ACT Relating to military department accounts; amending RCW 38.20.010; and adding new sections to chapter 38.40 RCW.

Referred to Committee on Ways & Means.

SB 5341 by Senators Fraser, Delvin, Regala, Esser and Rasmussen

AN ACT Relating to member contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5342 by Senators Kohl-Welles, Regala, Fairley, Kline, Thibaudeau, McAuliffe and Keiser

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5343 by Senators Kohl-Welles, Fairley, Regala, Kline and Thibaudeau

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5344 by Senators Fairley, Kohl-Welles, Prentice, Kline, Berkey, Haugen, Rasmussen, McAuliffe, Regala, Keiser, Spanel, Thibaudeau and Fraser

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

Referred to Committee on Judiciary.

SB 5345 by Senator Jacobsen

AN ACT Relating to the timber land revitalization board; amending RCW 84.33.041, 84.33.051, 84.33.081, 43.84.092, and 79.17.200; reenacting and amending RCW 43.84.092; adding a new chapter to Title 76 RCW; creating a new section; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5346 by Senators Jacobsen, Esser, Thibaudeau, Finkbeiner, Rasmussen and Kohl-Welles

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

Referred to Committee on Government Operations & Elections.

SJR 8205 by Senators Fraser and Honeyford

Amending the Constitution to authorize a water court.

Referred to Committee on Water, Energy & Environment.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m. on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 21, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 20, 2005

2005 REGULAR SESSION

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 21, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brandland, Deccio, Hewitt, Mulliken, Oke, Pflug, Roach, Schmidt and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Kyle Buse and Samuel Pizelo, presented the Colors. Leslie Edwards-Hill, Chairperson of the Baha'i Assembly of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 2005

SB 5045 Prime Sponsor, Doumit: Allowing title insurance companies to provide a guarantee covering its agents. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 20, 2005

SB 5048 Prime Sponsor, Oke: Prohibiting tobacco product sampling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

January 20, 2005

SB 5084 Prime Sponsor, McAuliffe: Establishing a foster youth postsecondary education and training coordination committee. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

Referred to the Committee on Early Learning, K-12 & Higher Education.

January 20, 2005

SB 5195 Prime Sponsor, Fairley: Adopting the interstate insurance product regulation compact. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 20, 2005

SB 5196 Prime Sponsor, Fairley: Regulating insurable interests and employer-owned life insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 20, 2005

SB 5230 Prime Sponsor, Swecker: Establishing the Washington's Wildlife license plate collection. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel and Swecker

Referred to the Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

January 20, 2005

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

MR. PRESIDENT:

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW29A.72.230, and WAC 434-379-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 336 to be examined in the following manner:

- 1) It was determined that 300,776 signatures were submitted by the sponsors of the initiative. A random sample of 6,124 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 4,911 valid signatures, 1,205 signatures that were invalid due to non-registration or improper form, and 8 pairs of duplicated signatures in the sample;
- 3) We calculated an allowance for the chance error of sampling (53) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (61,786) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (41,256) by subtracting the sum of the number of signatures required by Article II, section 1 of the Washington State Constitution (197,734) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (17) by multiplying the square of the sampling ratio by maximum allowable number of pairs of signatures on the initiative petition;
- 7) We determined the acceptable number of pairs of signatures in the sample (10) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and
- 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 336 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 20th day of, January, 2005.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

January 21, 2005

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

MR. PRESIDENT:

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW29A.72.230, and WAC 434-379-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 330 to be examined in the following manner:

- 1) It was determined that 319,146 signatures were submitted by the sponsors of the initiative. A random sample of 4,873 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 4,070 valid signatures, 801 signatures that were invalid due to non-registration or improper form, and 2 pairs of duplicated signatures in the sample;
- 3) We calculated an allowance for the chance error of sampling (43) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (55,276) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (66,136) by subtracting the sum of the number of signatures required by Article II, section 1 of the Washington State Constitution

- (197,734) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (15) by multiplying the square of the sampling ratio by maximum allowable number of pairs of signatures on the initiative petition;
 - 7) We determined the acceptable number of pairs of signatures in the sample (8) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and
 - 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 330 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 21st day of January, 2005.

SAM REED, Secretary of State

(Seal)

MOTION

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

INTRODUCTION AND FIRST READING

SB 5347 by Senators Keiser and Brandland

AN ACT Relating to indemnifying and defending department of social and health services appointed temporary managers in nursing homes; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5348 by Senators Pridemore, Kastama, Fraser and Kline

AN ACT Relating to maintenance and repair of electrical appliances by a public utility district that provides electrical service; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5349 by Senators Kastama, McAuliffe, Weinstein, Haugen, Berkey, Rasmussen, Hargrove, Kohl-Welles, Franklin, Regala, Shin, Fraser, Jacobsen and Kline

AN ACT Relating to reading instruction; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5350 by Senator Kastama

AN ACT Relating to shared parental responsibility; amending RCW 26.09.004 and 26.09.187; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5351 by Senators Berkey, Schmidt, Shin, Haugen and Fairley

AN ACT Relating to the business and occupation taxation of the restoration, reproduction, and sale of airplanes of historical significance; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5352 by Senators Esser, Kline, Weinstein, McCaslin, Thibaudeau, Regala, Schmidt, Kohl-Welles, Stevens, Franklin, Finkbeiner, Jacobsen, Rockefeller and Rasmussen

AN ACT Relating to animal cruelty; amending RCW 16.52.205 and 16.52.207; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5353 by Senators Esser and Benson

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

SB 5354 by Senators Doumit and Zarelli

AN ACT Relating to administering flood control zone districts; amending RCW 86.15.060; adding a new section to chapter 86.15 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5355 by Senators Doumit, Zarelli and Jacobsen

AN ACT Relating to salmon and steelhead recovery; and amending RCW 77.85.200.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5356 by Senator Brown

AN ACT Relating to the alignment of state route number 290; and amending RCW 47.17.520.

Referred to Committee on Transportation.

SB 5357 by Senators Delvin, Hewitt, Stevens, Kline, Honeyford, Benson, Roach and Mulliken

AN ACT Relating to hazardous or radioactive substances; and adding a new section to chapter 70.105E RCW.

Referred to Committee on Water, Energy & Environment.

SB 5358 by Senators Keiser and Parlette

AN ACT Relating to speech-language pathologists and audiologists; and amending RCW 18.35.010, 18.35.020, 18.35.060, and 18.35.195.

Referred to Committee on Health & Long-Term Care.

SB 5359 by Senators Brandland, Rasmussen, Hargrove, Sheldon, Fairley, Berkey, Benson, Delvin and Mulliken

AN ACT Relating to school improvement goals reporting; and amending RCW 28A.655.030.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5360 by Senators Brandland, Sheldon, Fairley, Berkey, Delvin, Benson and Rockefeller

AN ACT Relating to eligibility for the running start program; and amending RCW 28A.600.310.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5361 by Senators Fairley, Zarelli, Kline, Hewitt, Berkey, McAuliffe, Benton, Pridemore, Rasmussen, Kohl-Welles, Keiser, Regala, Rockefeller, Haugen, Franklin, Brandland, Eide, Thibaudeau, Hargrove, Jacobsen, Prentice, Sheldon and Mulliken

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

Referred to Committee on Ways & Means.

SB 5362 by Senators Fairley, Benson and Prentice

AN ACT Relating to insurance; amending RCW 48.02.180, 48.05.340, 48.11.100, 48.11.140, 48.14.010, 48.14.0201, 48.17.150, 48.18.100, 48.18.103, 48.18.430, 48.21.047, 48.23.010, 48.24.030, 48.29.010, 48.29.020, 48.29.120, 48.29.130, 48.29.170, 48.30.300, 48.30A.045, 48.30A.060, 48.30A.065, 48.31.100, 48.38.030, 48.44.240, 48.66.020, 48.66.045, 48.66.055, 48.66.130, 48.92.120, 48.98.015, 48.110.030, and 48.110.040; adding a new section to chapter 48.66 RCW; and repealing RCW 48.05.360, 48.29.030, 48.29.060, 48.29.070, 48.29.090, 48.29.100, 48.29.110, and 48.34.910.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5363 by Senators Kastama and Rasmussen

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

Referred to Committee on Government Operations & Elections.

SB 5364 by Senators Kohl-Welles and Keiser

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.39.020, 18.220.040, 18.220.130, 18.220.140, 18.165.170, 18.170.180, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175 and 18.85.343.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5365 by Senators Prentice, Keiser and Parlette

AN ACT Relating to the department of licensing; amending RCW 18.96.050, 19.105.380, and 64.36.225; adding a new section to chapter 43.24 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5366 by Senators Schoesler, Prentice, Sheldon, Honeyford, Haugen and Delvin

AN ACT Relating to movement of mobile homes; and amending RCW 46.44.170.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5367 by Senators Franklin and Kline

AN ACT Relating to use of public funds for political purposes; and amending RCW 42.17.128.

Referred to Committee on Government Operations & Elections.

SB 5368 by Senators Keiser, Benton, Kastama, Thibaudeau, Franklin, McAuliffe and Rasmussen

AN ACT Relating to revising the mandatory overtime prohibition applicable to nurses, but only with respect to increasing the types of health care facilities that are subject to the prohibition from requiring nurses to perform overtime work and limiting

the exceptions from the prohibition related to prescheduled on-call time and completion of patient care procedures; and amending RCW 49.28.130, 49.28.140, and 72.01.042.

Referred to Committee on Health & Long-Term Care.

SB 5369 by Senators Rasmussen, Schoesler, Mulliken, Sheldon, Delvin, Shin, Morton and Jacobsen

AN ACT Relating to the potato commission; amending RCW 15.66.270; adding a new chapter to Title 15 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5370 by Senators Brown, Benson, Shin, Sheldon, Eide, Kohl-Welles and McAuliffe

AN ACT Relating to the economic development strategic reserve account; amending RCW 67.70.190, 82.45.060, and 82.16.020; and adding a new section to chapter 43.330 RCW.

Referred to Committee on International Trade & Economic Development.

SB 5371 by Senator Fairley

AN ACT Relating to annexation of territory of certain cities by water-sewer districts; and adding a new section to chapter 57.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5372 by Senators Berkey, Fairley, Pridemore, Roach and Johnson

AN ACT Relating to the coordination of water and sewer system utilities; amending RCW 36.55.060 and 47.44.020; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5373 by Senators Berkey, Kastama, Pridemore and Kline

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on Government Operations & Elections.

SB 5374 by Senators Kohl-Welles and Delvin

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5375 by Senators Kline and Rockefeller

AN ACT Relating to supervision of offenders who travel or transfer to or from another state; amending RCW 9.95.204, 9.95.214, 10.05.170, and 35.20.255; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 5376 by Senators Jacobsen, Morton, Oke, Fraser and Rockefeller

AN ACT Relating to forest practices; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5377 by Senators Kline, Kohl-Welles, Delvin and Thibaudeau

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SCR 8403 by Senators Jacobsen and Kohl-Welles

Creating the position of state poet laureate.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5354 which was referred to the Committee on Government Operations & Elections and Senate Bill No. 5350 which was referred to the Committee on Judiciary.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION 8605

By Senators McAuliffe, Fairley, Rasmussen, McCaslin, Johnson, Franklin, Hargrove, Regala, Doumit, Sheldon, Spanel, Esser, Rockefeller, Fraser, Kohl-Welles and Eide

WHEREAS, On December 26, 2004, one of the most devastating natural disasters of our lifetime brought modern civilization to its knees and unspeakable grief to our hearts; and

WHEREAS, An earthquake, 9.0 in magnitude, centered underwater off the coast of the Indonesian island of Sumatra, triggered a tsunami that traveled at speeds of up to 500 miles per hour and 40 feet in height, devastating the coastal areas of Indonesia, Sri Lanka, India, Thailand, Malaysia, and the Maldives; and

WHEREAS, The disaster was felt as far away as Somalia, where nine people died; and

WHEREAS, An estimated 212,611 people lost their lives in the disaster, and 6,245 people are still missing; 18 Americans are dead, and an additional 17 are missing and presumed dead; and

WHEREAS, Governments, corporations, relief agencies, and individuals worldwide have come together to pledge more than \$5 billion to the relief and recovery effort; and

WHEREAS, UNICEF, Save The Children, and the Red Cross are international organizations that provide medical and basic need disaster relief services to underdeveloped and disaster-stricken regions; and

WHEREAS, More than one million children were orphaned, displaced, injured, or otherwise affected by the disaster, and UNICEF has deemed these children the "Tsunami Generation"; and

WHEREAS, Children are among the most vulnerable in this disaster; many have been orphaned or separated from their parents, making them susceptible to exploitation, abuse, or criminal trafficking, making current efforts by UNICEF and Save The Children to register, support, and keep such children safe of paramount importance; and

WHEREAS, We also recognize Save The Children for its ongoing relief efforts setting up temporary camps and providing water, food, shelter, medicine, and protection from disease to both children and adults who were victimized by the tsunami; and

WHEREAS, Recognizing the need to reopen schools in South Asia and reestablish children's daily routine, Education International established a Tsunami Relief Program to provide assistance directly to teachers, students, and schools in the affected areas; schools in Sri Lanka were able to reopen January 10th;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the Red Cross, Save The Children, and UNICEF for their work to aid the victims of the tsunami and especially to protect the "Tsunami Generation" from further trauma; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington state chapters of the Red Cross, UNICEF, and Save The Children.

Senators McAuliffe, Johnson, Eide, Spanel, Shin and Esser spoke in favor of adoption of the resolution.

Senator Johnson moved to amend the resolution.

Senator Johnson spoke in favor of the motion to amend the resolution.

On motion of Senator Johnson, the amendment by Senator Johnson was withdrawn.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

At 10:28 a.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 21, 2005

2005 REGULAR SESSION

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 24, 2005

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5378 by Senators Pridemore, Swecker, Jacobsen, Kastama, Thibaudeau, Haugen, Regala, Benson, Fraser, Delvin, Oke, Spanel, Rockefeller and Kline

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5379 by Senators Kohl-Welles, Parlette and Franklin

AN ACT Relating to updating references to contract liquor stores; amending RCW 66.04.010, 66.08.026, 66.08.050, 66.08.235, 66.16.040, 66.16.041, 66.16.080, 66.20.160, 66.20.180, 66.24.380, 66.44.120, and 41.40.023; and repealing RCW 66.16.030.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5380 by Senators Kohl-Welles, Parlette, Franklin and Kline

AN ACT Relating to disbursement of liquor revolving fund moneys for the purpose of funding alcohol education programs; and amending RCW 66.08.180.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5381 by Senators Kohl-Welles, Parlette, McAuliffe, Pridemore, Rockefeller, Brown, Rasmussen, Schoesler, Shin, Haugen, Schmidt, Keiser and Kline

AN ACT Relating to the Washington academy of sciences; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5382 by Senators Jacobsen and Oke

AN ACT Relating to destruction of dogs harassing big game; and amending RCW 77.12.315.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5383 by Senators Jacobsen, Oke, Shin and Kohl-Welles

AN ACT Relating to hunting safety for children; and amending RCW 9.41.042, 77.32.155, 77.32.450, and 77.32.460.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5384 by Senators Fairley, Esser, Keiser, Benson and Jacobsen

AN ACT Relating to public building or construction contracts; amending RCW 48.30.270 and 48.30.270; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5385 by Senators Jacobsen, Oke, Fraser, Swecker and Kline

AN ACT Relating to creating an invasive species council; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5386 by Senators Fraser, Rockefeller, Regala, Pridemore, Kohl-Welles, Keiser and Kline

AN ACT Relating to recognizing interests based upon federal laws in the management of state waters; and amending RCW 90.54.020.

Referred to Committee on Water, Energy & Environment.

SB 5387 by Senators Regala, Fraser, Rockefeller, Franklin, Pridemore, Keiser and Kline

AN ACT Relating to public information disclosure by water conservancy boards; and amending RCW 90.80.120 and 90.80.130.

Referred to Committee on Water, Energy & Environment.

SB 5388 by Senators Fraser, Regala, Franklin and Pridemore

AN ACT Relating to integrated pest management; amending RCW 17.15.010 and 17.15.030; and adding a new section to chapter 17.15 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5389 by Senator Kohl-Welles

AN ACT Relating to a record check of the parks and recreation commission's job applicants, volunteers, and independent contractors; and reenacting and amending RCW 79A.05.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5390 by Senators Keiser, Parlette, Franklin, Kastama, Johnson, Shin, Kohl-Welles and Kline

AN ACT Relating to incentives to improve quality of care in state purchased health care programs; amending RCW 41.05.021 and 41.05.075; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5391 by Senators Keiser, Franklin, Brandland, Kastama, Johnson, Kohl-Welles and Kline

AN ACT Relating to the public employees' benefits board offering a tricore supplemental insurance policy to employees who are eligible for this policy, but not eligible for medicare parts A and B; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5392 by Senators Keiser, Parlette, Kastama, Roach, Pflug and Kline

AN ACT Relating to improving the quality of health care through the use of clinical information technologies; amending RCW 41.05.011, 41.05.021, and 41.05.075; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5393 by Senators Kastama, Shin, Rockefeller, Schmidt, Kohl-Welles, Pridemore and Kline

AN ACT Relating to veterans' relief; amending RCW 73.08.010, 73.08.070, 73.08.080, and 41.04.007; adding new sections to chapter 73.08 RCW; creating a new section; repealing RCW 73.08.030, 73.08.040, 73.08.050, and 73.08.060; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5394 by Senator Prentice

AN ACT Relating to transportation system signage using icons and pictograms; adding a new section to chapter 35.95A RCW; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5395 by Senators Kastama, Haugen, Roach, Rockefeller, Schmidt, Kohl-Welles, Spanel, Pridemore, Kline and McAuliffe

AN ACT Relating to requiring poll-site based electronic voting devices to produce paper records; amending RCW 29A.12.080; adding new sections to chapter 29A.44 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5396 by Senators Fraser, Esser, Jacobsen, Oke, Regala, Swecker, Rockefeller, Spanel, Pridemore, Thibaudeau, Haugen and Kline

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140, and 77.12.203; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5397 by Senators Rockefeller, Swecker, Poulsen, Oke, Kohl-Welles, Schmidt, Brown, Esser, Weinstein, Pridemore, Prentice, Keiser, Kline, Fairley, Regala, Fraser, Jacobsen, Shin and Spanel

AN ACT Relating to vehicle emission standards; amending RCW 70.94.017, 46.68.020, and 70.120.170; amending 2003 c 264 s 9 (uncodified); adding a new section to chapter 46.16 RCW; adding a new chapter to Title 70 RCW; creating a new section; repealing RCW 70.120.200; repealing 1991 c 199 s 229 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5398 by Senators Thibaudeau, Rasmussen, Zarelli, Oke, Kohl-Welles and Kline

AN ACT Relating to tax exemptions for comprehensive cancer centers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5399 by Senators Roach, Swecker, Schoesler, Carrell, Mulliken and Benton

AN ACT Relating to voter registration verification; amending RCW 29A.08.125, 29A.08.125, 29A.08.605, 29A.08.605, and 29A.08.651; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5400 by Senators Roach, Swecker, Carrell, Mulliken, Rockefeller, Pflug and Benton

AN ACT Relating to voter requirements; and amending RCW 29A.44.210.

Referred to Committee on Government Operations & Elections.

SB 5401 by Senators Kohl-Welles, Benson, Thibaudeau, Kline, Poulsen and Jacobsen

AN ACT Relating to registration fees for weighing and measuring devices; and amending RCW 19.94.015 and 19.94.175.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5402 by Senators Oke, Rockefeller, Poulsen and Haugen

AN ACT Relating to exempting ferry fuel used by Washington state ferries from excise taxes; amending RCW 82.38.080, 82.08.0255, and 82.12.0256; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5403 by Senators Delvin, Parlette, Swecker, Stevens, Honeyford, Benson and Mulliken

AN ACT Relating to limiting the disclosure of birth certificates; and amending RCW 70.58.005 and 70.58.082.

Referred to Committee on Health & Long-Term Care.

SB 5404 by Senators Kline, Oke, Fairley, Swecker, Pridemore, Esser and Delvin

AN ACT Relating to actions and proceedings for damages brought against law enforcement officers; and amending RCW 4.96.041.

Referred to Committee on Judiciary.

SB 5405 by Senators Jacobsen, Swecker, Doumit, Hargrove, Spanel and Morton

AN ACT Relating to establishing the future of Washington forests review council; creating new sections; and making appropriations.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5406 by Senators Franklin, Parlette and Keiser

AN ACT Relating to making medicare supplemental insurance policies administered under chapter 41.05 RCW conform to federal law; amending RCW 41.05.195 and 41.05.197; and repealing RCW 41.05.190.

Referred to Committee on Health & Long-Term Care.

SB 5407 by Senators Delvin, Hargrove, Regala, Roach, Kohl-Welles, Keiser, Kline and McAuliffe

AN ACT Relating to children of incarcerated parents; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5408 by Senators Jacobsen and Kline

AN ACT Relating to the archiving of mailed political advertising; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SB 5409 by Senators Benton and Roach

AN ACT Relating to excluding the value of rebates from sales and use taxation; and amending RCW 82.08.010.

Referred to Committee on Ways & Means.

SB 5410 by Senators Benton, Swecker, Roach and Kline

AN ACT Relating to ensuring that members of homeowners' associations may display political yard signs on their properties; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Government Operations & Elections.

SB 5411 by Senators Pridemore, Kohl-Welles, Benton, Schmidt, McAuliffe, Zarelli, Rasmussen, Thibaudeau, Doumit, Shin, Regala, Keiser, Prentice, Fairley, Jacobsen and Pflug

AN ACT Relating to authorizing branch campuses to offer lower-division courses; amending RCW 28B.45.014, 28B.45.020, 28B.45.030, and 28B.45.040; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5412 by Senators Prentice, Fairley, Fraser, Pridemore, Shin, Weinstein and Haugen

AN ACT Relating to statewide initiatives that impact local tax authority; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Government Operations & Elections.

SB 5413 by Senators Rasmussen, McCaslin, Weinstein, Esser, Swecker, Shin, Haugen, Sheldon, Hargrove, Rockefeller and Regala

AN ACT Relating to actions against health care providers under chapter 7.70 RCW; and amending RCW 7.70.100.

Referred to Committee on Judiciary.

SB 5414 by Senators Haugen and Swecker

AN ACT Relating to the disposition of pilot, airman, and airwoman fees; reenacting and amending RCW 47.68.233 and 47.68.234; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5415 by Senators Fairley and Kline

AN ACT Relating to making loans under chapter 31.45 RCW to military borrowers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5416 by Senators Kohl-Welles, Prentice, Rockefeller, Fairley, Regala and Kline

AN ACT Relating to tax preferences; and amending RCW 43.136.030, 43.136.040, and 43.136.050.

Referred to Committee on Government Operations & Elections.

SB 5417 by Senators Weinstein, Esser, Jacobsen, Rasmussen, Kastama, Rockefeller, Shin, Carrell, Regala, Kohl-Welles, Pridemore, Franklin, Keiser, Kline, Sheldon and McAuliffe

AN ACT Relating to restricting access to motor vehicles for persons arrested for alcohol offenses; adding new sections to chapter 46.61 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5418 by Senators Berkey, Benton, Fairley, Shin, Kastama, Carrell, McAuliffe, Benson, Prentice, Delvin, Kohl-Welles, Keiser and Kline

AN ACT Relating to placing a security freeze on a credit report; and adding new sections to chapter 19.182 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5419 by Senators Fraser, Rasmussen, Regala, Pridemore, Rockefeller and Kline

AN ACT Relating to water permit processing; and amending RCW 90.03.290, 90.03.270, and 90.03.280.

Referred to Committee on Water, Energy & Environment.

SJM 8002 by Senators Roach, Benson, Delvin, Stevens, Mulliken, Pflug and Benton

Requesting Congress to repeal the federal excise tax on communications.

Referred to Committee on Ways & Means.

SJM 8003 by Senators Roach, Delvin, Schoesler, Stevens, Mulliken and Benton

Requesting that the United States Senate move quickly to confirm all nominations to the United States Supreme Court.

Referred to Committee on Judiciary.

SJM 8004 by Senators Benton, Carrell, Benson, Delvin, Schoesler, Stevens and Mulliken

Requesting Congress to permanently repeal the death tax.

Referred to Committee on Ways & Means.

SJM 8005 by Senators Benton, Roach, Stevens, Mulliken and Oke

Asking Congress to end abuse of tort laws against the firearms industry.

Referred to Committee on Judiciary.

SJM 8006 by Senators Benton, Swecker, Delvin and Stevens

Petitioning Congress to pass defense appropriations.

Referred to Committee on Government Operations & Elections.

SJM 8007 by Senators Benton, Swecker and Stevens

Petitioning for reauthorization of the Hobbs Act.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8008 by Senators Benton, Swecker, Delvin, Benson, Stevens and Mulliken

Petitioning Congress to reform the Social Security system.

Referred to Committee on Ways & Means.

SJR 8206 by Senators Hargrove, Stevens, Regala, Kline, Esser, Zarelli, Carrell, Finkbeiner, Johnson, Delvin, Fairley, Swecker, Sheldon, McAuliffe, Franklin, Prentice, Shin, Spanel, Kohl-Welles, Brown, Roach and Mulliken

Revising limitations on use of inmate labor.

Referred to Committee on Human Services & Corrections.

SCR 8404 by Senators Kohl-Welles, Brown, Finkbeiner, Kastama and Jacobsen

Resolving to create a commission on the evaluation of the legislature.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5387 which was referred to the Committee on Water, Energy & Environment.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 25, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 24, 2005

2005 REGULAR SESSION

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 25, 2005

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 2005

SB 5006 Prime Sponsor, Jacobsen: Concerning the sale of aquaculture products produced on leased state-owned aquatic land. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5007 Prime Sponsor, Jacobsen: Concerning the relocation of harbor lines. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5151 Prime Sponsor, Franklin: Changing the authority of a metropolitan park district to dispose of surplus property. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5168 Prime Sponsor, Hargrove: Authorizing members of legislative bodies to serve as volunteer ambulance personnel. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5363 Prime Sponsor, Kastama: Authorizing additional sales tax authority for public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 21, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Agriculture, Audit Report on Livestock Nutrient Management Program. This report is mandated under RCW 90.64.

If you have any questions about the report, please call Leslie Emerick at 902-1850.

Sincerely,
Valoria Loveland, Director

The Department of Agriculture, Audit Report on Livestock Nutrient Management Program is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5420 by Senators Regala, Swecker, Haugen, Delvin, Jacobsen, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to children on motorcycles; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 5421 by Senators Haugen, Swecker, Jacobsen, Kastama, Poulsen, Spanel, Shin and Rasmussen

AN ACT Relating to identification of bus stop and crosswalk needs in comprehensive plans; and amending RCW 36.70A.070.

Referred to Committee on Transportation.

SB 5422 by Senators Haugen, Kastama, Berkey and Shin

AN ACT Relating to research and services for special purpose districts; adding new sections to chapter 43.110 RCW; and making appropriations.

Referred to Committee on Government Operations & Elections.

SB 5423 by Senators Haugen and Swecker

AN ACT Relating to special license plates; amending RCW 46.16.385, 46.16.690, 46.16.745, and 46.16.755; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5424 by Senators Haugen, Swecker, Jacobsen, Hargrove and Doumit

AN ACT Relating to the "Washington Lighthouses" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5425 by Senators Haugen, Berkey, Kohl-Welles, Shin, Rasmussen, Jacobsen and Schmidt

AN ACT Relating to creating a new institution of higher education in northern Snohomish county; amending RCW 28A.600.300, 28B.10.016, 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.050, 28B.10.140, 28B.10.265, 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485, 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.820, 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.790, 28B.40.010, 28B.65.030, 28B.76.020, 28B.76.100, 28B.110.020, 34.05.010, 39.19.020, 39.90.060, 40.04.040, 40.04.090, 40.06.040, 41.04.340, 41.06.020, 41.40.108, 41.56.030, 41.76.005, 41.80.005, 43.19.450, 43.41.040, 43.79.150, 43.84.092, 43.88.195, 46.63.040, and 82.12.0264; reenacting and amending RCW 42.17.2401 and 43.84.092; adding a new chapter to Title 28B RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5426 by Senators Carrell, Hargrove, Benson and Sheldon

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5427 by Senators Carrell, Esser, Hargrove, Stevens, McAuliffe, Zarelli, Benson, Finkbeiner, Morton, Johnson, Honeyford, Mulliken and Berkey

AN ACT Relating to combination fishing licenses for senior citizens; and amending RCW 77.32.490.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5428 by Senators Carrell, Schoesler and Benson

AN ACT Relating to correctional programs, facilities, and institutions on the grounds of a state hospital; adding a new section to chapter 72.09 RCW; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5429 by Senators Carrell, Berkey, Schoesler, Rasmussen, Hargrove, Pflug, Johnson, Benson, Esser, Morton, Franklin, Honeyford, Shin and Stevens

AN ACT Relating to offender risk assessments; amending RCW 9.94A.501; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5430 by Senators Hargrove and Rasmussen

AN ACT Relating to transfers from the accident fund to the public safety and education account for purposes of the crime victims' compensation program; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5431 by Senators Spanel, Rockefeller, Pridemore, Poulsen, Kohl-Welles, Doumit, Regala, Fraser and Kline

AN ACT Relating to managing on-site sewage systems in marine areas; amending RCW 70.118.010, 70.118.020, 43.20.050, 90.48.264, 90.72.030, 54.16.310, 85.08.905, and 36.36.040; adding new sections to chapter 70.118 RCW; and adding a new section to chapter 57.08 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5432 by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline

AN ACT Relating to the oil spill monitoring and oversight council; amending RCW 90.56.005; and adding new sections to chapter 90.56 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5433 by Senators Kline, Hargrove and Carrell

AN ACT Relating to the membership of the commission on judicial conduct; amending RCW 2.64.020; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5434 by Senators Kline, Esser, Hargrove, Johnson, Carrell and Kohl-Welles

AN ACT Relating to hearings for antiharassment protection orders; and amending RCW 10.14.070.

Referred to Committee on Judiciary.

SB 5435 by Senators Kline, Esser and Johnson

AN ACT Relating to jurisdiction for antiharassment protection orders; and amending RCW 10.14.150 and 10.14.160.

Referred to Committee on Judiciary.

SB 5436 by Senators Haugen, Delvin, Eide, Shin and Rasmussen

AN ACT Relating to proceedings for violations of commercial motor vehicle laws, rules, and orders; and amending RCW 46.32.100.

Referred to Committee on Transportation.

SB 5437 by Senators Doumit, Swecker, Jacobsen, Oke and Shin

AN ACT Relating to construction of bridges and trestles; and amending RCW 79.91.100.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5438 by Senators Roach, Swecker, Delvin, Oke and Kohl-Welles

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.

Referred to Committee on Transportation.

SB 5439 by Senators Roach, Swecker, Delvin, Sheldon, Parlette and Kohl-Welles

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

Referred to Committee on Government Operations & Elections.

SB 5440 by Senators Eide, Franklin, Poulsen, Fraser, Keiser, Berkey, Shin, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to revising excise tax provisions to encourage small business; amending RCW 82.32.030, 82.04.4451, and 82.32.045; providing an effective date; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5441 by Senators Weinstein, McAuliffe, Prentice, Kohl-Welles, Eide, Berkey, Poulsen, Keiser, Brown, Fraser, Shin, Haugen, Schmidt, Kline, Rockefeller, Spanel and Rasmussen

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5442 by Senators Poulsen, Keiser, Pflug, Fraser, Shin, Haugen, Franklin, Parlette, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to establishing a task force on long-term care financing and chronic care management; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5443 by Senators Rasmussen, Schmidt, Franklin, Prentice, Berkey, Keiser, Fraser, Poulsen, Kastama, Finkbeiner, Esser, Shin, Haugen, Rockefeller, McAuliffe, Oke and Kohl-Welles

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5444 by Senators Jacobsen, Haugen and Brown

AN ACT Relating to the "Share the Road" special license plate to commemorate Cooper Jones; amending RCW 46.16.333; reenacting and amending RCW 46.16.313 and 43.59.150; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5445 by Senators Kline, Pridemore, Esser, Brown, Finkbeiner, Jacobsen, Benson, Swecker, Spanel, Regala, Poulsen, Mulliken, Rockefeller, Rasmussen, Kohl-Welles and Weinstein

AN ACT Relating to regulation and cleanup of sites with mixed radioactive and hazardous wastes to provide clarification for interpretation of the cleanup priority act consistent with intent and policy of the cleanup priority act as passed by the voters in November 2004; amending RCW 70.105E.030; adding new sections to chapter 70.105E RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5446 by Senators Kohl-Welles, Parlette, Franklin, Swecker, Brown and Schoesler

AN ACT Relating to licensing of soil scientists; adding a new section to chapter 18.220 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5447 by Senators Prentice, Hewitt, Doumit, Honeyford, Mulliken and Rasmussen

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new chapter to title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5448 by Senators Poulsen, Swecker, Brown, Berkey, Delvin, Jacobsen, Kline, Brandland and Kohl-Welles

AN ACT Relating to community outreach regarding grizzly bears; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5449 by Senators Poulsen, Swecker, Pridemore, Kline, Fraser and Rockefeller

AN ACT Relating to providing the department of ecology with lien authority to facilitate the recovery of remedial action costs; amending RCW 70.105D.060; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Water, Energy & Environment.

SB 5450 by Senators Thibaudeau, Oke, Brown, Mulliken, Keiser, Doumit, Prentice, Poulsen, Regala, Kline, Franklin, Parlette, Rockefeller, Spanel, McAuliffe, Kohl-Welles and Pflug

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.02 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5451 by Senators Keiser, Prentice, Doumit and Kohl-Welles

AN ACT Relating to excise taxation of certain cosmetic medical services; amending RCW 82.08.020; reenacting and amending RCW 82.04.050; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5452 by Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline, Rockefeller, Rasmussen and Kohl-Welles

AN ACT Relating to genetic testing as a condition of life insurance; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5453 by Senators Delvin, Shin, Kline and Brandland

AN ACT Relating to civil immunity of radio and television broadcasting organizations participating in the Amber alert system; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5454 by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles

AN ACT Relating to court operations; amending RCW 2.36.150, 3.50.135, 35.20.090, 2.14.010, 2.14.030, 3.58.030, 3.34.025, 3.46.090, 3.50.080, 3.58.010, 35.20.160, 3.62.050, 3.62.060, 4.12.090, 10.46.190, 12.12.030, 12.40.020, 26.12.240, 27.24.070, 36.18.012, 36.18.016, and 36.18.020; adding a new section to chapter 2.36 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.58 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.62 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5455 by Senator Mulliken

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 5456 by Senators Prentice, Esser, Spanel, Swecker and Pridemore

AN ACT Relating to failure to notify the one-number locator service when excavating near a transmission pipeline; amending RCW 19.122.055, 19.122.070, and 19.122.020; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5457 by Senators Esser, Kline, Weinstein, Prentice, Carrell, Johnson and Shin

AN ACT Relating to securing vehicle loads on public highways; amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5458 by Senators Shin, Schmidt, Regala, Berkey and Jacobsen

AN ACT Relating to the surcharge for preservation of historical documents; and amending RCW 36.22.170.

Referred to Committee on Government Operations & Elections.

SB 5459 by Senators Shin, Schmidt, Berkey and Esser

AN ACT Relating to recorded instruments; and amending RCW 65.04.045 and 65.04.080.

Referred to Committee on Government Operations & Elections.

SB 5460 by Senators McAuliffe, Stevens, Hargrove, Carrell, Franklin, Keiser and Rasmussen

AN ACT Relating to family reconciliation services; and amending RCW 13.32A.040.

Referred to Committee on Human Services & Corrections.

SJR 8207 by Senators Kline, Esser, Hargrove, Carrell and Johnson

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5457 which was referred to the Committee on Judiciary.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8606

By Senators Rasmussen and Johnson

WHEREAS, Twenty percent of the nation's potatoes are produced in the state of Washington; and
WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per-acre yield of potatoes; and

WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy with over \$300 million of potatoes being exported annually through the ports in Tacoma and Seattle alone; and

WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate value of over \$500 million, and total value of processed potato products of \$2.5 billion; and

WHEREAS, Washington potato growers have won national awards for environmentally friendly and efficient use of water and fertilizers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and wishes to thank the Washington Potato Commission for the opportunity to sample the great WATATO (Yes, ladies and gentlemen, that's right WATATO) today on the Capitol Campus.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

Senators Rasmussen and Shin spoke in favor of adoption of the resolution.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 26, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, JANUARY 25, 2005

2005 REGULAR SESSION

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 26, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Sheldon and Zarelli.

The Sergeant at Arms Color Guard consisting of Washington Air National Guardsmen Technical Sergeant Brian King, 141st Air Refueling Wing; Master Sergeant Jason Usher, 254th Red Horse Flight; Staff Sergeant James McCracken; and Staff Sergeant Mike Hanson, Western Air Defense Sector presented the Colors. The national award-winning trombone quartet composed of Washington Army National Guardsmen from the 133rd Army Band First Sergeant Rebecca Sharett; Staff Sergeant Thomas Lee; Sergeant Patrick O'Hara; and Sergeant Jeffrey Vogel performed the National Anthem. Washington Air National Guard Staff Chaplin, Christopher Lensch offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Schmidt moved adoption of the following resolution:

SENATE RESOLUTION

8604

By Senators Schmidt, Benson, Honeyford, Pridemore, Swecker, Oke, Delvin, Kline, Schoesler, Fraser, Parlette, Eide, Mulliken, Esser and Stevens

WHEREAS, Nearly eight thousand eight hundred men and women of the Washington National Guard comprised of Air National Guard and Army National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard continues to answer the state's call in response to fire fighting, flood relief support, and other emergency efforts threatening public and private lands, and in protecting lives in both civil and natural disasters; and

WHEREAS, The Washington National Guard continues its promotion of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies; and

WHEREAS, The Washington National Guard adds value to communities by providing armories for public use that includes important community outreach programs and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, A majority of the major units and members of the Washington National Guard continue their federal active duty service in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom, conducting critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice; and

WHEREAS, Particular honor and reverence are due the memory of those Washington Guardsmen who paid the full measure of sacrifice, laying down their lives in the battle for freedom and liberty; and

WHEREAS, The families of guardsmen and women called to active duty are continuing their lives in support of their loved ones, with great hardship and challenge;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor, the Secretaries of the Army and Air Force, and the President of the United States.

Senators Schmidt, Shin, Deccio, Rasmussen, Oke, Franklin, Mulliken, Jacobsen, Honeyford and Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

The motion by Senator Schmidt carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege. Thank you very much Mr. President and Linda too. I want to thank the body for being so gracious to me over these months. It's been last year, a rough, rough year. Couple weeks ago I was at a down time and Judy brought over a box of cards and I sit for two hours and read through all your cards, letters and notes and it was a terrific pick me up I tell you. I know the prayers are with me. Every day's a new day for me. I don't know what I'm getting into, I'm on a new road and if you don't mind I'll give you just what's going to happen in the next few months so nobody will be guessing. Right now I'm in my first of four cycles of chemo every twenty-eight days I get a load of this stuff and this last time

they had to give me four units of blood. So you that give blood continue to give blood because I don't know what's inside of me now but I feel a little younger. Talking about being younger, I've been here fifteen years and this man is the way I try to emulate and one of the things my office is right next to it and I want his office and I'm next in seniority but the sucker's still here so I don't know if I'm ever going to get in his office. But after the four cycles that I'm on are going to be over I hope we're all out of here and smiling and on with our own business and then I go through a stem cell transplant. They take what good cells in me, I don't know how they decide that freeze them, come along and if you're a farmer you'll understand this. They use round up or something else, kill everything else and for about two weeks I'm laying there like a vegetable praying that I don't get a cold or anything else and then they put the good ones back in and a couple more weeks hopefully I'm back on my feet and hopefully maybe I'll be able to enjoy some golf this year and some other things. If you don't mind, Mr. President, could I bring my wife out to the side here. I think she's over there somewhere. I'd like to say something. You know she has told me that I signed up a little bit more I can't see. She has signed up for better or for worse but putting on socks is not part of that job. She is just with me all day long and she's such a wonderful care giver and I wouldn't be here today without you. Some people say; 'Why don't you stay home Bob and not bother us?' Well, if I did that I'd be really sick. When I come here I see your smiling faces, I know that you have love for me as I have love for you and it really picks me up so keep me here as long as I can and God Bless each and everyone of you. Thank you."

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. Thank you Mr. President. Well, Senator Oke, you're going to be here for a long time. We got the message. Thank you. We just had some happy moments here and recognizing the National Guards and hearing from our colleague, Senator Oke but sometimes there are also sadness that comes into our lives and this morning just scrolling across the TV screen was the reported that thirty marines whose plane had been shot down in Iraq did not think it was terrorist or what might have given away. So, Mr. President in that regard, I would ask if we could have a moment of silence for those thirty lives lost."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of the thirty Military personnel who lost their lives in Iraq.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege. Thank you Mr. President. I just want to thank you Mr. President. I just want to make one quick note. We have a tradition here in the Senate that you know about giving your first speech and the need to basically give a little present to everybody. I wanted to make sure that everybody knew and recognized that one of our newest members, Senator Benson is also a member, he's a Major in the Air National Guard and Brad, how long have you been serving, total of twelve years so he wanted to stand up and speak today but you know the tradition that we have but he didn't but just please recognize that he's a very dedicated Guardsman as well so thank you for hearing that."

MOTION

At 10:48 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of a Rules Meeting.

The Senate was called to order at 11:41 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

January 25, 2005

SB 5372 Prime Sponsor, Berkey: Requiring notice to water and sewer districts of changes that require relocating facilities.
Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measures listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5461 by Senator Fairley

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

Referred to Committee on Human Services & Corrections.

SB 5462 by Senators McCaslin and Kastama

AN ACT Relating to term limits for the legislative ethics board; and amending RCW 42.52.310.

Referred to Committee on Government Operations & Elections.

SB 5463 by Senators Doumit and Morton

AN ACT Relating to recreational vehicle appurtenances; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 5464 by Senators Rasmussen, Brandland, Kline, Spanel, Haugen, Rockefeller and Shin

AN ACT Relating to nonpartisan sheriffs; amending RCW 29A.52.111, 29A.52.210, 29A.52.220, and 29A.52.231; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Government Operations & Elections.

SB 5465 by Senators Rasmussen and Morton

AN ACT Relating to the taxation of land valued under the open space program; and amending RCW 84.34.108, 84.34.055, 84.34.070, 84.34.080, 84.34.090, 84.34.100, 84.34.150, and 84.34.155.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5466 by Senators Parlette, Honeyford, Deccio, Mulliken, Hewitt and Delvin

AN ACT Relating to the calculation of wages under industrial insurance provisions; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5467 by Senators Kastama, Rasmussen, Oke and Schmidt

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

Referred to Committee on Government Operations & Elections.

SB 5468 by Senator Fairley

AN ACT Relating to insurance requirements for motorcycles, motor-driven cycles, and mopeds; amending RCW 46.30.020, 46.04.382, 48.22.005, and 48.22.030; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5469 by Senators Schmidt, Regala, Fairley, Esser, Shin, Roach, Rasmussen, Kohl-Welles and Brown

AN ACT Relating to individual development accounts; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 5470 by Senators Franklin, Thibaudeau, Keiser, Kline, Poulsen, Berkey, Haugen, McAuliffe, Rockefeller, Shin and Kohl-Welles

AN ACT Relating to importation of prescription drugs from Canadian wholesalers; amending RCW 18.64.046; adding a new section to chapter 18.64 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5471 by Senators Thibaudeau, Keiser, Fraser, Berkey, Poulsen, Kline, Franklin, Brown, Haugen, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to authorizing a prescription drug purchasing consortium; adding new sections to chapter 70.14 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5472 by Senators Keiser, Thibaudeau, Poulsen, Fraser, Brown, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to private participation in public employees' benefits board programs; amending RCW 41.05.011 and 41.05.021; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5473 by Senators Keiser, Deccio, Parlette, Pflug and Kohl-Welles

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

Referred to Committee on Health & Long-Term Care.

SB 5474 by Senators Kastama, Schmidt and Eide

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

Referred to Committee on Government Operations & Elections.

SB 5475 by Senators Kline and Kohl-Welles

AN ACT Relating to the assault weapons ban of 2005; amending RCW 9.41.010 and 9.94A.515; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5476 by Senators Kline, Brandland, Fairley, Esser, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice, Rockefeller and Kohl-Welles

AN ACT Relating to advisory sentencing guidelines; amending RCW 9.94A.030, 9.94A.480, 9.94A.530, and 9.94A.535; reenacting and amending RCW 9.94A.505; adding new sections to chapter 9.94A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5477 by Senators Kline, Brandland, Hargrove, Esser, Fairley, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice and Rockefeller

AN ACT Relating to sentencing outside the standard sentence range; amending RCW 9.94A.530 and 9.94A.535; adding a new section to chapter 9.94A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5478 by Senators Stevens, Benson, Swecker, Benton and Oke

AN ACT Relating to truth in describing sex education; adding new sections to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5479 by Senators Berkey, Benton, Prentice, Esser and McAuliffe

AN ACT Relating to time periods in landlord/tenant actions; and amending RCW 59.12.070 and 59.18.370.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5480 by Senators Roach, Schoesler, Benson, Benton and Oke

AN ACT Relating to increasing penalties for manufacturing methamphetamine; amending RCW 69.50.401, 69.50.406, 69.50.415, 9.94A.518, 9.94A.533, 9.94A.610, and 13.40.0357; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5481 by Senators Fairley, Kline and Shin

AN ACT Relating to the extortionate extension of credit; amending RCW 31.45.110; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5482 by Senators Fairley, Kline and Rasmussen

AN ACT Relating to small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5483 by Senators Fairley, Kline and Franklin

AN ACT Relating to small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5484 by Senators Fairley, Kline, Shin and Rasmussen

AN ACT Relating to monitoring and reporting on check cashers and sellers; amending RCW 31.45.060; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5485 by Senators Fairley and Kline

AN ACT Relating to the limits on the amount, interest, and fees for small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5486 by Senators Fairley, Kline and Rasmussen

AN ACT Relating to lending by check cashers and sellers; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5487 by Senators Keiser, Hewitt, Doumit, Delvin, Pridemore, Prentice, Schoesler, McAuliffe, Berkey, Rockefeller and Kohl-Welles

AN ACT Relating to the liquor control board fully implementing a retail business plan; amending RCW 66.08.060; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; and repealing RCW 66.16.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5488 by Senators Rasmussen and Schoesler

AN ACT Relating to fruit and vegetable district fund; and amending RCW 15.17.243.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5489 by Senators Regala, Schmidt, Fraser, Delvin, Rasmussen, McAuliffe, Rockefeller and Kohl-Welles

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5490 by Senators Kastama, Kline and McAuliffe

AN ACT Relating to noise prevention for motor vehicles; and amending RCW 46.37.390.

Referred to Committee on Transportation.

SB 5491 by Senators Poulsen, Benson, Kastama and Deccio

AN ACT Relating to describing when the department of health may collect a fee for infant screening services; and amending RCW 70.83.040.

Referred to Committee on Health & Long-Term Care.

SB 5492 by Senators Keiser, Deccio, Kline, Parlette, Mulliken and Pflug

AN ACT Relating to hospital reporting of restrictions on health care practitioners; amending RCW 70.41.210; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5493 by Senators Kastama, Deccio and Benson

AN ACT Relating to removing state funding restrictions from the hepatitis C state plan; and amending RCW 70.54.360.

Referred to Committee on Health & Long-Term Care.

SB 5494 by Senators Thibaudeau, Deccio, Parlette, Benson, Pflug and Kohl-Welles

AN ACT Relating to identifying health care providers covered by the retired health care provider liability malpractice insurance program; and amending RCW 43.70.460 and 43.70.470.

Referred to Committee on Health & Long-Term Care.

SB 5495 by Senators Kline, Deccio, Thibaudeau and Shin

AN ACT Relating to providing the secretary of health with authority to administer grants on behalf of the department of health; and amending RCW 43.70.005 and 43.70.040.

Referred to Committee on Health & Long-Term Care.

SB 5496 by Senators Keiser, Brandland, Parlette, Benson, Deccio and Mulliken

AN ACT Relating to inspection of hospitals; and amending RCW 70.41.120 and 70.41.122.

Referred to Committee on Health & Long-Term Care.

SB 5497 by Senators Delvin, Hewitt, Honeyford, Schoesler, McCaslin, Deccio, Mulliken, Morton, Roach, Swecker and Pflug

AN ACT Relating to allowing terminally ill members to remove themselves from their retirement plan; amending RCW 41.40.023, 41.32.010, and 41.35.030; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.35 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5498 by Senator Delvin

AN ACT Relating to sales tax exemptions and remittances for nonresidents; amending RCW 82.08.0273; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5499 by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser

AN ACT Relating to election reform; amending RCW 29A.04.530, 29A.04.570, 29A.40.110, 29A.60.210, 29A.64.030, 29A.64.061, 29A.64.081, and 29A.84.650; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5500 by Senators Hargrove, Stevens, Delvin and Regala

AN ACT Relating to transfer of juvenile proceedings; and amending RCW 13.40.060.

Referred to Committee on Human Services & Corrections.

SB 5501 by Senators Hargrove, Stevens, Delvin, Regala and Shin

AN ACT Relating to subjecting juvenile court services employment applicants to lie detector tests; and amending RCW 49.44.120.

Referred to Committee on Human Services & Corrections.

SB 5502 by Senators Hargrove, Stevens, Delvin and Regala

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Referred to Committee on Human Services & Corrections.

SB 5503 by Senators Carrell, Benton, Schoesler, Zarelli, Pflug, Johnson, Delvin, Honeyford, Esser, Morton, Mulliken, Deccio and McCaslin

AN ACT Relating to restricting the solicitation of money or employment from the side of a public highway; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5504 by Senators Carrell, Hewitt, Mulliken, Swecker, Deccio, Zarelli, Benson, Delvin, Honeyford, Stevens, Esser, Brandland, Schoesler, Roach, Benton and Oke

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

Referred to Committee on Judiciary.

SB 5505 by Senators Carrell, Morton, Honeyford and Mulliken

AN ACT Relating to liability for inadequate storm water control in densely populated urban areas; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5506 by Senators Kohl-Welles, Fairley, Regala and Thibaudeau

AN ACT Relating to the development of policies regarding the marketing or merchandising of credit cards to students at the state's institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5507 by Senator Finkbeiner

AN ACT Relating to law enforcement officer accountability when involved in traffic accidents; amending RCW 10.31.100, 46.52.030, 46.52.070, 46.52.130, and 46.63.030; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5508 by Senators Doumit and Hewitt

AN ACT Relating to sales and use tax exemptions for light and power businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5509 by Senators Poulsen, Esser, Fraser, Schmidt, Pridemore, Fairley, Berkey, Kohl-Welles, Kline, Regala, Rockefeller, Weinstein, Brown, Keiser and McAuliffe

AN ACT Relating to high-performance green buildings; adding a new section to chapter 39.04 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.150 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5510 by Senators Spanel and Kohl-Welles

AN ACT Relating to defining supervisor for public employment purposes; and amending RCW 41.80.005.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5511 by Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson

AN ACT Relating to liability immunity for municipal or nonprofit owned skate parks that charge nominal fees; and reenacting and amending RCW 4.24.210.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5512 by Senators Regala, Roach, Fraser, McAuliffe, Delvin, Keiser, Rockefeller, Rasmussen, Kohl-Welles and Benton

AN ACT Relating to permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5513 by Senators Haugen, Shin, Kohl-Welles, Rasmussen, Fairley and Prentice

AN ACT Relating to restructuring of certain transportation agencies; amending RCW 47.01.041, 47.01.071, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 35.58.2796, 36.78.070, 41.40.037, 43.10.101, 43.79.270, 43.79.280, 43.88.020, 43.88.030, 43.88.230, 43.105.160, 43.105.190, 44.04.260, 44.28.088, 44.40.025, 44.40.070, 44.40.100, 46.01.320, 46.01.325, 46.16.705, 46.16.715, 46.16.725, 46.23.040, 46.73.010, 47.01.145, 47.01.280, 47.04.210, 47.04.220, 47.06.110, 47.06A.020, 47.12.360, 47.17.850, 47.26.167, 47.26.170, 47.46.030, 47.46.040, 47.74.020, 47.76.340, 79A.05.125, 81.80.395, 81.104.110, 82.33.020, 82.70.060, and 82.80.070; reenacting and amending RCW 47.01.101 and 90.03.525; reenacting RCW 43.59.150; adding a new section to chapter 47.01 RCW; creating new sections; repealing RCW 44.28.161, 44.40.010, 44.40.013, 44.40.015, 44.40.030, 44.40.040, 44.40.090, 44.40.140, 44.40.150, 44.40.161, and 53.08.350; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5514 by Senators Keiser, Fraser, Delvin, Regala, Pflug and Rasmussen

AN ACT Relating to choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1; amending RCW 41.26.164; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5515 by Senators Regala, Esser, Kline, Poulsen, Rockefeller, Brandland, Fraser, Kohl-Welles, Brown, Keiser, Pridemore and Shin

AN ACT Relating to brominated flame retardants; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5516 by Senators Thibaudeau, Deccio, Benton, Keiser, Pflug, Rockefeller, Prentice, Kohl-Welles, Franklin, McAuliffe and Benson

AN ACT Relating to independent prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.240; and repealing RCW 18.57.280, 18.71.370, and 18.79.320.

Referred to Committee on Health & Long-Term Care.

SB 5517 by Senators Doumit, Benton, Parlette, Regala, Zarelli, Fraser, Mulliken, McAuliffe, Rasmussen and Benson

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

Referred to Committee on Ways & Means.

SB 5518 by Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5519 by Senators Stevens, Swecker, Eide, Spanel, Mulliken and Rasmussen

AN ACT Relating to vehicle licensing subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 5520 by Senators Keiser, Rasmussen, Hewitt, Oke and Franklin

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Ways & Means.

SB 5521 by Senators Rasmussen, McAuliffe, Schmidt, Oke, Keiser, Shin, Thibaudeau, Kline, Kohl-Welles and Benson

AN ACT Relating to military service credit; amending RCW 41.32.810, 41.35.470, and 41.40.710; and reenacting and amending RCW 41.04.005.

Referred to Committee on Government Operations & Elections.

SB 5522 by Senators Franklin, Weinstein, Keiser, Kastama, Zarelli, Rasmussen, Hewitt, Kline, Schmidt and Rockefeller

AN ACT Relating to purchasing service credit lost due to injury; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following change to the 2005 Senate Standing Committee assignments. Senator Rasmussen is appointed to replace Senator Kohl-Welles on the Committee on Judiciary.

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

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

SECOND READING

SENATE BILL NO. 5048, by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

Prohibiting tobacco product sampling.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Kohl-Welles spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Sheldon was excused.

Senator McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Benson, Benton, Delvin, Hewitt, Honeyford, Mulliken, Roach, Schoesler and Stevens - 9

Excused: Senators Sheldon and Zarelli - 2

SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 27, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, JANUARY 26, 2005

2005 REGULAR SESSION

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 27, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 26, 2005

I-330 Prime Sponsor, People of the State of Washington: Relating to health care liability reform. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Judiciary.

January 26, 2005

I-336 Prime Sponsor, People of the State of Washington: Relating to health care quality protection. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Judiciary.

January 25, 2005

SB 5046 Prime Sponsor, Regala: Modifying provisions governing ethics complaints. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

January 26, 2005

SB 5106 Prime Sponsor, Swecker: Clarifying authority over hazardous materials inspections. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Oke, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 25, 2005

SB 5220 Prime Sponsor, Kastama: Managing the motor pool within the department of general administration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Ways & Means.

January 25, 2005

SB 5221 Prime Sponsor, Schmidt: Making the joint committee on veterans' and military affairs permanent. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

January 26, 2005

SB 5270 Prime Sponsor, Haugen: Assisting vessel registration enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Swecker and Weinstein

Passed to Committee on Ways & Means.

January 26, 2005

SB 5402 Prime Sponsor, Oke: Exempting ferry fuel used by Washington state ferries from excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Swecker and Weinstein

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 26, 2005

MR. PRESIDENT:

The House has passed the following bill{s):
SUBSTITUTE HOUSE BILL NO. 1014,
HOUSE BILL NO. 1049,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5523 by Senators Finkbeiner, Thibaudeau, Kohl-Welles and Keiser

AN ACT Relating to epinephrine; and amending RCW 18.73.250.

Referred to Committee on Health & Long-Term Care.

SB 5524 by Senators Regala, Parlette, McAuliffe, Carrell, Prentice, Schoesler, Franklin, Kohl-Welles, Mulliken and Rasmussen

AN ACT Relating to school district bidding requirements; and amending RCW 28A.335.190 and 28A.525.020.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5525 by Senators Oke, Kohl-Welles, Mulliken, Stevens, Parlette, Schmidt, Roach, Benton and Johnson

AN ACT Relating to provisional ballots; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on Government Operations & Elections.

SB 5526 by Senators Oke, Stevens, Roach and Johnson

AN ACT Relating to provisional ballots; amending RCW 29A.04.008, 29A.08.625, 29A.08.820, 29A.08.830, 29A.40.050, 29A.40.140, 29A.44.330, and 29A.44.340; adding a new chapter to Title 29A RCW; and recodifying RCW 29A.40.050.

Referred to Committee on Government Operations & Elections.

SB 5527 by Senators Morton, Mulliken, Schoesler, Carrell, Benson, Honeyford, McCaslin and Stevens

AN ACT Relating to prohibiting automatic fee increases; amending RCW 43.135.055; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5528 by Senators Morton, Mulliken, Schoesler, Benson, Delvin, Honeyford, Carrell, McCaslin and Stevens

AN ACT Relating to the department of ecology's inspection fees for hydraulic works; amending RCW 90.03.470; creating a new section; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5529 by Senators Fairley and Kohl-Welles

AN ACT Relating to continuing health insurance coverage for convicted felons; amending RCW 48.41.160, 48.44.220, 48.44.360, and 48.46.380; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5530 by Senators Kline, Esser, Weinstein, Roach, Fairley, Franklin and Kohl-Welles

AN ACT Relating to prohibiting discrimination in life insurance based on lawful travel destinations; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5531 by Senators Kline, Johnson, Fraser, Stevens, Haugen, Swecker, Regala, Franklin, Kohl-Welles, Benton and Shin

AN ACT Relating to indigent defense services; amending RCW 10.101.005 and 10.101.030; and adding new sections to chapter 10.101 RCW.

Referred to Committee on Judiciary.

SB 5532 by Senators Kohl-Welles, Esser and Poulsen

AN ACT Relating to animal cruelty; amending RCW 16.52.205, 16.52.207, 16.52.117, 16.52.190, 16.52.200, 16.08.020, and 9.94A.030; reenacting and amending RCW 9.94A.515; adding a new section to chapter 16.52 RCW; repealing RCW 16.08.030; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5533 by Senators Fairley, Benton, Keiser, Benson, Kohl-Welles and Franklin

AN ACT Relating to information provided to and by financial institution employers; adding a new section to chapter 4.24 RCW; adding a new section to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5534 by Senators Poulsen, Swecker, Kohl-Welles, Weinstein, Prentice, Kline, Esser, Fairley, Oke and Benson

AN ACT Relating to city monorail transportation authorities; amending RCW 35.95A.050, 35.95A.110, 39.36.030, 35.95A.070, 35.95A.130, 82.44.065, and 82.44.120; adding new sections to chapter 35.95A RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 82.44 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SB 5535 by Senators Franklin, Brandland, Berkey, Spanel, Schoesler, Rockefeller, Delvin, Kohl-Welles, Oke and Shin

AN ACT Relating to optometry; amending RCW 18.53.010; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5536 by Senators Parlette, Haugen, Poulsen, Finkbeiner, Morton, Benson, Delvin, Kline, Kohl-Welles, Mulliken and Shin

AN ACT Relating to the basic health plan; creating a new section; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 5537 by Senator Jacobsen

AN ACT Relating to managing state granted lands for multiple benefits under long-term leases that compensate trust beneficiaries; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5538 by Senators Prentice, Rockefeller, Doumit, Fairley, McAuliffe, Haugen, Berkey, Rasmussen, Keiser, Regala, Kline, Eide, Kohl-Welles, Brown, Thibaudeau, Franklin, Weinstein, Schmidt and Shin

AN ACT Relating to the early childhood education and assistance program; amending RCW 28A.215.110, 28A.215.120, and 28A.215.150; adding new sections to chapter 28A.215 RCW; and repealing RCW 28A.215.140 and 28A.215.190.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5539 by Senators Jacobsen, Oke, Rasmussen, Doumit, Schmidt, Benson, Kastama, Shin, Pridemore, Franklin and Roach

AN ACT Relating to restoring Washington's watersheds with help from postconflict veterans; adding new sections to chapter 77.85 RCW; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5540 by Senators Fairley and Kline

AN ACT Relating to extortionate extension of credit; and amending RCW 9A.82.020.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5541 by Senators Carrell, Hargrove, Zarelli, Benson, Delvin and Schoesler

AN ACT Relating to enforcement of outstanding warrants from courts of limited jurisdiction; amending RCW 35.20.270, 3.62.020, and 3.62.040; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

SB 5542 by Senators Carrell, Hargrove, Zarelli, Benson, Delvin, Schoesler and Benton

AN ACT Relating to alternative detention and rehabilitation facilities for cities and counties; amending RCW 70.48.020; adding a new section to chapter 70.48 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5543 by Senators Spanel, Haugen, Jacobsen, Mulliken, Roach and Rasmussen

AN ACT Relating to extending a sales and use tax exemption to the construction of facilities to be used for the conditioning of vegetable seeds; amending RCW 82.60.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5544 by Senators Spanel, Fairley, Brandland, Keiser, Franklin, Benson and Kohl-Welles

AN ACT Relating to creating the Washington voluntary accounts program; amending RCW 43.84.092; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5545 by Senators Roach, Rasmussen, Mulliken, Kline, Honeyford, Hewitt, Stevens, Morton, Benson, Schoesler, Schmidt, Fairley, McCaslin, Carrell, Swecker, Keiser, Delvin, Deccio and Oke

AN ACT Relating to renewing a concealed pistol license by members of the armed forces; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

SB 5546 by Senators Roach, Mulliken, Swecker, Johnson, Pflug, Finkbeiner, Stevens, Carrell, Schoesler and Benson

AN ACT Relating to critical area regulations; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5547 by Senators Roach and Johnson

AN ACT Relating to the dissolution of homeowners' associations; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5548 by Senators Roach, Swecker, Benson, Finkbeiner, Delvin, Mulliken, Johnson and Oke

AN ACT Relating to the assessment of property with substantial land use limitations; adding a new section to chapter 84.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5549 by Senators Hargrove and Poulsen

AN ACT Relating to allocation of conserved water rights; adding new sections to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5550 by Senators Hargrove, Keiser, Schoesler, Franklin, Doumit, Kohl-Welles, Parlette, Hewitt, Brown, Jacobsen, Mulliken and Shin

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5551 by Senators Hargrove, Hewitt, Schoesler, Mulliken, Parlette and Oke

AN ACT Relating to studying the minimum wage in Washington state; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5552 by Senators Kohl-Welles, McAuliffe, Benton, Johnson, Shin, Carrell, Rasmussen, Mulliken and Roach

AN ACT Relating to information required for school district employment applicants; and amending RCW 28A.400.301.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5553 by Senators Brandland, Kohl-Welles, Hargrove and Regala

AN ACT Relating to creating a pilot program for live scan devices; creating a new section; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 5554 by Senators Kohl-Welles, Brandland, Hargrove and Stevens

AN ACT Relating to the joint task force on criminal background check processes; reenacting and amending 2004 c 41 s 2 (uncodified); providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5555 by Senator Jacobsen

AN ACT Relating to managing state granted lands for multiple benefits and increasing monetary benefits to trust beneficiaries; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5556 by Senators Fraser, Swecker, Stevens, Rockefeller, Kline, Shin, Franklin, Regala, Pridemore, Weinstein, Hewitt, Poulsen, Morton, Kohl-Welles, McAuliffe, Oke, Spanel, Keiser, Jacobsen, Berkey, Prentice, Mulliken, Brown, Fairley and Rasmussen

AN ACT Relating to repealing statutes; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Government Operations & Elections.

SB 5557 by Senators Delvin, Stevens, Pflug, Carrell, Mulliken, McCaslin, Deccio, Parlette and Swecker

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

Referred to Committee on Human Services & Corrections.

SJM 8009 by Senators Morton, McCaslin, Mulliken, Stevens, Delvin, Deccio, Parlette, Schoesler, Swecker, Honeyford and Kline

Petitioning for the creation of a new state in Eastern Washington.

Referred to Committee on Government Operations & Elections.

SJR 8208 by Senators Morton and Brown

Amending the Constitution to allow for adjournment after cutoff during the regular session.

Referred to Committee on Government Operations & Elections.

FIRST READING OF HOUSE BILLS

SHB 1014 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, O'Brien, Cody, Morrell, Chase and Schual-Berke)

AN ACT Relating to DNA testing; amending RCW 10.73.170; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

HB 1049 by Representatives Green, DeBolt, Upthegrove, Kilmer, Kessler, McCoy, Sells, Blake, Schual-Berke, Kenney, P. Sullivan, Jarrett, Kagi, Simpson, Wood, Lantz, Hudgins, Morrell, Hunt and Ormsby

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

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 28, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SEVENTH DAY, JANUARY 27, 2005

2005 REGULAR SESSION

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 28, 2005

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Berkey, Brandland, Delvin, Kohl-Welles, McCaslin, Morton, Mulliken, Swecker and Zarelli

The Sergeant at Arms Color Guard consisting of Pages Nicole Vukonich and Lee Poor, presented the Colors. Reverend Tony Irving of the St. Benedicts Episcopal Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2005

SB 5009 Prime Sponsor, Rasmussen: Changing conservation assistance revolving account provisions. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5010 Prime Sponsor, Rasmussen: Funding conservation districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2005

SB 5049 Prime Sponsor, Kohl-Welles: Requiring the disclosure of information about mold in residential dwelling units. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 26, 2005

SB 5085 Prime Sponsor, Weinstein: Holding child car seat installers harmless for damages. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Oke, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Mulliken.

Passed to Committee on Rules for second reading.

January 25, 2005

SB 5108 Prime Sponsor, Fraser: Increasing the administrative cap on the housing assistance program and the affordable housing program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass substitute. Signed by Senators Benson, Benton, Brandland and Delvin

Passed to Committee on Ways & Means.

January 27, 2005

SB 5161 Prime Sponsor, Eide: Including use of wireless communications in accident reports. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5161 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 25, 2005

SB 5266 Prime Sponsor, Fairley: Reserving state authority to regulate customer financial transactions. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5287 Prime Sponsor, Prentice: Authorizing a state tax on social card games. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5558 by Senators Brown, Swecker, Fraser, Keiser, Benson, Brandland, Weinstein, Roach, Rasmussen, McAuliffe, Pridemore, Shin, Rockefeller and Kohl-Welles

AN ACT Relating to the prescription drug assistance foundation; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5559 by Senators Pflug, Kline, Schmidt and Roach

AN ACT Relating to amendment of governing documents of a homeowners' association; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5560 by Senators Pflug, Kline, Benson and Schmidt

AN ACT Relating to records of members of homeowners' associations; and amending RCW 64.38.045.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5561 by Senators Pflug, Kline, Schmidt, Stevens, Benson, Sheldon and Rockefeller

AN ACT Relating to dispute resolution services for homeowners' associations; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5562 by Senators Benson, Delvin, Oke, Hewitt, Schmidt, Carrell, Morton, McCaslin, Deccio, Brandland, Mulliken, Esser, Parlette, Finkbeiner, Honeyford, Roach and Sheldon

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

Referred to Committee on Judiciary.

SB 5563 by Senators Franklin, Schmidt, Oke, Rasmussen, Thibaudeau, Kohl-Welles, Pflug, Regala, Parlette, Pridemore, Hargrove, Fraser, Hewitt, Doumit, Spanel, Prentice, Stevens, McAuliffe, Mulliken, Haugen, Berkey, Swecker, Carrell, Fairley, Kline, Keiser, Kastama, Shin, Delvin, Roach, Poulsen, Sheldon, Eide, Johnson and Rockefeller

AN ACT Relating to recording the oral histories of women who contributed to their communities, the state, or the nation during World War II; amending RCW 28A.300.370; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5564 by Senators Schmidt, Kastama, Weinstein, Roach, Shin, Rockefeller, Oke and Kohl-Welles

AN ACT Relating to a manual of election laws and rules; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 5565 by Senators Schmidt, Kastama, Weinstein, Roach, Keiser, Sheldon, Shin, Rockefeller, Oke and Kohl-Welles

AN ACT Relating to information for out-of-state, overseas, and service voters; and amending RCW 29A.40.150.

Referred to Committee on Government Operations & Elections.

SB 5566 by Senators Hargrove, Esser, Regala and Kline

AN ACT Relating to enrollment cards issued by federally recognized Indian tribes; amending RCW 29A.08.010, 66.16.040, and 70.155.090; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5567 by Senators Kohl-Welles, Esser, Prentice, Stevens, Thibaudeau, Rasmussen and McAuliffe

AN ACT Relating to investments in cost-effective intervention programs for juvenile justice-involved youth; adding new sections to chapter 70.190 RCW; adding a new section to chapter 43.135 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5568 by Senator Benton

AN ACT Relating to record check costs; and amending RCW 28A.400.303 and 28A.410.010.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5569 by Senators Keiser, Benson and McAuliffe

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5570 by Senators Haugen, Pflug, Keiser, Kastama, McAuliffe, Kline, Carrell, Fairley, Benson, Roach, Rasmussen, Mulliken and Eide

AN ACT Relating to the discontinuation of the nursing facility bed tax; creating a new section; repealing RCW 74.46.091, 74.46.535, 82.71.010, 82.71.020, and 82.71.030; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5571 by Senators Benson, Schoesler, Carrell, Keiser, Kastama and Mulliken

AN ACT Relating to the boarding home business and occupation tax; amending RCW 82.04.290 and 82.04.460; reenacting and amending RCW 82.04.050 and 82.04.190; creating a new section; repealing RCW 82.04.4337 and 82.04.2908; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5572 by Senators Rasmussen, Hewitt, Berkey, Oke, Benson, Deccio, Delvin and Jacobsen

AN ACT Relating to maintenance and repair of minor league baseball facilities; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5573 by Senators Fairley, Swecker, Eide, Regala, Fraser, Hewitt, Kline and Kohl-Welles

AN ACT Relating to authorizing local governments to seek voter approval for a fixed multiyear regular property tax dollar rate; and amending RCW 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 5574 by Senators Kline, Roach, Regala, Stevens, Rasmussen, Delvin, McCaslin, Prentice, Weinstein, Kastama and Kohl-Welles

AN ACT Relating to the sale and use of projectile stun guns; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5575 by Senators Kohl-Welles, Pridemore, Shin, Brown, Rockefeller, McAuliffe, Berkey, Thibaudeau, Franklin, Kline, Regala, Jacobsen and Keiser

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5576 by Senators Poulsen, Swecker, Weinstein, Haugen and Rockefeller

AN ACT Relating to fare cards for transportation facilities and services; and amending RCW 63.29.010 and 63.29.020.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5577 by Senators Fairley, Keiser, Kline, Fraser, Poulsen and Kohl-Welles

AN ACT Relating to relocation assistance payments to tenants; amending RCW 59.18.085 and 35.80.030; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5578 by Senators Kohl-Welles, Schmidt, Pridemore, Rockefeller, Rasmussen, Shin, McAuliffe and Kline

AN ACT Relating to vocational educational training as a work activity under Washington WorkFirst; and amending RCW 74.08A.250.

Referred to Committee on Human Services & Corrections.

SB 5579 by Senators Keiser, Benton, Fairley, Berkey, Thibaudeau, McAuliffe, Zarelli, Kastama, Hewitt, Delvin and Shin

AN ACT Relating to regulating insurance overpayment recovery practices; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5580 by Senators Regala, Swecker, Haugen, Esser, Weinstein, Rasmussen, Schoesler, Fraser, Poulsen, Mulliken and McAuliffe

AN ACT Relating to disabled persons' parking places; and amending RCW 46.61.581.

Referred to Committee on Transportation.

SB 5581 by Senators Brown, Finkbeiner, Kohl-Welles, Parlette, Rasmussen, Zarelli, Prentice, Hewitt, Fairley, Esser, Doumit, Keiser, Haugen, McAuliffe and Shin

AN ACT Relating to the strategic financing of life sciences research; amending RCW 43.79.480 and 42.30.110; reenacting and amending RCW 42.17.310, 42.17.310, and 42.17.2401; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5582 by Senators Regala, Hargrove, Stevens, Carrell, Franklin, McAuliffe and Kohl-Welles

AN ACT Relating to the use of demographic factors in proceedings under chapter 71.09 RCW; amending RCW 71.09.090; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5583 by Senators Regala, Hargrove, McAuliffe, Stevens, Carrell, Kline, Rasmussen and Kohl-Welles

AN ACT Relating to older children who are victims of abuse or neglect; adding a new section to chapter 26.44 RCW; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5584 by Senators Jacobsen, Swecker and Haugen

AN ACT Relating to consolidated rental car facilities at airports; and amending RCW 14.08.120.

Referred to Committee on Transportation.

SB 5585 by Senators Poulsen, Esser and Prentice

AN ACT Relating to land acquired from a commercial waterway district; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Government Operations & Elections.

SB 5586 by Senators Haugen, Swecker and Kastama

AN ACT Relating to the population thresholds for membership of the county road administration board; and amending RCW 36.78.040.

Referred to Committee on Transportation.

SB 5587 by Senators Haugen, Swecker and Kastama

AN ACT Relating to the definition of "county engineer"; and amending RCW 36.75.010.

Referred to Committee on Transportation.

SB 5588 by Senators Haugen, Swecker and Kastama

AN ACT Relating to county road construction projects reporting requirements; and amending RCW 36.77.065 and 36.81.130.

Referred to Committee on Transportation.

SB 5589 by Senators Haugen and Spanel

AN ACT Relating to proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city; and adding a new section to chapter 35A.16 RCW.

Referred to Committee on Government Operations & Elections.

SB 5590 by Senators Fairley and Delvin

AN ACT Relating to the dissolution of joint housing authorities; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5591 by Senator Honeyford

AN ACT Relating to the zoning authority of local jurisdictions with respect to activities licensed by the gambling commission; amending RCW 9.46.285 and 9.46.295; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5592 by Senators McAuliffe, Oke, Fairley, Shin, Keiser, Thibaudeau, Kohl-Welles and Weinstein

AN ACT Relating to prohibiting smoking in public places; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and 70.160.080; repealing RCW 70.160.040 and 70.160.060; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5593 by Senators Fairley and Kline

AN ACT Relating to the .50 caliber firearm ban of 2005; amending RCW 9.41.010 and 9.94A.515; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5594 by Senators Kohl-Welles, Keiser, Franklin, Thibaudeau and Kline

AN ACT Relating to stem cell research and human cloning; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5595 by Senators Schoesler, Hewitt, Morton, Delvin and Mulliken

AN ACT Relating to exempting public work performed by fire district employees from competitive bidding requirements; and amending RCW 52.14.110.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5596 by Senators Finkbeiner, Johnson and Oke

AN ACT Relating to presidential electors; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on Government Operations & Elections.

SB 5597 by Senators Rasmussen, Schoesler, Brown, Prentice, Roach, Jacobsen, Kastama, Shin, Fraser, Kline and Kohl-Welles

AN ACT Relating to expansion of farmers market nutrition programs; creating a new section; and making appropriations.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5598 by Senators Franklin, Benton, Thibaudeau, Keiser, Benson, Kline and McAuliffe

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

Referred to Committee on Health & Long-Term Care.

SB 5599 by Senators Franklin, Kastama, Thibaudeau, Benson, Kline and McAuliffe

AN ACT Relating to funding a central resource center for the nursing work force; amending RCW 43.70.110 and 43.70.250; adding a new section to chapter 18.79 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SCR 8405 by Senators Honeyford, Spanel, Hewitt, Parlette, Pridemore, Delvin, Morton, Mulliken, Benton, Fraser and McAuliffe

Naming the Columbia Room.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5594 which was referred to the Committee on Labor, Commerce, Research & Development.

MOTION

At 10:06 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:19 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5151, by Senators Franklin, Oke, Regala, Benton, Rasmussen, Roach, Eide, Haugen, Berkey, Kline and Fairley

Changing the authority of a metropolitan park district to dispose of surplus property.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5151 was substituted for Senate Bill No. 5151 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senator Franklin be adopted.

On page 1, line 9, after "exceeds" strike "thirty" and insert "twenty"

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 1, line 9 to Substitute Senate Bill No. 5151.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Franklin spoke in favor of passage of the bill

MOTION

On motion of Senator Hewitt, Senators Brandland, Delvin McCaslin, Morton, Mulliken, Swecker and Zarelli were excused.

MOTION

On motion of Senator Regala, Senators Berkey and Kohl-Welles were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benson, Benton, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 40

Excused: Senators Berkey, Brandland, Delvin, Kohl-Welles, McCaslin, Morton, Mulliken, Swecker and Zarelli - 9

ENGROSSED SUBSTITUTE SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION

8608

By Senators Spanel, Honeyford and Fraser

WHEREAS, Dee R. Hooper began working for the State of Washington as an engineering aide with the Department of General Administration in December of 1962; and Dee Hooper was project manager for the 1976 Legislative Building Structural and Earthquake Repairs; and

WHEREAS, Dee Hooper began employment with the Senate in July of 1977 and was immediately faced with the question of purchasing new custom built furniture for offices; and

WHEREAS, Dee Hooper justified the purchase of such furniture by writing that "the furnishings that were purchased for the Legislative leadership offices were purchased...to leave a legacy to the citizens of the State of Washington for generations to come expressing our intelligence, our refinement, and our fervent pride in the importance of our state and the arts"; and

WHEREAS, The above quote exemplifies Dee Hooper's devotion to the betterment of facilities within the Senate and House of Representatives for over a quarter of a century; and

WHEREAS, Dee Hooper served as host state and staff coordinator for national conventions held in Washington of the Council of State Governments in 1978, the National Conference of State Legislatures in 1985, and the American Legislative Exchange Council in 1991; and

WHEREAS, Dee Hooper has been centrally involved in preparation for every Inaugural Ball since 1973 and most recently served as Vice President of the 2005 Inaugural Ball Committee; and

WHEREAS, In preparation for the State Centennial celebration, Dee Hooper directed the inspired decorative painting of the Legislative Building rotunda as well as the House and Senate chambers; and

WHEREAS, Dee Hooper oversaw the modernization of the House and Senate phone system in several office buildings, safety hand rails in the Rotunda, and other vital projects too numerous to mention that made the Legislative Building a safer place to visit and work; and

WHEREAS, Dee Hooper has been an indispensable member of the Legislative Building rehabilitation project team and, as a measure of his dedication, postponed his retirement in order to see through the renovation of the historic Legislative Building which he loves so very much;

NOW, THEREFORE, BE IT RESOLVED, That Dee R. Hooper be acknowledged and acclaimed for his full dedication and superior contributions to the grace and dignity of the Washington State Capitol Campus, the same commitment, grace, and dignity he brought to work each day; and

BE IT FURTHER RESOLVED, That Dee Hooper be congratulated on his retirement from over four decades of public service and wished the very best in pursuing future endeavors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dee Hooper.

Senators Spanel, Deccio and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

The President introduced Mr. Dee Hooper who was seated at the Rostrum.

REMARKS BY DEE HOOPER

Dee Hooper: "My daughter Jody, always fears when I get into these kinds of situations that I have a red nose that I'll pull out and put it on. She doesn't think that's very funny. I'm honored, beyond belief, for, I guess the honor that you've bestowed upon me and quite frankly it's a little bit overwhelming so I thank you. I've enjoyed what we've done with this building. I think it's been a good contribution to the building and I hope that you'll continue to protect this building in the manner that it deserves. Thank you."

INTRODUCTION OF SPECIAL GUESTS

President Owen: "Thank you Dee, it's my privilege also to be able to make some introductions of Dee's family. He has with him today, his daughters; Carol, Jody and Cheryl, their mother Bunny Hooper, his son-in-law, Steve Lynch and his grandchildren Heidi and Dillon."

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. A point of personal privilege. As we get ready to go home for the weekend there's a major event taking place in Iraq on Sunday and those folks will be for the first time will be electing their form of government and the people whom they want. Yesterday in Iraq there was a strike by the terrorist at one of the voting centers that killed twelve people. One of them was a U. S. Marine. While you always hope and you prayer that nothing like that will happen but it's hard for us to understand and estimate that it probably will happen again on Sunday. In something that we so take for granted the Iraqi people that are going to show up to vote on Sunday are putting their lives in danger. Very likely there will be attacks on more of the voting centers and it will be our soldiers, members of our military that will be defending many of those places. So Mr. President, I would like us to stand for a moment of silence to recognize those twelve people that died yesterday and also recognize a very important day taking place in another country on Sunday. Thank you."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of twelve members of the military, who passed away while serving in Iraq on January 27, 2005.

At 11:40 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 31, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 28, 2005

2005 REGULAR SESSION

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 31, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2005

SB 5005 Prime Sponsor, Jacobsen: Supporting nature-based tourism. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5005 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5024 Prime Sponsor, Jacobsen: Providing tax incentives to encourage telework. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

January 27, 2005

SB 5040 Prime Sponsor, Shin: Providing additional funding for the community economic revitalization board's programs. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5040 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

January 27, 2005

SB 5063 Prime Sponsor, Jacobsen: Creating a telework enhancement funding board. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

January 27, 2005

SB 5097 Prime Sponsor, Kohl-Welles: Providing for apprenticeship utilization requirements on public works projects. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5179 Prime Sponsor, Morton: Studying forest health issues. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5180 Prime Sponsor, Kastama: Authorizing the economic development finance authority to continue issuing bonds. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5197 Prime Sponsor, Fairley: Conducting the administrative supervision of financially distressed insurers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Brandland, Delvin, Keiser, Prentice and Schmidt

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5272 Prime Sponsor, Jacobsen: Reorganizing aquatic lands statutes. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5335 Prime Sponsor, Fairley: Expanding local government insurance options. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Schmidt

Passed to Committee on Rules for second reading.

January 27, 2005

SB 5381 Prime Sponsor, Kohl-Welles: Authorizing an independent, nonprofit Washington academy of sciences. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Carrell, Delvin, Kohl-Welles, Mulliken, Pridemore, Rasmussen, Rockefeller, Schmidt and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Labor, Commerce, Research & Development.

January 27, 2005

SJM 8000 Prime Sponsor, Parlette: Supporting the establishment of the Ice Age Floods National Geologic Trail. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

January 28, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report for the University of Washington.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Audit Report for the University of Washington is on file in the Office of the Secretary of the Senate.

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January 28, 2005

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Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
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MESSAGES FROM THE STATE OFFICES

January 28, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate

P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report for the Lower Columbia College
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Audit Report for the Lower Columbia College is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 28, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8400,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

January 28, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1154,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5600 by Senators Franklin, Kohl-Welles, Benton, Keiser, Kastama, Spanel, Fairley and Brown

AN ACT Relating to encouraging employers to be infant-friendly; and amending RCW 43.70.640.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5601 by Senator Eide

AN ACT Relating to property taxes for fire protection services; reenacting and amending RCW 84.52.010; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5602 by Senators Rasmussen and Schoesler

AN ACT Relating to managing livestock nutrients; amending RCW 90.64.005, 90.64.010, 90.64.020, 90.64.023, 90.64.026, 90.64.028, 90.64.030, 90.64.040, 90.64.050, 90.64.110, 90.64.150, 43.21B.001, 43.21B.110, 43.21B.300, and 43.21B.310; adding a new chapter to Title 16 RCW; creating a new section; recodifying RCW 90.64.005, 90.64.010, 90.64.050,

90.64.110, 90.64.020, 90.64.120, 90.64.026, 90.64.028, 90.64.023, 90.64.030, 90.64.040, 90.64.100, 90.64.813, and 90.64.150; decodifying RCW 90.64.900 and 90.64.901; repealing RCW 90.64.015, 90.64.017, 90.64.070, 90.64.080, 90.64.130, 90.64.140, 90.64.160, and 90.64.800; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5603 by Senators Hargrove and McAuliffe

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

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5604 by Senators Prentice, Zarelli, Roach and Benton

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5605 by Senators Thibaudeau, Pflug, Keiser, Deccio, Kohl-Welles, Parlette, Shin and McAuliffe

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.020 and 18.36A.040; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5606 by Senators Pridemore, Schmidt, McAuliffe and Kohl-Welles

AN ACT Relating to activation of the national guard; and amending RCW 38.08.040 and 38.24.010.

Referred to Committee on Government Operations & Elections.

SB 5607 by Senators Deccio and Keiser

AN ACT Relating to health care grievance and appeal processes; amending RCW 41.05.017, 48.43.005, 48.43.055, 48.43.510, 48.43.530, 48.43.535, 48.43.545, 48.46.020, 48.46.030, 48.46.040, and 70.47.130; amending 2000 c 5 s 19 (uncodified); adding new sections to chapter 48.43 RCW; creating new sections; and repealing RCW 48.46.100.

Referred to Committee on Health & Long-Term Care.

SB 5608 by Senators Shin, Schmidt, Rockefeller, Mulliken, Carrell and Roach

AN ACT Relating to limiting the authority to condemn property outside the boundaries of the condemning entity; amending RCW 35.58.320; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5609 by Senators Shin, Mulliken, Keiser, Carrell, Kohl-Welles and Benson

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5610 by Senator Jacobsen

AN ACT Relating to salmon recovery and watershed health; amending RCW 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.050, 77.85.090, and 77.85.150; reenacting and amending RCW 77.85.130; adding a new section to chapter 77.85 RCW; creating a new section; repealing RCW 77.85.070 and 77.85.210; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5611 by Senators Esser, Kline, Regala, Hewitt, Fairley, McCaslin, Zarelli, Weinstein, Stevens, Johnson, Brandland, Hargrove and Franklin

AN ACT Relating to the interest rate on legal financial obligations; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

SB 5612 by Senators Berkey, Schmidt, Keiser, Roach, Kohl-Welles, Oke, Pridemore, Fairley, Kline, Shin and McAuliffe

AN ACT Relating to housing assistance grants and loans; and amending RCW 43.185.070.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5613 by Senators Berkey, Schmidt, Keiser, Roach, Kohl-Welles, Fairley, Pridemore, Oke and McAuliffe

AN ACT Relating to tuition waivers for community college apprenticeship programs; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5614 by Senators Keiser, Parlette, Rasmussen, Hargrove, Honeyford, Mulliken, Berkey, Oke and Kohl-Welles

AN ACT Relating to industrial insurance fund audits; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5615 by Senators Franklin, Delvin, Kohl-Welles, Parlette, Roach, Brown, Schmidt, Berkey, McAuliffe and Oke

AN ACT Relating to receiving a disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2; amending RCW 41.26.470; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5616 by Senators Parlette, Kohl-Welles, Delvin, Doumit, Brown, Schmidt, Berkey, McAuliffe and Schoesler

AN ACT Relating to permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit; adding a new section to chapter 41.26 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5617 by Senators Parlette, Kohl-Welles, Delvin, Doumit, Franklin, Schmidt, McAuliffe and Schoesler

AN ACT Relating to suspending a retirement allowance upon reemployment; amending RCW 41.26.500 and 41.26.500; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5618 by Senators Kline, Pridemore, Kastama, Poulsen, Rockefeller, Fairley and Kohl-Welles

AN ACT Relating to designating forest lands of long-term commercial significance; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5619 by Senators Kline, Pridemore, Kastama, Poulsen, Rockefeller, Fairley, Fraser and Kohl-Welles

AN ACT Relating to considering water quality when preparing and reviewing growth management plans and regulations; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5620 by Senators Kline, Mulliken, Pridemore, Kastama, Poulsen, Rockefeller, Fairley and Kohl-Welles

AN ACT Relating to priority consideration of voluntary buffers in open space plans, public benefit rating systems, and assessed valuation schedules; and amending RCW 84.34.055.

Referred to Committee on Government Operations & Elections.

SB 5621 by Senators McAuliffe, Weinstein, Pridemore, Rockefeller, Kohl-Welles and Rasmussen

AN ACT Relating to preschool or nursery schools; adding new sections to chapter 28A.215 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5622 by Senators Doumit, Johnson, Kastama, Keiser, McAuliffe, Finkbeiner, Prentice, Delvin, Roach, Berkey, Pflug, Hewitt, Zarelli, Schmidt, Kline, Rockefeller, Benton and Kohl-Welles

AN ACT Relating to conforming Washington's tax structure to portions of the streamlined sales and use tax agreement not implemented by chapter 168, Laws of 2003; amending RCW 82.32.020 and 82.32.030; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.14.020 and 82.32.330; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.14 RCW; creating new sections; providing an effective date; and providing contingent effective dates.

Referred to Committee on Ways & Means.

SB 5623 by Senators Haugen and Esser

AN ACT Relating to sales and use taxes paid by regional transit authorities for combined operations and maintenance agreements; reenacting and amending RCW 82.04.050; and creating a new section.

Referred to Committee on Transportation.

SB 5624 by Senators Kastama, McAuliffe, Hargrove, Weinstein, Spanel and Delvin

AN ACT Relating to ambulance and emergency medical service funding; amending RCW 35.21.766; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5625 by Senators Kohl-Welles, Schoesler, Hewitt, Poulsen, McAuliffe and Delvin

AN ACT Relating to gender equity reporting; and amending RCW 28B.110.040.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5626 by Senators Doumit, Hewitt, Prentice, Roach, Zarelli, Rasmussen and Regala

AN ACT Relating to the business and occupation tax of wholesale sales of motor vehicle and special fuels; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 5627 by Senators Kline, Johnson and Delvin

AN ACT Relating to citations and infractions; amending RCW 46.61.021, 46.63.060, 46.64.015, 46.64.025, 7.80.070, 7.80.160, 7.84.050, 18.27.240, 18.106.190, 20.01.482, 43.63B.140, and 81.112.230; repealing RCW 18.27.280; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5628 by Senators Keiser and Parlette

AN ACT Relating to insurance coverage of pharmacy services; adding new sections to chapter 48.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5629 by Senator Jacobsen

AN ACT Relating to the office of student assistance; adding a new section to chapter 41.06 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5630 by Senator Jacobsen

AN ACT Relating to providing funding for parks and recreational facilities; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5631 by Senators Regala, Hargrove, Stevens, Brandland, Kline, McAuliffe, Franklin, Prentice, Esser, Delvin and Kohl-Welles

AN ACT Relating to inmate work programs; and amending RCW 72.09.100 and 28A.335.190.

Referred to Committee on Human Services & Corrections.

SB 5632 by Senators Schoesler, Hewitt, Mulliken, Parlette, Rasmussen, Roach, Jacobsen, Haugen and Honeyford

AN ACT Relating to voluntary compliance with safety standards by small agricultural employers; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5633 by Senators Carrell, Rasmussen, Rockefeller, Shin, Stevens, Hargrove, Mulliken and McAuliffe

AN ACT Relating to retention of information concerning unfounded allegations of child abuse or neglect; and amending RCW 26.44.031.

Referred to Committee on Human Services & Corrections.

SB 5634 by Senators Schoesler, Sheldon, Carrell, Stevens, Schmidt, Shin, Mulliken, Morton, Benson, Delvin, Pflug, Esser, Roach, Johnson and Benton

AN ACT Relating to verification of educational credits used for certificated employee salary increases; adding a new section to chapter 28A.415 RCW; and prescribing penalties.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5635 by Senators Schoesler, Mulliken, Esser, Hargrove, Hewitt, Carrell, Stevens, Benson, Schmidt, Honeyford, McCaslin, Sheldon and Benton

AN ACT Relating to clarifying the process for restoration of the right to possess firearms; amending RCW 9.41.040, 9.41.047, 9.41.070, and 46.20.265; and creating a new section.

Referred to Committee on Judiciary.

SB 5636 by Senators Keiser, Benson, Franklin, Parlette, Kline, Thibaudeau and Kastama

AN ACT Relating to imposition of sanctions on health professionals; and amending RCW 18.130.160.

Referred to Committee on Health & Long-Term Care.

SB 5637 by Senators Keiser, Thibaudeau, Franklin, Kline, Prentice, McAuliffe and Kohl-Welles

AN ACT Relating to expanding access to health insurance coverage; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.060, and 70.47.080; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 50 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5638 by Senators McAuliffe, Rasmussen and Poulsen

AN ACT Relating to student assessments; and amending RCW 28A.655.061 and 28A.305.220.

Referred to Committee on Early Learning, K-12 & Higher Education.

SJM 8010 by Senators Rasmussen, Schoesler, Sheldon, Franklin, Roach, Spanel, Deccio, McAuliffe, Shin, Haugen, Prentice, Fairley, Rockefeller, Mulliken and Morton

Petitioning the United States Department of Agriculture to delay plans to reopen the border to Canadian cattle and beef products.

Referred to Committee on Agriculture & Rural Economic Development.

SJM 8011 by Senators McAuliffe, Weinstein, Kline, Franklin, Spanel, Rasmussen, Keiser, Schmidt, Rockefeller, Pridemore, Jacobsen, Prentice, Fairley, Brown, Doumit, Poulsen, Thibaudeau, Regala, Eide, Shin and Berkey

Petitioning the President and Congress to fully fund the No Child Left Behind Act of 2001.

Referred to Committee on Early Learning, K-12 & Higher Education.

FIRST READING OF HOUSE BILL

SHB 1154 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Campbell, Kirby, Jarrett, Green, Kessler, Simpson, Clibborn, Hasegawa, Appleton, Moeller, Kagi, Ormsby, Chase, McCoy, Kilmer, Williams, O'Brien, P. Sullivan, Tom, Morrell, Fromhold, Dunshee, Lantz, McIntire, Sells, Murray, Kenney, Haigh, Darnelle, McDermott, Dickerson, Santos and Linville)

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senators Mulliken, Deccio, Esser, McAuliffe, Doumit, Regala, Hargrove, Fraser, Rasmussen and Prentice

WHEREAS, Catholic school educators have been enriching student's lives in Washington state for almost one hundred fifty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, Catholic schools throughout the state provide thousands of students a safe and thriving environment in which they can obtain quality education; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs; and

WHEREAS, Catholic schools across the state of Washington have approximately twenty-eight thousand students receiving an exceptional education in ninety elementary and secondary schools; and

WHEREAS, Catholic school educators are dedicated to producing academically strong students who also commit themselves to service; and

WHEREAS, Catholic schools have trained many of our finest leaders throughout this state and nation; and

WHEREAS, Catholic schools have been nationally recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, Catholic schools across the nation are celebrating "Catholic Schools Week 2005: Faith in Every Student";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington state and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 30, 2005, through February 5, 2005; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, and the Diocese of Yakima.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 1, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, JANUARY 31, 2005

2005 REGULAR SESSION

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 1, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2005

SB 5059 Prime Sponsor, Haugen: Creating a transportation debt limit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5126 Prime Sponsor, Kohl-Welles: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

January 31, 2005

SB 5134 Prime Sponsor, Jacobsen: Making the disabled hunters and fishers advisory committee a permanent entity. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5139 Prime Sponsor, Haugen: Modifying highway and bridge tolling authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5139 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Esser

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5160 Prime Sponsor, Eide: Restricting use of wireless communications devices in moving motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Mulliken

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5182 Prime Sponsor, Franklin: Requiring disclosures for single burial use of multiple internment space. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Deccio, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5191 Prime Sponsor, Weinstein: Providing for a comprehensive K-12 education finance study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Kohl-Welles, Pridemore, Rasmussen, Schmidt, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Mulliken and Schoesler

Passed to Committee on Ways & Means.

January 31, 2005

SB 5194 Prime Sponsor, Franklin: Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Deccio, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5232 Prime Sponsor, Oke: Requiring a turkey tag to hunt for turkey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

January 31, 2005

SB 5398 Prime Sponsor, Thibaudeau: Providing tax exemptions for comprehensive cancer centers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5126 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

November 15, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services. This report is mandated under Chapter 25, Laws of 2003, E1, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3452.

The Department of Social & Health Services is on file in the Office of the Secretary of the Senate.

Dennis Braddock, Secretary

MOTION

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

INTRODUCTION AND FIRST READING

SB 5639 by Senators Eide, Shin, Rasmussen and McAuliffe

AN ACT Relating to the high technology business and occupation tax credit; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.4452; providing an effective date; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

SB 5640 by Senators Eide, Haugen, Shin and Rasmussen

AN ACT Relating to the business and occupation taxation of royalties; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5641 by Senators Eide, Haugen, Shin, Keiser, Franklin, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to small business and entrepreneurial development; amending RCW 28C.18.060, 43.162.020, and 50.20.095; adding a new section to chapter 50.20 RCW; adding new sections to chapter 43.330 RCW; creating new sections; repealing RCW 28B.30.530 and 28B.30.533; and making appropriations.

Referred to Committee on International Trade & Economic Development.

SB 5642 by Senators Eide, Haugen, Shin, Keiser, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to business and job retention and expansion; amending RCW 50.12.190; adding a new chapter to Title 43 RCW; and making appropriations.

Referred to Committee on International Trade & Economic Development.

SB 5643 by Senators Hargrove, Kline and Brandland

AN ACT Relating to community notification and release of sex offender information; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5644 by Senators Kline, Roach, Benton, Esser, Prentice, Shin, McAuliffe, Haugen, Fairley, Hargrove and Rasmussen

AN ACT Relating to driver's license suspensions; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

SB 5645 by Senators Kline, Roach, Esser, Prentice, Keiser, Haugen, Fairley, Shin, Hargrove and Rasmussen

AN ACT Relating to requirements for ignition interlock devices; and amending RCW 46.20.391.

Referred to Committee on Judiciary.

SB 5646 by Senators Kline, Rockefeller, Franklin, Shin, Fraser, Prentice, Keiser and Kohl-Welles

AN ACT Relating to concealment of public hazard information; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5647 by Senators Kline, Franklin, Fairley, Prentice, McAuliffe and Shin

AN ACT Relating to enforcement of immigration laws; adding a new section to chapter 10.93 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5648 by Senators Kline, Prentice, Franklin, Fairley, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to the immigration status of crime victims, witnesses, and others seeking assistance from law enforcement personnel; and adding a new section to chapter 10.97 RCW.

Referred to Committee on Judiciary.

SB 5649 by Senators Keiser, Deccio, Thibaudeau, Parlette and Benson

AN ACT Relating to fairness in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5650 by Senators Thibaudeau, Deccio, Keiser, Parlette, Kohl-Welles, Benson and McAuliffe

AN ACT Relating to adult family home services; and adding new sections to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5651 by Senators Fraser, Hewitt, Mulliken, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to the community and technical college capital projects account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5652 by Senators Shin, Schoesler, Haugen, Mulliken, Sheldon and Rasmussen

AN ACT Relating to establishing the short line rail revitalization program; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 5653 by Senators Jacobsen, Swecker, Doumit and Haugen

AN ACT Relating to specialized commercial vehicles used for patient transportation; amending RCW 18.73.030; and creating a new section.

Referred to Committee on Transportation.

SB 5654 by Senators Prentice, Esser, Oke and Kohl-Welles

AN ACT Relating to the privacy of personal information of criminal justice officials; amending RCW 4.24.680 and 4.24.700; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5655 by Senators Schmidt, Rasmussen, Eide, Jacobsen, Poulsen, Kline and Kohl-Welles

AN ACT Relating to teaching Washington's tribal history, culture, and government in the common schools; amending RCW 28A.230.090; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5656 by Senators Thibaudeau, Deccio, Esser and Franklin

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

Referred to Committee on Health & Long-Term Care.

SB 5657 by Senators Haugen and Brandland

AN ACT Relating to limiting liability for persons who work with liquefied petroleum gas; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5658 by Senators Haugen and Honeyford

AN ACT Relating to regulating liquified petroleum gas; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5659 by Senators Pridemore, Morton, Hewitt, Poulsen, Honeyford, Mulliken, Fraser, Rockefeller, Regala, Sheldon, Keiser, Kline, Rasmussen, Oke and Kohl-Welles

AN ACT Relating to renewable energy tax credits; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Water, Energy & Environment.

SB 5660 by Senators Kastama, Prentice, Fairley, Rockefeller, Eide and Fraser

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.050; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5661 by Senators Sheldon, McCaslin, Mulliken and Roach

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Water, Energy & Environment.

SB 5662 by Senators Jacobsen, Kastama, Swecker, Benson, Esser, Mulliken, Shin and Oke

AN ACT Relating to establishing dedicated funding for freight mobility; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding a new section to chapter 47.06A RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5663 by Senators Rasmussen, Schoesler, Doumit, Honeyford, Parlette, Jacobsen and Mulliken

AN ACT Relating to repealing and narrowing tax incentives for machinery and equipment used to reduce agricultural burning of cereal grains and grass grown for seed for air quality purposes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; repealing RCW 82.08.840, 82.12.840, 82.04.4459, and 84.36.580; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5664 by Senators McAuliffe, Eide, Brandland, Regala, Thibaudeau, Stevens, Keiser, Kline and Rasmussen

AN ACT Relating to improving teachers' skills in teaching children with learning differences; amending RCW 28A.415.023; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5665 by Senators Parlette, Schoesler, Hewitt, Honeyford and Mulliken

AN ACT Relating to worker accidents reports; amending RCW 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.025, and 51.28.025; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5666 by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, Delvin, Roach, Rasmussen and Kohl-Welles

AN ACT Relating to information sharing in child dependency cases; amending RCW 13.34.350; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5667 by Senators Roach, Mulliken, Johnson, Hewitt, Honeyford, Sheldon and Schmidt

AN ACT Relating to county auditors; amending RCW 29A.04.216 and 36.16.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5668 by Senators Roach, Swecker, Carrell and Mulliken

AN ACT Relating to voting education in high schools; and amending RCW 28A.230.090.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5669 by Senators Roach, Swecker, Schoesler, Carrell, Benson and Mulliken

AN ACT Relating to use of state vehicles; and amending RCW 43.41.130.

Referred to Committee on Government Operations & Elections.

SB 5670 by Senators Roach, Mulliken, Honeyford, Sheldon and Johnson

AN ACT Relating to critical area regulations; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5671 by Senators Roach, Mulliken, Hewitt, Honeyford, Sheldon and Johnson

AN ACT Relating to governmental actions that cause reduction in property value; adding a new section to chapter 64.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJM 8012 by Senators Prentice, Schmidt, Franklin, Rockefeller, Weinstein, Shin, Regala, Esser, Keiser, Doumit, Haugen, Johnson, Fairley, Benson, Kline, Hewitt, Poulsen, Fraser, Thibaudeau, Jacobsen, Rasmussen, Finkbeiner, Deccio, Pflug, Oke, Sheldon, Carrell, Schoesler, Pridemore, Honeyford, Stevens, Mulliken, McAuliffe and Kohl-Welles

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on Government Operations & Elections.

SCR 8406 by Senators Kohl-Welles, Schmidt, McAuliffe, Franklin, Esser, Keiser, Pridemore, Kline, Shin and Rasmussen

Approving the 2004 update to the state comprehensive plan for work force training.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8610

By Senator Eide

WHEREAS, Harry S. Truman High School is an alternative school that opened in the 1970s in the Federal Way School District; and

WHEREAS, Each year teachers and staff at Truman High School have raised their expectations for the alternative high school students. Attendance requirements were more strictly enforced and academic requirements were raised to better prepare students for life after high school. However, the level of academic performance from students did not match the expectations that teachers and staff held; and

WHEREAS, In 1999 Truman High School was awarded a Gates Foundation Small Schools Project grant to restructure the way Truman High School delivered instruction; and

WHEREAS, In 2001 Truman High School opened its doors to a brand new learning environment where a team of 12 teachers personalized education and acted as advisors staying with no more than 17 students until they graduated, worked with parents to make them active partners in their children's high school experience, and helped students locate experiences and internships that matched their interests and passions; and

WHEREAS, Truman High School is now a college preparatory school. Students must apply to Truman as a school of choice. The students come from all different ethnic, economic, social, and educational backgrounds; and

WHEREAS, In order to graduate, students must demonstrate proficiency in a number of academic areas that are determined by the state standards and the Essential Academic Learning Requirements. Student work is collected in a portfolio and reviewed regularly by teachers, administrators, parents, and students. Students must present their work through a public exhibition for a panel made up of students, staff, parents, and mentor/community members; and

WHEREAS, Truman staff believe all students should have the opportunity to attend posthigh school academic education, and prepare students for this opportunity. Students are required to make college visits and go through the application process. Students' academic expectations are high and are consistent with college preparation. All students must take the SAT and the ACT; and

WHEREAS, For the first time in school history, one hundred percent of the 2004 Truman High School graduating class was accepted to posthigh school academic training;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the Harry S. Truman High School teachers, staff, and student Class of 2004, who demonstrate the teachers' and staffs' commitment to students and the students' commitment to themselves; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Truman High School.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION

8617

By Senator Rasmussen

WHEREAS, On February 1, 2005, the livestock industry, affectionately referred to as the "Barnyard Coalition," is convening its Joint Legislative Day in Olympia to meet with leaders of state government; and

WHEREAS, The state livestock and related livestock feed industry comprise approximately thirty-six percent of the value of production of Washington State's agriculture industry, the state's number one industry; and

WHEREAS, This group is an informal but influential group that works with other state leaders to coordinate the state's efforts toward high priority issues including food safety, environmental stewardship, livestock disease control, and, last but not least, maintaining the viability of farming and ranching for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize the efforts of the "Barnyard Coalition" to address important public issues, and to express great appreciation for the hard work of the livestock industry because we know that a quality and affordable product does not just magically appear on the grocery store shelf; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to representatives of the "Barnyard Coalition."

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 2, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 1, 2005

2005 REGULAR SESSION

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 2, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Trevan Bangsund and Catherine Hwang, presented the Colors. Pastor Mary-Lynne Reiner of the Temple Beth Hotfiloh Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2005

SB 5127 Prime Sponsor, Kohl-Welles: Improving services to victims of human trafficking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5243 Prime Sponsor, Kohl-Welles: Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5243 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5268 Prime Sponsor, Esser: Allowing assumptions of water-sewer districts by code cities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5291 Prime Sponsor, Poulsen: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Government Operations & Elections for second reading.

January 31, 2005

SB 5407 Prime Sponsor, Delvin: Establishing an interagency plan for children of incarcerated parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5441 Prime Sponsor, Weinstein: Requiring an education and higher education finance study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pridemore, Rasmussen, Rockefeller, Schmidt, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Mulliken and Schoesler

Passed to Committee on Ways & Means for second reading.

January 31, 2005

SB 5461 Prime Sponsor, Fairley: Changing limits on costs of incarceration charged to offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5572 Prime Sponsor, Rasmussen: Authorizing additional funding for minor league baseball facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Labor, Commerce, Research & Development for second reading.

January 31, 2005

SJR 8206 Prime Sponsor, Hargrove: Revising limitations on use of inmate labor. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE HOUSE BILL

February 1, 2005

SHB 1014 Prime Sponsor, Committee on Criminal Justice & Corrections: Revising DNA testing provision. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5672 by Senators Jacobsen, Esser, Poulsen, Benson and Swecker

AN ACT Relating to commercial parking businesses; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5673 by Senators Prentice, Zarelli, Shin, Benton and Rasmussen

AN ACT Relating to the high technology business and occupation tax credit; amending RCW 82.04.4452; adding new sections to chapter 82.32 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5674 by Senators Parlette, Honeyford and Mulliken

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.090, 51.32.095, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5675 by Senators Rockefeller, Oke and Shin

AN ACT Relating to authorizing fire protection districts to establish or participate in health clinic services; and amending RCW 52.02.020.

Referred to Committee on Government Operations & Elections.

SB 5676 by Senators Poulsen, Kline, Shin, Spanel, Fraser and Kohl-Welles

AN ACT Relating to oil spill management; and amending RCW 90.56.210.

Referred to Committee on Water, Energy & Environment.

SB 5677 by Senators Benton, Kohl-Welles, Sheldon, Stevens, Jacobsen, Oke, Keiser and Rasmussen

AN ACT Relating to revocation of certificates or permits to teach; and amending RCW 28A.410.090.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5678 by Senators Poulsen, Zarelli, Keiser, Delvin, Kastama, Haugen, Kline, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to the creation of pilot projects for the promotion of safe neighborhoods through more effective community planning; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5679 by Senators McCaslin, Berkey, Oke and Kohl-Welles

AN ACT Relating to surplus political funds; and amending RCW 42.17.095.

Referred to Committee on Government Operations & Elections.

SB 5680 by Senators Roach, Zarelli, Prentice, Fraser, Fairley and Rasmussen

AN ACT Relating to capital facilities at the Rainier school; amending RCW 72.01.140; and repealing RCW 28B.30.820 and 72.01.142.

Referred to Committee on Ways & Means.

SB 5681 by Senators Keiser, Parlette, Brandland and Rasmussen

AN ACT Relating to exempting recipients of medical assistance under Title 74 RCW from independent review determinations; and amending RCW 48.43.535 and 48.43.545.

Referred to Committee on Health & Long-Term Care.

SB 5682 by Senators Keiser, Deccio, Rasmussen and Kohl-Welles

AN ACT Relating to sampling activities of licensees under Title 66 RCW; amending RCW 66.24.360, 66.24.371, 66.28.040, and 66.28.155; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5683 by Senators Oke, Jacobsen, Kastama, Swecker, Berkey, Schoesler, Morton, Delvin, Shin and Rasmussen

AN ACT Relating to enhanced fish and wildlife penalties; amending RCW 77.15.070, 77.15.370, 77.15.380, 77.15.410, 77.15.420, and 77.15.450; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5684 by Senators Kohl-Welles, Brown, Kline, Hargrove, McAuliffe, Stevens, Keiser, Thibaudeau, Fairley, Weinstein, Spanel and Rasmussen

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5685 by Senators Kline, Johnson, Weinstein and Esser

AN ACT Relating to state-funded civil representation of indigent persons; amending RCW 43.08.250 and 43.08.260; adding a new chapter to Title 2 RCW; creating a new section; recodifying RCW 43.08.260; repealing RCW 43.08.270; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5686 by Senators Fairley, Kline and Rasmussen

AN ACT Relating to check cashers and sellers; and amending RCW 31.45.010 and 31.45.079.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5687 by Senators Deccio, Thibaudeau, Keiser and Benson

AN ACT Relating to the number of residents allowed to reside in an adult family home; amending RCW 70.128.175; and reenacting and amending RCW 70.128.010.

Referred to Committee on Health & Long-Term Care.

SB 5688 by Senators Pridemore, Poulsen, Rockefeller, Brown, Regala, Kline, Weinstein and Kohl-Welles

AN ACT Relating to compliance history disclosure upon application for environmental quality permits; and adding a new chapter to Title 43 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5689 by Senators Morton, Oke and Mulliken

AN ACT Relating to ballot enhancement and duplication; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.60 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5690 by Senators Kohl-Welles, Poulsen, Kastama and Jacobsen

AN ACT Relating to establishing the joint task force on siting of essential public facilities; adding a new section to chapter 36.70A RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5691 by Senators Esser, Kline, Johnson, Thibaudeau, Roach, Keiser and Fairley

AN ACT Relating to jury source lists in counties with more than one superior court facility; amending RCW 2.36.055; and creating a new section.

Referred to Committee on Judiciary.

SB 5692 by Senators Berkey, Benton, Prentice and Keiser

AN ACT Relating to tax refund anticipation loans; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5693 by Senators Sheldon and Rockefeller

AN ACT Relating to aquatic rehabilitation zones; amending RCW 36.70A.110; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5694 by Senator Sheldon

AN ACT Relating to urban governmental services in rural areas; and amending RCW 36.70A.110.

Referred to Committee on Government Operations & Elections.

SB 5695 by Senators Sheldon, Benton, Benson and Rasmussen

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

Referred to Committee on Ways & Means.

SB 5696 by Senator Benton

AN ACT Relating to requiring newspapers to comply with child labor laws; and amending RCW 49.12.185 and 49.12.320.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5697 by Senators Prentice, Zarelli, Sheldon, Shin, Rockefeller and Rasmussen

AN ACT Relating to the high technology business and occupation tax credit; amending RCW 82.04.4452; adding a new section to chapter 82.32 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5698 by Senators Franklin, Benson, Keiser, Parlette, Deccio and Rasmussen

AN ACT Relating to quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans; amending RCW 18.20.390, 4.24.250, 43.70.510, and 70.41.200; reenacting and amending RCW 42.17.310; adding a new section to chapter 74.42 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5699 by Senators Oke, Jacobsen, Spanel, Doumit, Kline, Rockefeller and Rasmussen

AN ACT Relating to preventing and controlling aquatic invasive species and algae; amending RCW 88.02.050; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5700 by Senators Haugen, Parlette, Fairley, Hargrove, Delvin and Mulliken

AN ACT Relating to public health; amending RCW 70.44.060, 84.52.043, and 84.52.068; reenacting and amending RCW 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and making appropriations.

Referred to Committee on Government Operations & Elections.

SB 5701 by Senators Hewitt and Delvin

AN ACT Relating to regional law libraries; and amending RCW 27.24.062 and 27.24.020.

Referred to Committee on Government Operations & Elections.

SB 5702 by Senators Zarelli, Kline, Fairley, Regala, Rasmussen and McAuliffe

AN ACT Relating to the developmental disabilities community trust account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 71A.20 RCW; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5703 by Senators Brandland, Spanel and Brown

AN ACT Relating to health care; amending RCW 41.05.013; reenacting and amending RCW 74.09.510 and 74.09.522; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5704 by Senators Pridemore, Schoesler, Schmidt and McAuliffe

AN ACT Relating to school district bidding requirements; and amending RCW 28A.335.190 and 28A.525.020.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5705 by Senators Rockefeller, Schoesler, Rasmussen, Mulliken and McAuliffe

AN ACT Relating to avoiding fragmentation in bargaining units for classified school employees; and amending RCW 41.56.060.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5706 by Senators Thibaudeau, Fairley, Fraser, Poulsen and McAuliffe

AN ACT Relating to providers of dental services; amending RCW 18.29.021, 18.29.045, 18.29.050, 18.29.120, 18.29.140, 18.29.150, 18.29.160, and 18.29.210; adding new sections to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.29.110, 18.29.130, and 18.29.170.

Referred to Committee on Health & Long-Term Care.

SB 5707 by Senators Fraser, Eide, McAuliffe, Kohl-Welles, Keiser, Franklin, Kline, Haugen, Spanel and Rasmussen

AN ACT Relating to creating a women's history consortium; adding new sections to chapter 27.34 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5708 by Senators Finkbeiner, Thibaudeau, Keiser, McAuliffe and Kohl-Welles

AN ACT Relating to the administration of epinephrine by emergency medical technicians; and amending RCW 18.73.250.

Referred to Committee on Health & Long-Term Care.

SB 5709 by Senators Parlette, Swecker, Honeyford, Mulliken, Sheldon and Benton

AN ACT Relating to vehicle registration renewal fees within national recreation areas; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SJM 8013 by Senators Berkey, Schmidt and Shin

Naming part of SR 99 the William P. Stewart Memorial Highway.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5707 which was referred to the Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8614

By Senators Rasmussen, Schoesler, Doumit, Prentice, Hewitt, Parlette, Brandland and Rockefeller

WHEREAS, The dairy farmers of Washington are working hard to provide safe, nutritious dairy products for the families of Washington State; and

WHEREAS, There are approximately 570 family dairy farms in Washington State with approximately 240,000 dairy cows; and

WHEREAS, The average herd size in Washington State is approximately 420 cows, each cow produces approximately 90 glasses of milk per day - totaling an average of 37,800 glasses per herd, per day; and

WHEREAS, Washington State ranks 10th in total milk production in the United States with 5.6 billion pounds annually; and

WHEREAS, Washington State ranks first in milk and butterfat per cow production with 22,780 pounds of milk and 834 pounds of butterfat; and

WHEREAS, Dairy farming brings an estimated \$4.5 billion annually to Washington's economy; and

WHEREAS, Milk processing jobs help employment growth in Washington - every \$1 million in finished milk product is responsible for 20 jobs in our state; and

WHEREAS, The Washington State Dairy Ambassadors for 2004-2005 are Ambassador McKenzie Klein from Lynden and alternate Ambassadors Kristen Irving from Fall City and Laura Nelson from Chehalis; and

WHEREAS, Dairy Day at the Legislature will be February 2, 2005, when the legislators will visit with the dairy producers of the state and enjoy the 2,500 ice cream bars that will be handed out by the Washington State Dairy Federation and the State and County Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador McKenzie Klein, alternate ambassadors Kristen Irving and Laura Nelson, and the Washington State Dairy Federation.

Senators Rasmussen, Morton, Swecker, Brandland, Honeyford, Haugen and Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington Dairy Ambassador and their families who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Washington Dairy Ambassador McKenzie Klein, Alternative Ambassadors Kristen Irving and Laura Nelson, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Washington Dairy Ambassador McKenzie Klein, to address the Senate.

REMARKS BY DAIRY AMBASSADOR MCKENZIE KLEIN

Miss McKenzie Klein: "Honorable Lt. Governor Owen, members of the Senate and guests. When we think of Washington State, we think green. After all, we do live in the Evergreen State but due to urbanization and the decline of the state's agriculture industry, Washington's best asset is in danger. Yes, our Evergreen State just may become the 'Ever-paved' state. Dairy farmers are on the front line in the battle to preserve Washington's natural habitats. Eighty percent of the world's rare trumpeter swan population spends its winters on dairy farms in western Washington. They survive on left over corn grown by the dairy farms to feed their cows. No dairy farms, no swans. Dairy farms also help protect and preserve natural salmon habitat as well as provide open spaces for everyone to enjoy. Dairy farms are important to both Washington's natural habitats as well as the agriculture industry. However, the very survival of dairy farms today is at risk. When I was born in 1985, there were nearly 1,600

dairy farms in Washington, sadly today there are barely 570 left. Our industry looks forward to working with you to help sustain agriculture in Washington. Together, we can preserve open spaces, protect threatened wildlife and support the dairy industry. Together we can ensure that Washington remains the Evergreen State. Got Milk?"

MOTION

At 10:24 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President for the purpose of a meeting of the Committee on Rules and Democratic and Republican caucuses.

The Senate was called to order at 11:00 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5097, by Senators Kohl-Welles, Kline, Rasmussen, Franklin, Roach and Pridemore

Providing for apprenticeship utilization requirements on public works projects.

MOTION

Senator Kohl-Welles moved Substitute Senate Bill No. 5097 be substituted for Senate Bill No. 5097 and the substitute bill be placed on the second reading and read the second time.

Senator Honeyford spoke against adoption of the substitute bill.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate supported the demand and the demand was sustained.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the motion by Senator Kohl-Welles to substitute Senate Bill No. 5097 and the motion to substitute the bill carried by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Swecker and Zarelli - 22

Absent: Senator Stevens - 1

Excused: Senator Benton - 1

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 13, after "Apprenticeship" insert "and other"

On page 1, line 15, after "for" strike "apprenticeship" and insert "apprentice and trainee"

On page 2, after line 17, insert the following:

"(5) "Trainee" means a worker participating in a formal training program other than a state-approved apprenticeship training program.

(6) "Training program" means a formal training program conducted by an employer and approved by the awarding agency, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

On page 2, line 21, after "apprentices" insert "and/or trainees"

On page 2, line 24, after "apprentices" insert "and/or trainees"

On page 2, line 28, after "apprentice" insert "and/or trainee"

On page 3, line 5, after "number" insert "and/or the name of each trainee"

On page 3, line 9, after "apprentices" insert "and/or trainees"

On page 3, line 24, after "apprentice" insert "and trainee"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 13 to Substitute Senate Bill No. 5097.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, line 22, after "directors" insert "may not award a contract unless the contractor demonstrates that no journey level worker jobs were eliminated in order to comply with the apprenticeship requirement. Awarding agency directors"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 22 to Substitute Senate Bill No. 5097.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 10, after "craft" insert ", and whether the apprentice's sponsoring apprenticeship program is or is not affiliated with a labor organization"

On page 3, beginning on line 18, after "(5)" strike all material through "governor, the" on line 20, and insert "The"

On page 3, line 23, after "report to" strike "both committees" and insert "the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 10 to Substitute Senate Bill No. 5097.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 3, after line 26, insert the following:

"Sec. 4. RCW 49.04.010 and 2001 c 204 s 1 are each amended to read as follows:

(1) The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of

the public member is subject to confirmation by the senate. Each member shall hold office until a successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. A designated representative from each of the following: The work force training and education coordinating board, state board for community and technical colleges, employment security department, and United States department of labor, apprenticeship, training, employer, and labor services, shall be ex officio members of the apprenticeship council. Ex officio members shall have no vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240.

(2)(a) The apprenticeship council is authorized to: (i) Approve apprenticeship programs, subject to the procedural requirements contained in (d) of this subsection; and (ii) establish apprenticeship program standards as rules, including requirements for apprentice- related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications.

(b) The council shall consider recommendations from the state board for community and technical colleges on matters of apprentice-related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications. The rules for apprenticeship instructor qualifications shall either be by reference or reasonably similar to the applicable requirements established by or pursuant to chapter 28B.50 RCW.

(c) The council is further authorized to issue such rules as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur, and perform such other duties as are hereinafter imposed.

(d)(i) An objection to a proposed apprenticeship program shall be considered by the council only if the objection is timely submitted in accordance with this section and rules established by the council, and clearly identifies an issue that is within the jurisdiction of the council to decide. An objection is timely if it is postmarked or delivered to both the council secretary and the sponsor of the proposed apprenticeship program no less than twenty-one days before the date of the meeting at which the proposed program is to be considered by the council.

(ii) The council may adjudicate objections to a proposed apprenticeship program or refer some or all of the objections, or any question raised by an objection, to the office of administrative hearings for initial adjudication. If the council refers any matter to the office of administrative hearings, the council shall designate or otherwise identify, with particularity, the specific objections or questions to be adjudicated by the office of administrative hearings. A decision by the council to adjudicate or refer an objection or question is not an agency action subject to judicial review under RCW 34.05.570.

(3) Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 5. RCW 34.12.080 and 1981 c 67 s 8 are each amended to read as follows:

All hearings shall be conducted in conformance with the administrative procedure act, chapter 34.05 RCW. After consultation with affected agencies, the chief administrative law judge may ~~((promulgate))~~ adopt rules governing the procedural conduct of the hearings. Such rules shall seek the maximum procedural uniformity in agency hearings consistent with demonstrable needs for individual agency variation. If a statute authorizes an agency to designate or otherwise limit the scope of issues or questions to be reviewed in a hearing under this section and RCW 49.04.010, nothing in the rules adopted under this section shall alter, restrict, or otherwise affect that authority of an agency, and the administrative law judge conducting the hearing shall not invite, accept, or consider evidence or argument beyond the scope of the issues or questions so designated or limited.

NEW SECTION. Sec. 6. A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, costs, as defined in RCW 4.84.010, and fees and other expenses as defined in RCW 4.84.340, shall be awarded to the prevailing party or substantially prevailing party on appeal before the superior court, court of appeals, or the supreme court, of a decision by the apprenticeship council to approve or not approve a proposed apprenticeship program. The court shall award and determine the amount of fees, expenses, and reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before either (i) the apprenticeship council created under RCW 49.04.010, or (ii) a hearing conducted pursuant to RCW 49.04.010(2)(d) and in conformance with the administrative procedure act, chapter 34.05 RCW; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the apprenticeship council is considered a prevailing party if its decision is upheld at superior court and on appeal."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "apprenticeship" strike the remainder of the title and insert "opportunities and utilization requirements on public works projects; amending RCW 49.04.010 and 34.12.080; adding new sections to chapter 39.04 RCW; adding a new section to chapter 4.84 RCW; and declaring an emergency."

Senator Parlette spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Finkbeiner spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, after line 26 to Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette was not adopted, the President voting 'Nay' by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 24

Excused: Senator Benton – 1

The President voted nay.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Honeyford, Senators Zarelli and Stevens were excused.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon and Swecker - 19

Excused: Senators Benton, Stevens and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 3, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 2, 2005

2005 REGULAR SESSION

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 3, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 31, 2005

SB 5033 Prime Sponsor, Kastama: Regarding penalties for violations of the public disclosure act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5034 Prime Sponsor, Kastama: Making restrictions on campaign funding. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

MINORITY recommendation Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5056 Prime Sponsor, Haugen: Creating the department of archaeology and historic preservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 2, 2005

SB 5112 Prime Sponsor, Shin: Providing public employment retirement credits and education fee waivers for veterans of the Afghanistan conflict and the Persian Gulf War II. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5112 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5122 Prime Sponsor, Kastama: Making the office of secretary of state a nonpartisan office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5140 Prime Sponsor, Berkey: Modifying the disposal of surplus funds of candidates or political committees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 2, 2005

SB 5144 Prime Sponsor, Eide: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Delvin, Mulliken and Schoesler

Passed to Committee on Ways & Means.

February 1, 2005

SB 5183 Prime Sponsor, Franklin: Providing tax relief to promote affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

February 1, 2005

SB 5212 Prime Sponsor, Fairley: Funding group life insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5254 Prime Sponsor, Jacobsen: Creating the legislative youth advisory council. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5275 Prime Sponsor, Fairley: Prohibiting the use of consumer credit histories for personal insurance renewal decisions. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Franklin, Keiser, Prentice, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Delvin

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5317 Prime Sponsor, Benton: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 2, 2005

SB 5350 Prime Sponsor, Kastama: Providing a presumption of shared parental responsibility after a dissolution of marriage. Reported by Committee on Judiciary

MAJORITY recommendation: Without recommendation. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Carrell, Esser, Hargrove, Rasmussen and Thibaudeau

Passed to Committee on Human Services & Corrections.

February 1, 2005

SB 5371 Prime Sponsor, Fairley: Revising provisions relating to annexation of territory of certain cities by water-sewer districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5418 Prime Sponsor, Berkey: Allowing consumers to place a security freeze on a credit report. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Franklin, Keiser, Prentice, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Delvin

Passed to Committee on Rules for second reading.

February 1, 2005

SB 5506 Prime Sponsor, Kohl-Welles: Placing restrictions on the marketing or merchandising of credit cards to students at the state's institutions of higher education. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 2, 2005

SJR 8202 Prime Sponsor, Eide: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 8202 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Shin and Weinstein

MINORITY recommendation: Do not pass substitute. Signed by Senators Carrell, Delvin, Mulliken and Schoesler

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 2, 2005

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5710 by Senators Poulsen, Swecker, Brown, Rockefeller, Regala, Pridemore, Kline, Rasmussen and Kohl-Welles

AN ACT Relating to the removal of mercury-added components in motor vehicles; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5711 by Senators Hewitt, Honeyford, McCaslin, Delvin and Mulliken

AN ACT Relating to prohibiting labor organizations from using union dues for political purposes; amending RCW 42.17.680; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5712 by Senators Kline, Johnson and Rasmussen

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.30.020, 3.38.010, 3.38.020, 3.38.030, 3.38.040, 3.38.060, 3.42.010, 3.46.010, 3.46.040, 3.46.120, 3.50.005, 3.50.010, 3.50.060, 3.50.075, 3.50.805, 3.58.050, 3.62.050, 35.20.010, 39.34.030, 39.34.180, 42.12.010, 82.14.320, and 82.14.330; adding new sections to chapter 3.46 RCW; repealing RCW 3.30.090, 3.46.020, 3.46.030, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.50.007, 3.50.030, 3.50.800, 3.50.810, 3.62.070, 3.62.100, 35.22.425, 35.23.555, 35.27.515, 35.30.100, and 35A.11.200; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5713 by Senators Regala, Franklin and Kohl-Welles

AN ACT Relating to rehabilitating multiple-unit housing; and amending RCW 84.14.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5714 by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

AN ACT Relating to an early detection breast and cervical cancer screening program; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5715 by Senators Keiser, Deccio, Parlette, Thibaudeau, Kastama and Kohl-Welles

AN ACT Relating to public health improvement; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5716 by Senators McAuliffe and Rasmussen

AN ACT Relating to a sales and use tax exemption for livestock and poultry feed; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5717 by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen and Kohl-Welles

AN ACT Relating to K-12 skill centers; amending RCW 28C.22.010; creating a new section; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5718 by Senators Hargrove, Kline, Shin, Rasmussen and Kohl-Welles

AN ACT Relating to providing financial assistance for victims of domestic violence seeking protection orders; amending RCW 26.50.060 and 26.50.070; adding new sections to chapter 26.50 RCW; adding a new section to chapter 74.08A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5719 by Senator Hargrove

AN ACT Relating to the community commitment disposition alternative pilot program; amending RCW 13.40.169; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5720 by Senators Keiser, Franklin and McAuliffe

AN ACT Relating to employee noncompetition agreements in the broadcasting industry; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5721 by Senators Keiser, Kohl-Welles and Regala

AN ACT Relating to publishing advertisements for sellers of travel; and amending RCW 19.138.100.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5722 by Senators Keiser, Thibaudeau, McAuliffe, Kline, Franklin, Prentice, Kastama, Rasmussen and Kohl-Welles

AN ACT Relating to small employers and the basic health plan; amending RCW 70.47.020; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5723 by Senators Delvin, Rasmussen, Schoesler, Mulliken and Rockefeller

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2004 c 211 s 2 (uncodified).

Referred to Committee on Agriculture & Rural Economic Development.

SB 5724 by Senators Kohl-Welles, Benson, Franklin, Benton, Keiser, Esser, Pridemore, Kline, Roach, Regala and McAuliffe

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5725 by Senators Fraser, Schmidt, Rockefeller, Schoesler, Doumit, Hewitt, Eide, Brandland, Parlette, McAuliffe, Esser, Rasmussen, Mulliken and Kohl-Welles

AN ACT Relating to emergency school repair; amending RCW 28A.515.320; adding a new section to chapter 28A.515 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5726 by Senators Carrell, Hargrove, Rasmussen and Mulliken

AN ACT Relating to bail bond recovery agents; and amending RCW 18.185.300.

Referred to Committee on Judiciary.

SB 5727 by Senators Carrell, Roach, Stevens, Esser, Mulliken, Zarelli, Schoesler and Benson

AN ACT Relating to ensuring that only legally registered voters can vote; amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010, 29A.08.010, 29A.08.110, 29A.08.110, 29A.08.140, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.250, 29A.08.520, 29A.08.520, 46.20.155, 29A.40.020, 29A.40.091, 29A.84.110, 29A.84.140, and 29A.84.650; reenacting and amending RCW 29A.84.670 and 9.94A.515; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; repealing RCW 29A.08.145 and 29A.08.230; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5728 by Senators Shin, Berkey, Eide, Rasmussen, Schmidt and Mulliken

AN ACT Relating to studying the community and technical college funding system; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5729 by Senators Rockefeller, Oke, Regala, Spanel, Sheldon, Shin, Poulsen, Jacobsen and Kohl-Welles

AN ACT Relating to ferry fares; and amending RCW 47.60.326.

Referred to Committee on Transportation.

SB 5730 by Senators Doumit, Zarelli, Eide, Shin, Rasmussen and Mulliken

AN ACT Relating to regulation of small businesses; and amending RCW 19.85.030, 19.85.040, 19.85.050, 19.85.070, and 34.05.671.

Referred to Committee on International Trade & Economic Development.

SB 5731 by Senators McAuliffe, Fairley and Rockefeller

AN ACT Relating to safety belts on school buses; amending RCW 46.04.521, 46.37.510, 46.61.440, and 46.61.688; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5732 by Senators McAuliffe, Weinstein, Schmidt, Berkey, Rockefeller, Shin, Prentice, Thibaudeau, Pridemore, Carrell, Kohl-Welles, Regala, Spanel, Fairley, Delvin and Rasmussen

AN ACT Relating to the powers, duties, and membership of the state board of education and the Washington professional educator standards board and the elimination of the academic achievement and accountability commission; amending RCW 28A.305.130, 28A.300.130, 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010, 28A.300.020, 28A.310.110, and 28A.315.085; adding a new section to chapter 28A.305 RCW; creating new sections; repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030, 28A.655.900, and 28A.660.901; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5733 by Senators Kline, McCaslin, Rockefeller, Esser, Thibaudeau, Weinstein, Rasmussen and Eide

AN ACT Relating to mandatory arbitration; amending RCW 7.06.010; and reenacting and amending RCW 7.06.020.

Referred to Committee on Judiciary.

SB 5734 by Senators Fairley, Kline, McCaslin, Thibaudeau, Weinstein, Deccio, Rasmussen and Kohl-Welles

AN ACT Relating to civil actions following wrongful injury or death; and amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

Referred to Committee on Judiciary.

SB 5735 by Senators Brown, Finkbeiner, Keiser, Esser, Honeyford, Mulliken, Franklin, Prentice, McAuliffe, Stevens, Poulsen, Parlette, Deccio, Pflug, Rockefeller, Hewitt, Johnson, Oke, Shin and Rasmussen

AN ACT Relating to public disclosure; amending RCW 42.17.270, 42.17.250, and 42.17.340; reenacting and amending RCW 42.17.310 and 42.17.300; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SB 5736 by Senator Spanel

AN ACT Relating to exempting certain private ambulance services from the insurance code; and amending RCW 48.01.020.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5737 by Senators Carrell, Esser and Hargrove

AN ACT Relating to allowing attorneys to recover actual costs for service of process; and amending RCW 4.84.010.

Referred to Committee on Judiciary.

SB 5738 by Senators Roach, Weinstein, Swecker, Eide, Rasmussen, Sheldon, Schoesler, Keiser, Kastama, Mulliken and Rockefeller

AN ACT Relating to body piercing; amending RCW 26.28.085; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5739 by Senators Stevens, Schmidt, Swecker, Carrell, Schoesler and Oke

AN ACT Relating to allowing agricultural lands that are not being used for the commercial production of food or other agricultural products to be used for recreational activities; amending RCW 36.70A.060, 36.70A.130, 36.70A.177, and 90.58.100; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5740 by Senators Berkey, Fairley, Haugen, Benson, Sheldon, Shin, Parlette, Rasmussen, Mulliken, Doumit, Roach, Rockefeller and Kohl-Welles

AN ACT Relating to ballot processing and canvassing; amending RCW 29A.04.611, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.190, 29A.60.210, 29A.60.230, 29A.60.250, 29A.64.030, 29A.64.061, and 29A.68.011; adding new sections to chapter 29A.60 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5741 by Senators Kastama, Roach, Fairley, Benson, Prentice, Berkey, Haugen, Sheldon, McAuliffe, Shin, Parlette, Mulliken, Doumit and Kohl-Welles

AN ACT Relating to voters' pamphlets; and amending RCW 29A.32.010 and 29A.32.060.

Referred to Committee on Government Operations & Elections.

SB 5742 by Senators Roach, Berkey, Fairley, Benson, Parlette, Mulliken, Rockefeller and Kohl-Welles

AN ACT Relating to review of county election procedures; and amending RCW 29A.04.570.

Referred to Committee on Government Operations & Elections.

SB 5743 by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller

AN ACT Relating to voter registration procedures; amending RCW 29A.08.010, 29A.08.030, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.145, 29A.08.520, 29A.08.651, and 29A.08.775; repealing RCW 29A.08.155; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5744 by Senators Haugen, Berkey, Fairley, Sheldon, McAuliffe, Schmidt, Mulliken and Doumit

AN ACT Relating to mail ballot elections; and amending RCW 29A.48.010.

Referred to Committee on Government Operations & Elections.

SB 5745 by Senators Roach, Hargrove, Berkey, Fairley, Finkbeiner, Haugen, Benson, Sheldon, Schmidt, Mulliken and Rockefeller

AN ACT Relating to primary elections; amending RCW 29A.04.008, 29A.04.086, 29A.04.128, 29A.04.216, 29A.04.311, 29A.04.321, 29A.08.161, 29A.20.021, 29A.20.121, 29A.20.141, 29A.20.151, 29A.20.161, 29A.20.171, 29A.20.181, 29A.20.191, 29A.24.031, 29A.24.081, 29A.24.091, 29A.24.101, 29A.24.111, 29A.24.131, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.28.071, 29A.32.031, 29A.32.121, 29A.32.241, 29A.36.011, 29A.36.071, 29A.36.101, 29A.36.121, 29A.36.131, 29A.36.151, 29A.36.161, 29A.36.171, 29A.36.201, 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231, 29A.52.011, 29A.52.210, 29A.52.220, 29A.52.231, 29A.52.311, 29A.52.321, 29A.52.351, 29A.60.010, 29A.60.021, 29A.60.030, 29A.60.040, 29A.60.080, 29A.60.221, 29A.64.011, 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050, 29A.64.061, 29A.64.081, 29A.64.090, 29A.68.011, 29A.68.020, 29A.68.030, 29A.72.130, 29A.80.011, 29A.80.020, 29A.80.041, 29A.80.051, 29A.84.210, 29A.84.261, 29A.84.311, 29A.84.711, 42.12.040, and 42.17.020; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.28 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.04.157, 29A.04.158, 29A.04.610, 29A.20.110, 29A.20.111, 29A.20.130, 29A.20.131, 29A.20.200, 29A.20.201, 29A.24.200, 29A.24.201, 29A.24.210, 29A.24.211, 29A.28.010, 29A.28.011, 29A.28.020, 29A.28.021, 29A.32.036, 29A.36.104, 29A.36.106, 29A.36.190, 29A.36.191, 29A.44.220, 29A.52.106, 29A.52.111, 29A.52.116, 29A.52.130, 29A.52.141, and 29A.52.151; repealing 2005 c 2 (Initiative Measure No. 872) s 18 (uncodified); repealing 2005 c 2 (Initiative Measure No. 872) ss 8, 9, 12, 13, and 14; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5746 by Senators Kastama, Berkey, Fairley, Benson, Prentice, Sheldon, Haugen, McAuliffe, Kline, Schmidt, Mulliken and Kohl-Welles

AN ACT Relating to requiring the state to assume a share of the costs of state primary and general elections; and amending RCW 29A.04.420 and 29A.04.430.

Referred to Committee on Government Operations & Elections.

SB 5747 by Senators Hewitt, Parlette, Honeyford, Mulliken, Morton, Stevens, Swecker, Deccio, Delvin, Schmidt, Zarelli, Sheldon, Pflug, Hargrove, Johnson, McCaslin and Oke

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010 and 49.46.020; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8014 by Senators Thibaudeau, Jacobsen, Fairley, Brown, Prentice, McAuliffe, Regala, Rockefeller, Fraser, Rasmussen, Weinstein, Kline, Keiser and Kohl-Welles

Requesting that the privatization of social security be rejected.

Referred to Committee on Ways & Means.

SJR 8209 by Senators Swecker, Benton, Deccio, Mulliken, Roach, Stevens, Schmidt, Carrell, Zarelli, Honeyford, Hewitt, Morton, Esser, Benson, Delvin and Oke

Amending the Constitution to limit which relationships may be recognized as a marriage.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION

8611

By Senator Eide

WHEREAS, The Washington State Legislature values and encourages excellence in all fields of endeavor; and

WHEREAS, Interscholastic high school sports promote citizenship and sportsmanship while instilling a sense of pride in community, teaching lifelong lessons of teamwork and self-discipline, and facilitating the physical and emotional development of our youth; and

WHEREAS, The 2004 Federal Way High School Eagles Boys' Swimming Team worked as hard in the classroom as in the pool and distinguished themselves and brought honor to their school through their athletic and academic achievements; and

WHEREAS, Under the coaching and supervision of Carla Boone, the Boys' Swimming Team collective team Grade Point Average was 3.560; and

WHEREAS, The Washington Interscholastic Activities Association recognized the 2004 Federal Way High School Boys' Swimming Team as 4A State Academic Champs for having the highest collective Grade Point Average of any 4A Boys' Swimming Team in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and honor the 2004 Federal Way High School Boys' Swimming Team and Coach Carla Boone for their accomplishments and hard work; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Carla Boone, the members of the Eagles Swimming Team, and the principal, athletic director, and faculty of Federal Way High School.

Senator Eide spoke in favor of adoption of the resolution

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 4, 2005.

BRAD OWEN, President of the Senate

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 4, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benson, Brandland, Deccio, Delvin, Fraser, Hewitt, Johnson, Keiser, Kline, McCaslin, Mulliken, Oke, Pflug, Poulsen, Prentice, Roach, Schoesler, Stevens, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Eric Fode and Riley Norman, presented the Colors. Pastor Mary-Lynne Reiner of the Temple Beth Hatfiloh Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2005

SB 5004 Prime Sponsor, Rasmussen: Regulating commercial feed. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5039 Prime Sponsor, Rasmussen: Regulating the processing of milk and milk products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5053 Prime Sponsor, Kline: Authorizing service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 2, 2005

SB 5063 Prime Sponsor, Jacobsen: Creating a telework enhancement funding board. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Transportation.

February 3, 2005

SB 5070 Prime Sponsor, Spanel: Creating an additional superior court position. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 4, 2005

SB 5086 Prime Sponsor, Shin: Modifying rural Washington loan fund provisions. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5117 Prime Sponsor, Parlette: Requiring continuing education for land surveyors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5142 Prime Sponsor, Schoesler: Regarding air registrations for elevators and warehouses. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5148 Prime Sponsor, Kohl-Welles: Repealing the crime of "slander of a woman." Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5173 Prime Sponsor, Johnson: Enacting the Uniform Mediation Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass substitute. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 4, 2005

SB 5174 Prime Sponsor, Shin: Providing a source of funding for customized work force training. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 4, 2005

SB 5175 Prime Sponsor, Shin: Declaring that international companies investing in Washington are eligible for tax incentives. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 4, 2005

SB 5176 Prime Sponsor, Shin: Regarding department of community, trade, and economic development programs. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 2, 2005

SB 5202 Prime Sponsor, Parlette: Requiring the public employees' benefits board to develop a health savings account option for employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Health & Long-Term Care.

February 3, 2005

SB 5241 Prime Sponsor, Fraser: Creating additional district court judge positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5307 Prime Sponsor, Keiser: Modifying requirements for the operation of amusement rides. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Parlette

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5323 Prime Sponsor, Kline: Changing threshold property values for crimes against property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Thibaudeau

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5379 Prime Sponsor, Kohl-Welles: Revising provisions relating to contract liquor stores. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5380 Prime Sponsor, Kohl-Welles: Revising provisions relating to disbursement of liquor revolving fund moneys for the purpose of funding alcohol education programs. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5174 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

July 1, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Institute for Public Policy, entitled "Benefits & Costs of Prevention & Early Intervention Programs for Youth." This report is mandated under ESSB 5404, Section 608(2), Chapter 25, Laws of 2003.

If you have any questions about the report, please call 360-586-2740.

Sincerely,

Roxanne Lieb, Director

The Washington State Institute for Public Policy is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 1, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, entitled "Intensive Parole Model for High-Risk Juvenile Offenders." This report is mandated under Chapter 338, Laws of 1997, Section 34, RCW 13.40.212(2).

If you have any questions about the report, please call 360-902-8499.

Sincerely,
Dennis Braddock, Secretary

The Department of Social & Health Services, entitled "Intensive Parole Model for High-Risk Juvenile Offenders." is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 31, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Information Services entitled Interim Statewide Public Safety Plan. This report is mandated under SHB 1271, Chapter 18, Laws of 2003.

If you have any questions about the report, please call 360-902-3557.

Sincerely,
Marie Sullivan, Director

The Department of Information Services entitled Interim Statewide Public Safety Plan is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5748 by Senators Kastama, Keiser, Poulsen and Rockefeller

AN ACT Relating to creating the office of health information and planning; amending RCW 70.47.060; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; creating a new section; making appropriations; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5749 by Senators McAuliffe and Fairley

AN ACT Relating to updating enhanced 911 services on private shared telecommunications services; amending RCW 80.36.560; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5750 by Senators Schoesler, Hargrove, Mulliken and Roach

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 5751 by Senators Brown, Swecker, Fraser, Kohl-Welles and Franklin

AN ACT Relating to developing a worksite health promotion program among state agencies; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5752 by Senators Prentice, Honeyford and Kohl-Welles

AN ACT Relating to funeral directors and cemeteries; amending RCW 18.39.010, 18.39.020, 18.39.035, 18.39.045, 18.39.070, 18.39.100, 18.39.120, 18.39.130, 18.39.170, 18.39.173, 18.39.175, 18.39.181, 18.39.195, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.39.250, 18.39.255, 18.39.345, 18.39.410, 18.39.800, 68.04.020, 68.04.030, 68.04.040, 68.04.070, 68.04.080, 68.04.100, 68.04.110, 68.04.120, 68.04.130, 68.04.160, 68.04.165, 68.04.170, 68.04.190, 68.04.210, 68.04.230, 68.04.240, 68.05.010, 68.05.030, 68.05.040, 68.05.050, 68.05.080, 68.05.090, 68.05.100, 68.05.105, 68.05.115, 68.05.150, 68.05.170, 68.05.173, 68.05.195, 68.05.210, 68.05.215, 68.05.225, 68.05.235, 68.05.240, 68.05.245, 68.05.254, 68.05.259, 68.05.285, 68.05.290, 68.05.330, 68.05.340, 68.20.061, 68.20.110, 68.24.010, 68.24.080, 68.24.090, 68.24.100, 68.24.110, 68.24.120, 68.24.130, 68.24.140, 68.24.150, 68.24.160, 68.24.170, 68.24.180, 68.24.190, 68.24.220, 68.28.010, 68.28.020, 68.28.030, 68.28.060, 68.32.010, 68.32.020, 68.32.030, 68.32.040, 68.32.050, 68.32.060, 68.32.070, 68.32.080, 68.32.090, 68.32.100, 68.32.110, 68.32.130, 68.32.140, 68.32.150, 68.32.160, 68.36.010, 68.36.020, 68.36.030, 68.36.040, 68.36.050, 68.40.010, 68.40.025, 68.40.060, 68.44.020, 68.44.070, 68.44.080, 68.44.090, 68.44.100, 68.44.110, 68.44.120, 68.44.130, 68.44.140, 68.44.150, 68.44.160, 68.46.010, 68.46.020, 68.46.030, 68.46.040, 68.46.050, 68.46.055, 68.46.060, 68.46.075, 68.46.080, 68.46.090, 68.46.100, 68.46.110, 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185, 68.50.200, 68.50.220, 68.50.230, 68.50.240, 68.50.270, 68.56.040, 68.60.030, 68.60.060, 70.58.005, 70.58.082, 70.58.160, 70.58.170, 70.58.180, 70.58.190, 70.58.230, 70.58.240, 70.58.260, and 70.58.390; reenacting and amending RCW 18.39.145 and 18.39.150; adding new sections to chapter 18.39 RCW; adding new sections to chapter 68.04 RCW; adding a new section to chapter 68.46 RCW; repealing RCW 18.39.148, 68.04.090, 68.04.180, 68.04.200, 68.04.220, 68.05.185, 68.20.090, 68.20.130, 68.24.175, 68.32.120, 68.36.090, 68.46.150, 68.50.135, 68.50.145, 68.50.150, 68.50.165, 68.50.180, 68.50.190, and 68.50.250; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5753 by Senators Berkey, Keiser, Benson and Kohl-Welles

AN ACT Relating to creating a consumer or advocate-run mental health service delivery system; amending RCW 71.24.025 and 71.24.300; reenacting and amending RCW 71.24.015; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5754 by Senators Keiser, Kohl-Welles, Brown, Deccio and Rasmussen

AN ACT Relating to protecting the title of registered interior designer; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5755 by Senators Sheldon, Shin and Delvin

AN ACT Relating to the small business incubator program; and amending RCW 43.176.010, 43.176.020, and 43.176.030.

Referred to Committee on International Trade & Economic Development.

SB 5756 by Senators Sheldon, Shin and Rasmussen

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 5757 by Senators Rasmussen, Benson, McAuliffe, Regala, Prentice, Esser, Franklin, Johnson, Keiser and Rockefeller

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5758 by Senators Thibaudeau, Deccio, Kastama, Kohl-Welles and Rasmussen

AN ACT Relating to the personal needs allowance for nursing facility residents; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5759 by Senators Weinstein, Schmidt, Prentice, McAuliffe, Rockefeller, Rasmussen and Berkey

AN ACT Relating to improving educational opportunities for low-income students; creating a new section; and making appropriations.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5760 by Senator Kline

AN ACT Relating to persistent offenders; amending RCW 9.94A.570; adding new sections to chapter 9.94A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5761 by Senators Doumit, Oke, Swecker, Morton and Rasmussen

AN ACT Relating to forest practices as they affect family forest landowners; and amending RCW 76.09.010, 76.09.020, 76.09.040, 76.09.368, 76.09.410, 76.09.420, 76.09.440, 76.09.450, 77.12.755, 76.13.100, 76.13.110, 76.13.120, 76.13.140, 76.13.150, and 76.13.160.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5762 by Senators Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to adjusting the medicaid reimbursement system; amending RCW 70.38.111, 74.46.020, 74.46.431, 74.46.435, 74.46.437, 74.46.445, 74.46.506, 74.46.511, and 74.46.521; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5763 by Senators Hargrove, Stevens, Regala, Brandland, Thibaudeau, Carrell, Brown, Keiser, Fairley, McAuliffe, Rasmussen, Kline, Kohl-Welles and Franklin

AN ACT Relating to the omnibus treatment of mental and substance abuse disorders act of 2005; amending RCW 71.05.020, 71.24.025, 10.77.010, 71.05.360, 71.05.215, 71.05.370, 71.05.420, 71.05.620, 71.05.630, 71.05.640, 71.05.660, 71.05.550, 74.09.010, and 71.05.157; reenacting and amending RCW 71.05.390 and 9.94A.505; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding new sections to chapter 2.28 RCW; adding a new section to chapter 26.12 RCW; adding a new section to chapter 9.94A RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 72.23 RCW; adding new sections to chapter 71.02 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 71.05.370 and 71.05.035; repealing RCW 71.05.060, 71.05.070, 71.05.090, 71.05.200, 71.05.250, 71.05.450, 71.05.460, 71.05.470, 71.05.480, 71.05.490, 71.05.050, 71.05.395, 71.05.400, 71.05.410, 71.05.430, 71.05.610, 71.05.650, and 71.05.670; prescribing penalties; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5764 by Senators Weinstein, Brandland, Rockefeller and Rasmussen

AN ACT Relating to special immunities; and amending RCW 4.24.260.

Referred to Committee on Judiciary.

SB 5765 by Senators Spanel and Brandland

AN ACT Relating to allowing two holders of Puget Sound Dungeness crab fishery licenses to operate both licenses on one vessel; and amending RCW 77.65.100 and 77.65.130.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5766 by Senators Honeyford, Sheldon, McCaslin and Hargrove

AN ACT Relating to regulating the business of installing pumps in potable water and wastewater systems for domestic or commercial use; amending RCW 18.27.010, 18.27.040, 18.106.020, 19.28.041, and 19.28.131; adding new sections to chapter 18.27 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5767 by Senators McAuliffe, Haugen, Keiser, Kline, Kohl-Welles, Fairley, Franklin, Shin, Berkey and Hargrove

AN ACT Relating to developing plans to address the housing needs of homeless persons; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1064 by Representatives Miloscia, Nixon, Haigh, Shabro, Green, Hunt, Priest, Linville, Armstrong, Simpson, Bailey, Kenney, Haler, Springer, Chase, Quall, Murray, Wallace, McDermott, Upthegrove, Kilmer, Moeller, Kessler, Appleton, Williams, McCoy, Blake, Dickerson, Conway, Tom, P. Sullivan, Kagi, Morris, Wood, McIntire, Lantz, Hudgins, Ericks, Darneille, Clibborn, Morrell, Takko, O'Brien, Ormsby, McDonald and B. Sullivan

AN ACT Relating to improving government performance and accountability; adding new sections to chapter 43.09 RCW; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 2.56 RCW; adding new sections to chapter 41.04 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 2.04 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5751 which was referred to the Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8616

By Senators Benton and Johnson

WHEREAS, Ninety-four years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people with powerful words such as these:

"The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology."; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect Union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world; and

WHEREAS, President Ronald Reagan provided this nation a great vision for the future and the leadership to advance the cause of democracy and the American dream; and

WHEREAS, The passing of President Reagan gives cause to remember his mission and work, it does not signal the passing of his legacy;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect, that the Washington State Senate remember the work, honor, and excellence of character exemplified by President Ronald Wilson Reagan as we honor his life and Presidency.

Senator Benton spoke in favor of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

MOTION

At 10:17 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 7, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 4, 2005

2005 REGULAR SESSION

TWENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 7, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2005

SB 5154 Prime Sponsor, Pridemore: Changing the leasehold excise tax exemption for certain historical property. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 3, 2005

SB 5337 Prime Sponsor, Rockefeller: Concerning metropolitan park districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

February 3, 2005

SB 5373 Prime Sponsor, Berkey: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 4, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

HOUSE BILL NO. 1024,
HOUSE BILL NO. 1125,
HOUSE BILL NO. 1139,
HOUSE BILL NO. 1183,
HOUSE BILL NO. 1202,
HOUSE BILL NO. 1206,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5768 by Senators Kastama, Roach, Rockefeller, Esser, Prentice, Weinstein, Kline, Delvin and Rasmussen

AN ACT Relating to alternative public works contracting procedures; and reenacting and amending RCW 39.10.020.

Referred to Committee on Government Operations & Elections.

SB 5769 by Senators Fraser, Franklin and Rasmussen

AN ACT Relating to requirements for voter-approved regular property tax levies; and amending RCW 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 5770 by Senator Berkey

AN ACT Relating to forfeited property; and amending RCW 70.105D.020.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5771 by Senators Thibaudeau, Keiser and Kohl-Welles

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health & Long-Term Care.

SB 5772 by Senators Kastama, McCaslin, Berkey, Esser, Benton and Kline

AN ACT Relating to creating the growth management infrastructure account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding new sections to chapter 36.70A RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5773 by Senators Fraser, Fairley, Kohl-Welles, Rockefeller, Kline and Pridemore

AN ACT Relating to protecting homeowners who hire contractors to remodel or build their homes; amending RCW 60.04.021, 60.04.250, 18.27.020, 60.04.035, 60.04.011, 60.04.031, 18.27.030, and 18.27.040; adding new sections to chapter 60.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5774 by Senators Poulsen and Parlette

AN ACT Relating to employee wages and benefits; amending RCW 49.46.010 and 49.46.020; adding a new section to chapter 49.46 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5775 by Senator Mulliken

AN ACT Relating to the creation of a small city or town street improvement program; adding a new section to chapter 47.26 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5776 by Senators Rasmussen, Deccio, Jacobsen, Mulliken, Shin, Zarelli, Hewitt, Morton and Honeyford

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

Referred to Committee on Agriculture & Rural Economic Development.

SB 5777 by Senators Kohl-Welles, Pridemore, Shin, Franklin, Kastama, Regala, Kline, Poulsen, Thibaudeau, Keiser, Eide, Prentice and Berkey

AN ACT Relating to prohibiting the offshoring of work under state contracts; amending RCW 39.29.008, 41.06.142, and 43.19.1911; adding a new section to chapter 39.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5778 by Senators Pridemore, Zarelli and Prentice

AN ACT Relating to the taxation of sales of food and food ingredients sold through vending machines; and amending RCW 82.08.0293.

Referred to Committee on Ways & Means.

SB 5779 by Senators Prentice, Rasmussen, Doumit and Kohl-Welles

AN ACT Relating to the business and occupation taxation of slaughtering, breaking and/or processing perishable meat products; reenacting and amending RCW 82.04.260; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5780 by Senators Prentice, Zarelli, Fairley and Rasmussen

AN ACT Relating to technical improvements to the medicaid nursing home rate setting process; and amending RCW 74.46.431, 74.46.506, and 43.20B.695.

Referred to Committee on Ways & Means.

SB 5781 by Senators Fraser, Benton, Pflug, Regala, Zarelli, Rasmussen, Keiser, Kline, Haugen, Roach, Prentice, Jacobsen and Kohl-Welles

AN ACT Relating to retired local government employees; amending RCW 41.05.011, 41.04.208, 41.05.022, 41.05.080, and 41.05.120; adding a new section to chapter 41.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5782 by Senators Shin, Prentice, Franklin, Kline, Kohl-Welles and Berkey

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.060, 39.19.240, and 43.63A.690; adding a new section to chapter 43.86A RCW; creating a new section; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on International Trade & Economic Development.

SB 5783 by Senators Sheldon, Delvin, Zarelli, Mulliken, Hewitt, Hargrove, Carrell and Benton

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

SB 5784 by Senators Fraser, Kastama, Haugen, Schmidt, Pridemore, Roach, Jacobsen, Kohl-Welles, Kline and McAuliffe

AN ACT Relating to electing to receive remuneration for sick leave at time of separation or dismissal; and amending RCW 41.04.340.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5785 by Senators Fairley, Kline, Keiser, Franklin, Prentice, Rockefeller, Kohl-Welles and McAuliffe

AN ACT Relating to stabilizing the cost of medical malpractice insurance; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5786 by Senators Weinstein, Pridemore, Prentice, Franklin, Keiser, Kline and McAuliffe

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5787 by Senators Swecker, Kastama, Jacobsen, Oke and Sheldon

AN ACT Relating to marine fin fish aquaculture projects; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5788 by Senators Doumit, Kastama, Mulliken, Haugen, Morton, Poulsen, Pridemore and Berkey

AN ACT Relating to ensuring the lawful transport and handling of recyclable materials; amending RCW 70.95.030 and 70.95.305; reenacting and amending RCW 70.95.020; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5789 by Senators Prentice and Parlette

AN ACT Relating to authorizing self-insurers to make claim decisions and actively participate in workers' compensation claims; amending RCW 51.04.020, 51.04.030, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.030, 51.28.030, 51.28.040, 51.28.055, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.055, 51.32.060, 51.32.080, 51.32.095, 51.32.095, 51.32.110, 51.32.160, 51.32.195, 51.32.210, 51.32.240, 51.36.010, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.040, 51.48.080, 51.52.050, 51.52.070, and 51.52.080; reenacting and amending RCW 51.52.060; adding a new section to chapter 51.14 RCW; creating a new section; repealing RCW 51.32.190; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5790 by Senators Doumit, Schoesler and Pridemore

AN ACT Relating to the taxation of motor vehicles; reenacting and amending RCW 82.12.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5791 by Senators Honeyford, Benton, Deccio, Mulliken, Benson and McCaslin

AN ACT Relating to economic development powers of counties and port districts; amending RCW 36.01.085; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 5792 by Senators Honeyford, Johnson, Benton, Esser, Deccio, Benson, McCaslin and Mulliken

AN ACT Relating to postretirement employment for members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.570 and 41.40.037; reenacting and amending RCW 41.40.037; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5793 by Senators Honeyford, Hewitt, Haugen and Mulliken

AN ACT Relating to industrial insurance final settlement agreements; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5794 by Senators Prentice, Swecker, Regala, Franklin, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to authorizing a cigarette taxation agreement between the state of Washington and the Puyallup Indian Tribe; amending RCW 82.08.0316 and 82.12.0316; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5795 by Senators Carrell, Sheldon, McCaslin, Mulliken, Hargrove, Benson, Berkey, Schoesler, Kastama, Honeyford, Esser, Schmidt and Oke

AN ACT Relating to expenditures for works of art; amending RCW 43.17.200; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5796 by Senator Fairley

AN ACT Relating to refund anticipation loans; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new chapter to Title 31 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5797 by Senators Benton, Stevens, Schoesler, Rasmussen, Johnson and Sheldon

AN ACT Relating to school employees' letters of recommendation; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5798 by Senators Parlette, Shin, Jacobsen, Haugen, Finkbeiner, Kohl-Welles, Mulliken and Rasmussen

AN ACT Relating to tourism promotion; amending RCW 43.330.090 and 43.330.094; creating a new section; and making appropriations.

Referred to Committee on International Trade & Economic Development.

SB 5799 by Senators Keiser, Benson, Poulsen, Zarelli, Schmidt, Esser, Franklin, Pridemore, Rockefeller, Kohl-Welles, Kline and Rasmussen

AN ACT Relating to payment of providers for medically needy consumers; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health & Long-Term Care.

SB 5800 by Senators Regala, Roach, Franklin, Benson, Haugen, Zarelli, Keiser, Esser, Poulsen, Pridemore, Schmidt, Benton, Rockefeller, McAuliffe and Rasmussen

AN ACT Relating to exempting home care workers' personal information from public disclosure; and reenacting and amending RCW 42.17.310.

Referred to Committee on Health & Long-Term Care.

SB 5801 by Senators Poulsen, Schmidt, Benton, Benson, Zarelli, Keiser, Esser, Pridemore, Thibaudeau and Kohl-Welles

AN ACT Relating to a vendor rate study of home care agencies; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5802 by Senators Kohl-Welles, Delvin, Shin, Spanel, Carrell, Fairley, Keiser, Roach, Jacobsen, Poulsen, Kline, Pridemore, McAuliffe, Weinstein, Eide, Berkey, Rasmussen and Rockefeller

AN ACT Relating to pay equity for part-time community and technical college faculty; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5803 by Senators McAuliffe, Weinstein, Berkey, Shin, Kohl-Welles, Franklin, Schmidt, Thibaudeau, Eide, Kline, Keiser, Regala, Jacobsen and Rasmussen

AN ACT Relating to internet safety; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5804 by Senators Kohl-Welles, Pridemore, Rockefeller, Shin, Schmidt, Berkey, McAuliffe and Rasmussen

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 28B.10.786; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5805 by Senators Kohl-Welles, Hargrove, Brown, McAuliffe, Rasmussen and Jacobsen

AN ACT Relating to regulating preschools and kindergartens; reenacting and amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5806 by Senators Kohl-Welles, Hargrove, Rasmussen and Jacobsen

AN ACT Relating to child care services; amending RCW 74.15.130; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8621

By Senator Rasmussen

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest-growing developmental disability, affecting 1 million to 1.5 million Americans - 1 in 166 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better-equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 8, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 7, 2005

2005 REGULAR SESSION

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 8, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2005

SB 5002 Prime Sponsor, Regala: Marketing, offering, or selling camping resort contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5013 Prime Sponsor, Honeyford: Authorizing RV logos on highway sign panels. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5061 Prime Sponsor, Jacobsen: Studying the level of insurance coverage for periodontal disease. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5115 Prime Sponsor, Shin: Regulating traffic signal preemption devices. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5159 Prime Sponsor, Keiser: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5198 Prime Sponsor, Keiser: Implementing changes to medicare supplement insurance requirements as mandated by the medicare modernization act of 2003 and other federal requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5235 Prime Sponsor, Kohl-Welles: Requiring the department of labor and industries to set child labor law administration fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 7, 2005

SB 5238 Prime Sponsor, Kohl-Welles: Modifying the boilers and unfired pressure vessel law. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5278 Prime Sponsor, Jacobsen: Establishing the ocean policy review commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 7, 2005

SB 5319 Prime Sponsor, Oke: Concerning animal trapping. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5347 Prime Sponsor, Keiser: Requiring the department of social and health services to defend temporary managers in nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5358 Prime Sponsor, Keiser: Regarding speech-language pathologists and audiologists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5364 Prime Sponsor, Kohl-Welles: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5382 Prime Sponsor, Jacobsen: Concerning the harassment of big game animals by dogs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5389 Prime Sponsor, Kohl-Welles: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5389 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5391 Prime Sponsor, Keiser: Offering a tricare supplemental insurance policy to certain public employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5623 Prime Sponsor, Haugen: Clarifying that sales and use tax does not apply to certain regional transit authority service agreements. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Oke and Swecker

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5235 which was referred to the Committee on Ways & Means and Senate Bill No. 5061 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 7, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED HOUSE BILL NO. 1069,

ENGROSSED HOUSE BILL NO. 1276,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5807 by Senators Roach, Keiser, Rasmussen and Kohl-Welles

AN ACT Relating to auto theft; reenacting and amending RCW 9.94A.505, 9.94A.515, and 13.40.160; adding new sections to chapter 36.28A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5808 by Senators Poulsen, Honeyford, Morton, Rockefeller, Regala, Fraser and Rasmussen

AN ACT Relating to increasing the threshold for short board appeals before the shorelines and pollution control hearings boards to fifteen thousand dollars; and amending RCW 90.58.185 and 43.21B.305.

Referred to Committee on Water, Energy & Environment.

SB 5809 by Senators Fairley and Kohl-Welles

AN ACT Relating to jurisdiction of youth courts; and amending RCW 3.72.010 and 3.72.030.

Referred to Committee on Human Services & Corrections.

SB 5810 by Senator Fairley

AN ACT Relating to health studio services; and amending RCW 19.142.040.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5811 by Senators Kohl-Welles, Regala and Rasmussen

AN ACT Relating to encouraging the ethical transfer of technology for the economic benefit of the state; amending RCW 42.52.010, 42.52.030, 42.52.200, and 42.52.360; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5812 by Senator Keiser

AN ACT Relating to the nursing facility medicaid program trust account; adding a new section to chapter 74.46 RCW; and adding a new section to chapter 82.71 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5813 by Senator Keiser

AN ACT Relating to the quality maintenance fee on nursing facility operators; amending RCW 82.71.010 and 74.46.091; creating a new section; and providing a contingent expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5814 by Senators Prentice, Swecker, Rasmussen and Kohl-Welles

AN ACT Relating to adding additional tribes with whom the governor may contract with under RCW 43.06.460; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

SB 5815 by Senators Finkbeiner, Keiser and Kohl-Welles

AN ACT Relating to a person's right to have honored his or her decisions regarding health care; amending RCW 41.05.021 and 72.10.020; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 72.36 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5816 by Senators Doumit and Jacobsen

AN ACT Relating to contracting out the management of state trust lands; adding a new section to chapter 79.02 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5817 by Senators Doumit and Jacobsen

AN ACT Relating to the state granted lands sales program; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5818 by Senators Doumit and Jacobsen

AN ACT Relating to natural resources' agencies' law enforcement programs; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5819 by Senators Benton, Swecker, Zarelli, Delvin, Oke, Benson, Carrell and Mulliken

AN ACT Relating to property tax exemptions for churches and other religious organizations; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5820 by Senators Swecker, Mulliken, Hargrove, Benton, Roach, Schmidt, Stevens and Benson

AN ACT Relating to requiring notification of breast cancer risks related to abortion; adding new sections to chapter 9.02 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5821 by Senators Mulliken, Hargrove, Benton, Swecker, Carrell, Schmidt, Roach, Honeyford, Stevens, Benson, Esser, Johnson and Oke

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

Referred to Committee on Health & Long-Term Care.

SB 5822 by Senators Haugen, Swecker, Poulsen, Kastama, Spanel, Schmidt, Berkey, Schoesler, Hewitt, Esser, Mulliken and Jacobsen

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; and repealing RCW 47.36.325.

Referred to Committee on Transportation.

SB 5823 by Senators Kohl-Welles, Jacobsen and Kline

AN ACT Relating to requiring prompt payment of final wages; and amending RCW 49.48.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5824 by Senators Shin, Swecker, Benton, Honeyford, Kohl-Welles, Rasmussen, Sheldon, Carrell, Mulliken, Benson, Schmidt, Esser, Hewitt and Johnson

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5825 by Senators Parlette, Hewitt and Honeyford

AN ACT Relating to repealing authority to request increased compensation due to a change of circumstances; amending RCW 51.28.040; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5826 by Senators Hewitt, Parlette and Honeyford

AN ACT Relating to making cost-of-living adjustments to account for inflation in industrial insurance claims; amending RCW 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.090, and 51.36.020; reenacting and amending RCW 51.32.090; adding a new section to chapter 51.08 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5827 by Senators Schoesler, Fraser and Kohl-Welles

AN ACT Relating to capital projects lists for local nonprofit art, cultural, heritage, youth, and social service organizations; amending RCW 43.63A.125, 43.63A.750, 27.34.330, and 43.63A.135; repealing 1999 c 295 s 4 (uncodified); and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5828 by Senators Eide, McAuliffe and Kohl-Welles

AN ACT Relating to digital or online learning; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SJM 8015 by Senators Berkey, Schmidt, Carrell, Mulliken, Rockefeller, Shin, Pridemore, Rasmussen, Kohl-Welles, Delvin, McAuliffe, Weinstein, Prentice, Fairley, Thibaudeau, Kline, Keiser and Roach

Petitioning the Transportation Commission to rename State Route 2 as the "Washington National Guard Highway."

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1024 by Representatives Kirby and Campbell

AN ACT Relating to requirements for issuing salary warrants for judges; and amending RCW 2.56.040.

Referred to Committee on Judiciary.

EHB 1069 by Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Darneille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

AN ACT Relating to performance audits of tax preferences; adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Ways & Means.

HB 1125 by Representatives Serben, Lantz, Priest, Shabro and Ahern

AN ACT Relating to trust and estate management; amending RCW 11.02.005, 11.12.110, 11.28.170, 11.40.020, 11.40.030, 11.40.051, 11.40.070, 11.42.020, 11.42.030, 11.42.070, 11.88.080, 11.94.010, 11.98.039, 21.35.005, and 22.28.030; and repealing RCW 11.04.270.

Referred to Committee on Judiciary.

HB 1139 by Representative Upthegrove

AN ACT Relating to attorneys serving as pro tempore judges, commissioners, and guardians ad litem; amending RCW 2.08.185; and creating a new section.

Referred to Committee on Judiciary.

HB 1183 by Representatives Williams and Serben

AN ACT Relating to renaming the commission on supreme court reports; and amending RCW 2.32.160.

Referred to Committee on Judiciary.

HB 1202 by Representatives Williams, Woods, Lantz, Hunt, Campbell, Appleton, McCune, Eickmeyer, Ormsby and Kilmer

AN ACT Relating to district court judges; amending RCW 3.34.010; and creating a new section.

Referred to Committee on Judiciary.

HB 1206 by Representative O'Brien

AN ACT Relating to repeal of obsolete or superseded laws; and repealing RCW 9.58.110, 9.58.120, 49.44.100, 67.14.020, 67.14.040, 67.14.050, 67.14.060, 67.14.070, 67.14.080, 67.14.090, 67.14.100, 67.14.110, 67.14.120, 70.54.060, and 70.54.065.

Referred to Committee on Judiciary.

EHB 1276 by Representatives Grant, Holmquist, Kessler, Upthegrove, Walsh, Linville, Nixon, Hinkle, Buri, Newhouse, Orcutt, Kristiansen, Campbell, Hankins, McDonald, Talcott, Bailey, Shabro, Skinner, Roach, Haigh, McCune, Kretz, Hunter, Moeller, Miloscia, Williams, O'Brien, Schindler, P. Sullivan, Blake, Anderson, Buck, Wallace, Chase, Condotta and Santos

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

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8613

By Senator Honeyford

WHEREAS, There are more than 300 museums in Washington State; and

WHEREAS, These museums preserve artistic, historical, and natural resources for us and future generations, provide access to a diverse and rich cultural heritage, and prompt us to expand our understanding of the world; and

WHEREAS, These museums were created by their communities and continue to be nurtured by them; and

WHEREAS, These museums contribute to the quality of life in their communities by bringing people together through shared cultural experiences, introducing new ideas, providing educational resources, contributing to the local economy, and offering entertainment for residents and visitors;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor these museums on February 9, 2005, Museum Day in Washington State, in recognition of the role museums play in the historical, cultural, artistic, and economical life of the communities within our state.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 9, 2005.

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 8, 2005

2005 REGULAR SESSION

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 9, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Fairley and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Tessa Wyllie-Echeverria and Daniel Fox, presented the Colors. Pastor Jim Cammack of the Baha'i Assembly of Mason County offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2005

SB 5250 Prime Sponsor, Pridemore: Authorizing the department of general administration to enter into additional job order contracts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5354 Prime Sponsor, Doumit: Revising administration of flood control zone districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5700 Prime Sponsor, Haugen: Modifying hospital district funding. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

February 8, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I respectfully request to have the attached list of unconfirmed Gubernatorial Appointees to the boards and commissions listed, be returned to the Governor for review.

Indeterminate Sentence Review Board:

Julie Garratt
Jeralita Costa

Industrial Insurance Board of Appeals

Thomas Eagan-chair
Calhoun Dickinson
Frank Fennerty

Pacific Northwest Power & Conservation Planning Council

Tom Karier

Personnel Appeals Board

Gerald Morgen
Walter Hubbard
Busse Nutley

Board of Tax Appeals

Shirley Winsley
Georgia Gardner

Washington State University Board of Regents

Joe King
Connie Niva
John Fabian
Chris Marr

Central Washington University Board of Trustees

Sid Morrison
Leslie Jones
Judy Yu

Eastern Washington University Board of Trustees

Bertha Ortega
Gordon Budke
Jo Ann Kauffman

The Evergreen State College Board of Trustees

Claudia Kauffamn-Redmorningstar
Karen Lane

Stanley L. K. Flemming
Marilee Roloff
David Lamb

Western Washington University Board of Trustees
Betty Woods
John Warner
Dennis Madsen
Kevin Raymond

Peninsula Community College
Arturo Flores
Dennis Duncan

Grays Harbor Community College
Fawn Sharp-Malvini
Rebecca Chaffee
John Warring

Olympic Community College
Doug Sayan

Skagit Valley Community College
Margaret Rojas
Debra Lisser

Everett Community College
Nancy Truitt Pierce
Carlos Veliz

Seattle Community Colleges
Dorothy Hollingsworth
Nobie Chan

Shoreline Community College
Jeffrey Lewis
Richard Stucky
Gidget Terpstra

Bellevue Community College
RuthAnn Kurose
Lee Kraft Cressman
Paul Chiles

Green River Community College
James Rottle
Sherry Gates
Arlista Holman

Pierce Community College
David Hamry
Elizabeth willis

Centralia Community College
Franklin DeVaul
George Mohoric

Lower Columbia Community College
Thuy Vo
Michael Heuer

Kay Cochran

Clark Community College
Sherry Waltz Parker
Kim Peery

Wenatchee Valley Community College
Darlene Wilder
Bertha Goehner
William McDowell

Spokane Community Colleges
Ben Cabildo
Carol Landa-McVicker

Big Bend Community College
Katherine Kenison
Cecilia DeLuna-Gaeta
Michael Blakely

Columbia Basin Community College
Salvador Beltran
Josie Villa
Enriqueta Mayuga
R. Gary Culbert

Walla Wall Community College
Mary Grant Tompkins
Jon McFarland

Whatcom Community College
Debra Jones
Barbara Rofkar
Robert Fong

Tacoma Community College
Derek Kilmer
David Edwards
Frederick Whang

Edmonds Community College
Mauri Moore
Jack McRae

South Puget Sound Community College
Judy Blinn
Barbara Clarkson

Bellingham Technical College
Sonia Arevalo-Hayes
Steven Koch

Lake Washington Technical College
Jane Stein
Sang Chae

Renton Technical College
Ira SenGupta
Edward James, Jr.

Clover Park Technical College
Kay Harlan
Joe Kosai

Apprenticeship & Training Council
Susan Wilder Crane

Clemency & Pardons Board
Margaret Smith
Robert Winsor
Raul Almeida
John Turner
Cheryl Terry

Columbia River Gorge Commission
Jane Jacobsen
Harold Abbe
Katherine Akers Sheehan

Eastern State Hospital Advisory Board
Charlie Freestone
Gregorio Ochoa
Patricia Morgan
Edie Rice-Sauer
Dodds Simangan
Daniel Gosser
Terry Glenn
Ronda Kenny
Yvette Joseph Fox

Forest Practice Appeals Board
Tom May
Rebecca Bowers
Dennis Sterner
Martha Rice
Roger Erskine
Vicki Frei

Public Employment Relations Commission
Douglas Mooney
Pamela Bradburn

Salmon Recovery Funding Board
Bill Ruckelshaus (chair)
Frank Cassidy, Jr.
Brenda McMurray
Stephen Tharinger
James L Peters

Small Business Export Assistance Center
Paul Rollins, Jr.
Elizabeth Juang
Paul Calderon
David Lamb
John Perryman
Mike Maravae

School for the Blind Trustees
Eric Wiseman
Jerry Farley
Kay Adamson

Charles Nelson
Joseph Fram
Sherry Perry
Stephen Rainey
Annabelle Fitts
Denise Colley

School for the Deaf Trustees
Larry Swift
Bonita Decker
Dolorita Reandean
Holly Parker Jensen

Workforce Training & Education Coordinating Board
David Harrison (chair)
Julianne Hanner
Asbury Lockett
Rick Bender

Western State Hospital Advisory Committee
Pat Lovett
Jerome Remick
Shirley Havenga
Tim Keller
Dorothy Blake
Alaric Bien
Suzanne Leichman
Sherly Lamberton
Steven Marquez
Roger Jackson
Paul David Peterson
Michael Thurman
David Stewart

Energy Northwest Executive Board
Dave Remington
Amy Solomon
Lawrence Kenny

Parks & Recreation Commission
Joan Thomas
Mickey Fearn
Robert Petersen
Eliot Scull Cecila Vogt

Human Rights Commission
Ben Cabildo
Deborah Sioux Lee
Ellis Casson
Reiko Callner

Gambling Commission
Jim Bricker
Alan Parker

State Board for Community & Technical Colleges
Carolyn Purnell
James Garrison
Erin Munding
Tom Koenninger
Jane Nishita

Sincerely,
Christine O. Gregoire

MOTION

On motion of Senator Eide, the Gubernatorial Appointees were returned to the Governor for review. The motion to return the unconfirmed Gubernatorial Appointments to the Governor was approved.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5829 by Senators Thibaudeau, Fairley, Kline, Kohl-Welles, McAuliffe and Fraser

AN ACT Relating to authorizing an additional cigarette tax; adding a new section to chapter 82.24 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5830 by Senators Doumit, Jacobsen, Swecker, Rockefeller, Oke and Rasmussen

AN ACT Relating to the performance of state trust land management; amending RCW 79.17.210 and 79.64.040; reenacting and amending RCW 79.17.010; adding a new section to chapter 79.64 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5831 by Senators Morton and Poulsen

AN ACT Relating to the minimum standards for construction and maintenance of wells; amending RCW 18.104.020, 18.104.043, 18.104.050, 18.104.055, 18.104.100, 18.104.120, and 18.104.190; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5832 by Senators Jacobsen, Kohl-Welles and Rasmussen

AN ACT Relating to the "Washington's National Park Fund" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5833 by Senator Brown

AN ACT Relating to special license plates to recognize the Gonzaga University alumni association; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5834 by Senators Stevens, Hargrove and Kohl-Welles

AN ACT Relating to studying juvenile offender case filings; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5835 by Senators Hewitt, McCaslin and Deccio

AN ACT Relating to dissolving or deactivating joint housing authorities; amending RCW 35.82.300 and 35.82.320; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5836 by Senators Stevens, Hargrove, Swecker, Benson, Roach and Schmidt

AN ACT Relating to reporting of pregnancy terminations; and adding a new section to chapter 9.02 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5837 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to making uninsured, underinsured, and personal injury protection motor vehicle insurance mandatory; amending RCW 48.22.030 and 48.22.085; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5838 by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen

AN ACT Relating to the substitution of a preferred drug for a nonpreferred drug in hepatitis C virus treatments; and amending RCW 69.41.190.

Referred to Committee on Health & Long-Term Care.

SB 5839 by Senators Keiser and Deccio

AN ACT Relating to regulation of free-standing health clinics; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5840 by Senators Morton, Mulliken and Stevens

AN ACT Relating to ballot enhancement and duplication; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.60 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5841 by Senators Keiser, Thibaudeau, Kline, Kohl-Welles and Shin

AN ACT Relating to the prevention, diagnosis, and treatment of asthma; amending RCW 19.27.190, 41.05.013, and 74.09.520; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5842 by Senators Doumit, Kohl-Welles, Rasmussen, Keiser, Kline, Prentice, McAuliffe, Spanel, Franklin and Jacobsen

AN ACT Relating to substantially improving worker safety, accident prevention, and worker outcomes through the department of labor and industries' retrospective rating program; amending RCW 51.16.035, 51.18.020, and 51.18.040; adding new sections to chapter 51.18 RCW; adding a new section to chapter 51.08 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5843 by Senators McAuliffe, Pridemore, Kohl-Welles and Rockefeller

AN ACT Relating to college in the high school; amending RCW 28A.150.275, 28A.225.290, and 28A.600.160; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5844 by Senator McAuliffe

AN ACT Relating to self-service storage units; and amending RCW 19.150.020, 19.150.060, and 19.150.080.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5845 by Senator Pridemore

AN ACT Relating to the clarification of property tax statutes; amending RCW 84.33.140, 84.34.108, 84.52.020, 84.52.054, 84.52.070, 84.55.010, 84.55.120, 84.56.440, 84.69.020, and 84.70.010; reenacting and amending RCW 84.52.010; creating a new section; and repealing RCW 84.55.012, 84.55.0121, and 84.55.092.

Referred to Committee on Ways & Means.

SB 5846 by Senators Parlette, Kohl-Welles, Oke and Kline

AN ACT Relating to distribution of unused prescription drugs to low-income persons; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5847 by Senator Fraser

AN ACT Relating to the maritime historic restoration and preservation activities of the Sandman Foundation; and amending RCW 88.02.052 and 88.02.053.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5848 by Senators McAuliffe, Thibaudeau, Stevens, Hargrove, Regala, Shin and Rasmussen

AN ACT Relating to missing and runaway children; and amending RCW 13.32A.086.

Referred to Committee on Human Services & Corrections.

SB 5849 by Senators Kohl-Welles, Schmidt, Pridemore and Shin

AN ACT Relating to including cyberbullying in school district harassment prevention policies; and amending RCW 28A.300.285.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5850 by Senators Spanel, Keiser, Kohl-Welles and Shin

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

Referred to Committee on Labor, Commerce, Research & Development.

SJR 8210 by Senators Stevens, Benton, Esser, Mulliken, Swecker, Roach, Schmidt and Oke

Amending the Constitution to limit the types of domestic relations that will be recognized as valid in Washington state.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8609

By Senators Shin, Rasmussen, Honeyford, Roach and Swecker

WHEREAS, Jack K. C. Chiang served ably as Director General of the Taipei Economic and Cultural Office in Seattle from 2001 through 2004; and

WHEREAS, Director General Chiang has spent over 20 years working to better the relationship between Taiwan and the United States; and

WHEREAS, Director General Chiang's commitment to the friendship between Taiwan and the United States saw him serve a full eight years in our nation and away from his family; and

WHEREAS, His previous service in the United States saw him as Director of the Service Division of the Taiwan Economic and Cultural Representative Office in Washington, D.C., the Deputy Director of the Taiwan Economic and Cultural Office in Chicago, and the Taiwan Economic and Cultural Office in Houston; and

WHEREAS, In Seattle, as well as his other postings in the United States, Director General Chiang was embraced by the Chinese American Community, and showed tremendous dedication to the same; and

WHEREAS, Director General Chiang's immense knowledge of his nation and the United States led to increased trade and cultural relations between Washington and Taiwan; and

WHEREAS, The State of Washington owes a tremendous debt to Director General Chiang for the outstanding work he accomplished during his tenure in Seattle; and

WHEREAS, Director General Chiang has returned to Taipei to work in the Ministry of Foreign Affairs and serve Taiwan at home after many years abroad; and

WHEREAS, Director General Chiang went above and beyond the duties of his position and indefatigably worked to maintain and expand the crucial economic and cultural relations between Taiwan and Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor Director General Jack K. C. Chiang for his service to Taiwan and Washington, his diplomatic nature, extreme kindness, and understanding of the crucial relationship between our peoples; and

BE IT FURTHER RESOLVED, That the Senate also recognize the outstanding achievements and contributions Chinese-Americans have made to our state that have enriched communities throughout Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Director General Chiang and to the Taipei Economic and Cultural Office in Seattle.

Senators Shin, Roach, Rasmussen, Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jack Chiang, former Director General of the Taipei Economic and Cultural Office in Seattle who was seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President too, would like to wish you well and thank you for what you've done for the people of the state of Washington".

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Robert C. M. Chin, Mr. Stephen Tai, Deputy Director, incoming Director General of Taipei office and colleagues who were seated in the gallery.

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:28 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5182, by Senators Franklin and Sheldon

Requiring disclosures for single burial use of multiple internment space. Revised for 1st Substitute: Requiring disclosures for single burial use of multiple interment space.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Parlette, spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Fairley was excused.

On motion of Senator Mulliken, Senators Benton Swecker, Roach and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5161, by Senators Eide and Swecker

Including use of wireless communications in accident reports.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5161 was substituted for Senate Bill No. 5161 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5161 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Sheldon - 1

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5085, by Senators Weinstein, Haugen, Jacobsen and Kline

Holding child car seat installers harmless for damages.

MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Carrell, Deccio, Finkbeiner, Honeyford, Johnson, McCaslin, Morton, Mulliken and Stevens - 9

Excused: Senators Benton, Fairley and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, this is physically difficult. I feel if I've just been awoken from a coma. I feel as if a persuasive power, as if made of steel has grasped me controlled my every action even my thinking. If someone who is conscious these last five minutes please tell me. Just I just hear a trial lawyer move a bill that grants immunity from liability and I voted yes; is that, with someone who is conscious, did I just do that, did he just do that. Mr. President, I believe there is a persuasive power at large on this floor that requires us to act in its behest. On behalf of this institution Mr. President, I require that we have some kind of retribution, some kind of restitution for our powers of thought lost to this behemoth of logical and rational persuasion. Mr. President, I think compensation is in order. Thank you."

PERSONAL PRIVILEGE

Senator Johnson: "On behalf of the Trial Lawyers Association of the state of Washington I'd like to inform Senators Weinstein and Kline that they're on probation. There'll be some opportunity to sign onto some good bills coming up."

PERSONAL PRIVILEGE

Senator Deccio: "I'm compelled to rise after that dramatic speech. The reason I voted against it, because if you would have amended to broaden the title I would have added a lot more exemptions, and would it solve the professional liability problem. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Mr. President. Since I've resigned from the chief needler of the State Senate, I see that I've turned over to excellent hands. Of course he'll take a lot longer to talk than I will and probably give us all a billable hour but none the less as I sat here listening to you folks I thought of General McArthur. To paraphrase General McArthur, 'Old Senators never die, they just fade away.' I lost about thirty pounds, so I'm fading as fast as I can. Now, Senator Esser, I've assigned this to you. Once one of our freshman get up I would hope you would rise and equal that attorney's speech."

PERSONAL PRIVILEGE

Senator Weinstein: "Thank you Mr. President. I'd like to thank the Senators who have just addressed me for the kind words. I understand, here in Olympia, those are terms of endearment, so I appreciate them and I take them in the spirit in which they were offered. Seriously though, I would like to thank all the Senators here today and all the Senators are not present today for the warm welcome that I've received since I've been here. I do feel like you have made me feel special and part of a special body and I feel very privileged to be here and you have made me feel warm. When I come home during the weekends, I tell my family how surprised I am. I didn't expect people on both sides of the aisle to just to treat me with the respect and just the kindness that you have so I appreciate that. I'll tell you something about my district, I'm sure you know something about my district. I'm from the forty-first district. It includes part of Renton, which I share with Senator Margarita Prentice and Adam Kline, it has part of Renton and all of Newcastle and I'm told that's where the real people of my district live. It also includes a slice of Issaquah and part of Bellevue and Mercer Island which, like Garrison Keillor, is Lake Woebegone. All the kids are above average in that part of my district. So, that's where I come from, I come from Mercer Island. And I was telling my daughter, one of my daughters, about the tradition here in the Senate. The tradition whereby I'm expected to give tribute, give a gift to the other Senators, something that will exemplify my district. So I was asking my family, what do they think I should do? My youngest daughter looks at me and said 'Dad, well, everyone thinks that everybody on Mercer Island is rich, so why don't you give each of them a million dollars?' I said that I should do that but you in the words of one of our former presidents it would be wrong. So, what I've decided to do instead about a month or two ago my wife gave me a little present called transportation gridlock. It's a little puzzle. It's a little game and I enjoy playing it. I think it exemplifies some of the problems of my district and in the state as well. It's a game that will be distributed to you, it's something that you could put in your waiting room for lobbyist or constituents or just to play with yourself and it'll help us all work together, I hope, to solve transportation gridlock in the community, in my community, in your community and in our state. So I'd like to work with all of you, not just transportation problems, but all problems. Once again just want to say thank you so much for the warm welcome that you have showed me."

PERSONAL PRIVILEGE

Senator Jacobsen: ""I just wanted to give a little bit of advice to the new Senator. When Harry Truman got elected to the U. S. Senate one of his colleagues said in the first week, he said, 'Harry, you're going to spend six months wondering how you got here and six years wondering how the rest of them got here.'"

SECOND READING

SENATE BILL NO. 5049, by Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller

An act relating to disclosing information about mold in residential dwelling units.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 3, beginning on line 31, after "(12)" strike all material through "2006;" on line 37 and insert "Provide tenants with information provided or approved by the department of health about the health hazards associated with exposure to indoor mold. The information must detail how tenants can control mold growth in their dwelling units to minimize the health risks associated with indoor mold. Landlords may obtain the information from the department's web site or, if requested by the landlord, the department must mail the information to the landlord in a printed format. When developing or changing the information, the department of health must include representatives of landlords in the development process. The information must be provided by the landlord to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants no later than January 1, 2006;"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 3, line 31 to Senate Bill No. 5049.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Thibaudeau and Kastama were excused.

Senator Rockefeller spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel and Weinstein - 30

Voting nay: Senators Carrell, Deccio, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 14

Excused: Senators Benton, Fairley, Kastama, Swecker and Thibaudeau - 5

ENGROSSED SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I once again rise in complete stupefaction, to a point of personal privilege Mr. President. That this imposter, this former member of some other legislative body, which I am informed occupies part of this building -- I want to make sure that I go by the proper address that Mr. President has imposed upon those of us who refer to some other legislative body -- but that this person must be aware that after such a speech that he must certainly compensate us for the dire consequences of having to cut into our lunch hour but at least forty-five seconds to listen to it and that I certainly hope that he will come forward with the appropriate compensation, Mr. President. I am sure he's been reminded. Thank you."

PERSONAL PRIVILEGE

Senator Deccio: "I'd like to ask Senator Weinstein if he... Senator Weinstein, my question is: Will you love us in April as you do in February?"

PERSONAL PRIVILEGE

Senator Rasmussen: "Point of personal privilege, Mr. President. This is far more serious and I would like to make sure that all the members of the senate know that on Monday I introduced a resolution because we had too many for today. It was on autism. I know that you would have liked to put your name on the resolution. Because we introduced it on Monday I couldn't do so and so I do apologize for not getting your name on it, but on the resolution you do have on your desk it says one out of every two hundred fifty children today born today now have autism. In fact, its one out of one hundred sixty six. Today on the Capitol steps there is a rally at 12:30 and the Governor is going to speak and issue a proclamation at 2:00, but at 12:30, care givers, families and advocates of autism are gathering to make all of us aware of this epidemic that's not only affected children in this state but throughout the world. Many other states have come together and budgeted many, many millions of dollars to help bring intervention therapies for these children because it does say that they can get better if we intervene early. Also we are looking at issues of why this is happening. Why we have this very stark rise in autistic children. There has been an article and I want to bring it to your attention and I will send it to each one of your offices but it talks about the link between mercury and autism and that the drug companies did know that there was a link. So, we really want to follow the state of California in banning mercury out of vaccines for little children. But set that aside for a minute and think about the families, your neighbors and certainly your friends that all have been touched with this epidemic. If you have a minute go out and support the people out on the Capitol steps today. With that, I thank you for bearing with me today. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Rockefeller: "Thank you Mr. President and ladies and gentlemen of the Senate. I'm aware of the hour is moving quickly and so eating may be on your minds, so I will be brief. Like Senator Weinstein before me, I too am humbled by the opportunity to join you here in this August body. I won't talk too much about my past on the other body, but it has made me appreciate what I see before me and what I feel. I feel respected and in turn, I respect each and every one of you who makes this institution a wonderful place in which to work and to collaborate. I am very pleased to be here and I look forward to many years of fruitful, cooperative efforts. In thinking about the matter before us, 'appropriate compensation' as Senator Kline put it so judiciously, I found myself wondering first if he was making that suggestion because of my name. I want to assure you that, though my name is Rockefeller, that responsibility of giving away millions has been assigned to another branch of the family. After all, if they gave away all of their money at once, then they wouldn't have any more to give away. And then what would they do? The rest of us work and I'm in that other group that chooses to work. So, I'm happy to let them worry giving away the millions. On the other hand, I have thought about what my district might bring to the situation. My district is number twenty-three. I'm a successor to the Honorable Betti Sheldon, a woman of whom I use to say, 'It will be very difficult to fill her shoes.' Well, that isn't ... that analogy that works to an extent, except I looked at my size thirteen shoes and realized it wasn't quite appropriate for Senator Sheldon, to speak of her in that manner, so I don't use that anymore. But, what do we have that's unique? Well, we are very much surrounded by water in the heart of Puget Sound on the west side and I thought instantly of goeducks and, just as instantly, I let that idea disappear. We do have lots of goeducks. I could have given one to each of you. Some of you would say, 'What is that awful looking creature?' When you see them raw and alive, as Senator Oke and I and others may have done in the real world, it's not a very appealing creature. Frankly it's quite ugly. I thought of something else. We have a wonderful community called Port Gamble. It, for a time, had a company saw mill which operated continuously for one hundred fifty three years. It was the oldest such mill town in the state of Washington, went back to 1853 I believe, recently celebrated its sesquicentennial. It is an historic community. It's been so designated on the historic register. It has been appropriately protected

under the GMA, with an exception that we passed several years ago, which allows for it's orderly development -- maintaining the historical integrity that it's owners have had for a century and a half. And there are people in that community who are determined to be stewards of the past as well as champions of a new and revitalized future. So, I thought that's a good example for what we're all about as a state -- citizens who care about the past, but also are working for a better future. And a company, which continues to have its financial interest there, still owns the town through a subsidiary corporation, and they have made it possible for entrepreneurs to come in and develop new opportunities, new businesses. One such business is called La La Land Chocolates. And now we get to the point. La La Land Chocolates creates magnificent truffles. Their flavors range from Mayan Chocolate to Black Berry Brandy to Chocolate/Orange Peppermint Schnapps, Kaluha/Chocolate mint, on and on. The owner and the proprietor of this is a man who, frankly, Mr. President, looks like Jessie Ventura. He's 6'5", 240 pounds, all muscle, a delightful man who has a prosthetic limb. He lost one leg as a young man and now he is in his 50s. He is a Vietnam Veteran. He came back from Vietnam, still with the limb by the way. He lost that when he became an operating engineer. His name is Greg Marquiss and he and his wife have this passion for chocolates. Now, he had to change his lifestyle after he lost his limb in an industrial accident while working as an operating engineer. So he retrained himself and became a computer software programmer and he is an expert on COBOL. A software which is still in use today in many of our mainframes and he said to me, 'I can make COBOL sing.' But, as I say, he discovery this new passion for chocolates and he is equally skilled at that. And so, if I may Mr. President, we have individual truffles that I'd like to bring on the floor and distribute to everybody here -- including all of you at the dais. Thank you very much."

PERSONAL PRIVILEGE

Senator Deccio:"I'd like to inform Senator Rockefeller, I'm allergic to chocolates. Could you give me something else, like a hundred dollar gift certificate to Nordstrom?"

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, a.m. Thursday, February 10, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 9, 2005

2005 REGULAR SESSION

THIRTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 10, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2005

SB 5023 Prime Sponsor, Jacobsen: Requiring headlights when wipers are used. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5023 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Oke and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Mulliken

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5029 Prime Sponsor, Jacobsen: Requiring safe drinking water in schools. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Morton, Pridemore and Regala

Passed to Committee on Ways & Means.

February 8, 2005

SB 5089 Prime Sponsor, Sheldon: Limiting nuisance noise from off-road vehicles. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5098 Prime Sponsor, Poulsen: Regulating the energy efficiency of certain products. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5101 Prime Sponsor, Poulsen: Providing incentives to support renewable energy. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5101 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 9, 2005

SB 5178 Prime Sponsor, Kastama: Issuing a moratorium on licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5181 Prime Sponsor, Rasmussen: Ensuring proper ownership to vehicle parts used in reconstruction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken and Oke

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5203 Prime Sponsor, Parlette: Authorizing a pilot water policy project in the Methow river basin. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Ways & Means.

February 9, 2005

SB 5267 Prime Sponsor, Haugen: Clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5280 Prime Sponsor, Weinstein: Requiring motorcycle safety courses to be approved by the director of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5290 Prime Sponsor, Delvin: Including goats in theft of livestock in the first degree. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5321 Prime Sponsor, Haugen: Regulating disclosure of addresses of vehicle owners. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5325 Prime Sponsor, Zarelli: Promoting economic development and community revitalization. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Ways & Means.

February 8, 2005

SB 5329 Prime Sponsor, Pflug: Establishing an industry cluster-based approach to economic development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5330 Prime Sponsor, Shin: Creating the economic development grants program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Doumit, Eide, Pflug and Zarelli

Passed to Committee on Ways & Means.

February 8, 2005

SB 5348 Prime Sponsor, Pridemore: Authorizing certain PUDs to operate an electrical appliance repair service. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5355 Prime Sponsor, Doumit: Modifying provisions for salmon and steelhead recovery in the lower Columbia region. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5356 Prime Sponsor, Brown: Modifying the alignment of state route number 290. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5390 Prime Sponsor, Keiser: Concerning improving the quality of care in state-purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5390 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Johnson, Kline and Parlette

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5436 Prime Sponsor, Haugen: Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5448 Prime Sponsor, Poulsen: Providing grants to provide information regarding grizzly bears in the north Cascades.
Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Oke and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens

Passed to Committee on Ways & Means.

February 9, 2005

SB 5463 Prime Sponsor, Doumit: Allowing small appurtenances on recreational vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass.
Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

February 8, 2005

SB 5488 Prime Sponsor, Rasmussen: Concerning the fruit and vegetable district fund. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass.
Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5570 Prime Sponsor, Haugen: Discontinuing the nursing facility bed tax. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Parlette, Poulsen

Passed to Committee on Ways & Means.

February 8, 2005

SB 5597 Prime Sponsor, Rasmussen: Funding farmers market nutrition programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass.
Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 8, 2005

SB 5723 Prime Sponsor, Delvin: Extending an asparagus exception to the standards for fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5758 Prime Sponsor, Thibaudeau: Increasing the personal needs allowance for nursing facility residents. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Parlette and Poulsen.

Passed to Committee on Ways & Means.

February 9, 2005

SB 5762 Prime Sponsor, Thibaudeau: Adjusting the medicaid reimbursement system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Brandland, Franklin, Kastama, Parlette, Poulsen

Passed to Committee on Ways & Means.

February 8, 2005

SJM 8010 Prime Sponsor, Rasmussen: Petitioning the United States Department of Agriculture to delay plans to reopen the border to Canadian cattle and beef products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 8010 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 7, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Agriculture report, Spartina Eradication Program 2004 Progress Report.

If you have any questions about the report, please call Leslie Emerick at 360-902-1850.

Sincerely,

Leslie Emerick, Legislative Affairs Coordinator

The Department of Agriculture report, Spartina Eradication Program 2004 Progress Report is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5851 by Senators Mulliken, Swecker, Schmidt and Oke

AN ACT Relating to ensuring health care provider and insurer right of conscience; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5852 by Senators Swecker, Mulliken, Schmidt, Stevens, Oke and Benton

AN ACT Relating to prohibiting public funding of abortion; adding a new section to chapter 9.02 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5853 by Senators McAuliffe, Schmidt and Kohl-Welles

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5854 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin

AN ACT Relating to educational equity; and adding new sections to chapter 28A.150 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5855 by Senators McAuliffe, Schmidt, Kohl-Welles and Shin

AN ACT Relating to providing voting rights on the state board of education to the superintendent of public instruction; and amending RCW 28A.305.100.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5856 by Senators Brandland and Haugen

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

Referred to Committee on Transportation.

SB 5857 by Senators Prentice and Kohl-Welles

AN ACT Relating to the business and occupation taxation of nonprofit community health centers; amending RCW 82.04.4311; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5858 by Senator Haugen

AN ACT Relating to the director of the department of fish and wildlife; and amending RCW 43.17.020 and 77.04.013.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5859 by Senators Haugen and Rasmussen

AN ACT Relating to department of transportation farmland preservation efforts concerning certain transportation projects; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5860 by Senators Haugen, Swecker and Kohl-Welles

AN ACT Relating to vehicle licensing fees; amending RCW 46.01.140, 46.16.085, 46.16.135, 46.68.030, and 46.68.035; reenacting and amending RCW 46.16.0621 and 46.16.070; creating a new section; and repealing RCW 46.16.071.

Referred to Committee on Transportation.

SB 5861 by Senators Keiser, Thibaudeau, Prentice, Franklin, Kline, Kohl-Welles and McAuliffe

AN ACT Relating to stabilizing the health insurance market; amending RCW 48.41.200; reenacting and amending RCW 43.79A.040; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 48 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5862 by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor

AN ACT Relating to creating the association of Washington generals; amending RCW 43.04.040 and 43.04.100; and adding a new section to chapter 43.31 RCW.

Referred to Committee on International Trade & Economic Development.

SB 5863 by Senators Prentice, Zarelli and Shin

AN ACT Relating to improving consistency among tax incentives enacted during the 2003-2005 biennium; amending RCW 82.63.010, 82.63.020, 82.63.045, 82.60.020, 82.60.049, 82.60.060, 82.60.065, 82.60.070, 82.60.100, 82.04.4483, 82.04.4484, 82.32.535, 82.32.545, 82.32.560, and 82.32.570; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.60 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5864 by Senators Prentice, Schmidt, Esser, Shin, Berkey, Zarelli and Rasmussen

AN ACT Relating to providing excise tax relief for nonmanufacturing aerospace businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5865 by Senators Franklin, Delvin, Roach, Kohl-Welles, Keiser and Rasmussen

AN ACT Relating to the occupational safety and health of fire department employees; and adding a new chapter to Title 49 RCW.

Referred to Committee on Government Operations & Elections.

SB 5866 by Senators Delvin, Pridemore, Rockefeller, Schmidt, Kohl-Welles, Benson, Carrell, Shin, Brandland, Schoesler and Rasmussen

AN ACT Relating to retirement allowances under the public employees' and teachers' retirement systems; amending RCW 41.40.191 and 41.32.4986; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5867 by Senators Schmidt, McAuliffe, Finkbeiner, Esser, Mulliken, Berkey, Shin, Kohl-Welles, Delvin and Rasmussen

AN ACT Relating to authorizing baccalaureate degrees at selected community and technical colleges on a limited and pilot basis; amending RCW 28B.15.069, 28B.50.020, and 28B.50.140; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5868 by Senators Schmidt, McAuliffe, Berkey, Mulliken, Weinstein, Schoesler, Delvin and Rasmussen

AN ACT Relating to implementing a strategic direction for higher education by the year 2012; amending RCW 28B.10.784, 28B.15.067, 28B.92.010, 28B.92.020, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.030, 28B.50.140, 28B.15.069, 28B.50.090, and 28B.76.290; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new chapter to Title 28B RCW; creating a new section; and repealing RCW 28B.10.776, 28B.10.778, 28B.10.780, 28B.10.782, 28B.10.786, 28B.45.060, 28B.45.080, and 28B.76.270.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5869 by Senators Swecker, Jacobsen, Oke, Spanel, Hargrove, Morton, Doumit, Stevens and Rasmussen

AN ACT Relating to fish planting; amending RCW 77.18.060; and repealing RCW 77.18.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5870 by Senators Jacobsen, Kline, Kohl-Welles and Mulliken

AN ACT Relating to admission standards for public four-year institutions of higher education; amending RCW 28B.76.290; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5871 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5872 by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt

AN ACT Relating to creating a department of family and children's services; amending RCW 43.17.020; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5873 by Senators Stevens, Hargrove, Regala, Carrell, Mulliken, Schmidt, Zarelli, Deccio, Benson, McCaslin, Delvin, Brandland, Johnson, Hewitt, Kohl-Welles and Pflug

AN ACT Relating to duties of the family and children's ombudsman; and amending RCW 43.06A.030.

Referred to Committee on Human Services & Corrections.

SB 5874 by Senators Kohl-Welles, Schmidt, Pridemore, Mulliken, McAuliffe, Berkey, Carrell, Shin, Rockefeller and Delvin

AN ACT Relating to higher education; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5875 by Senator Hargrove

AN ACT Relating to interests of parents and alleged fathers under the juvenile court act; amending RCW 13.34.030; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5876 by Senators Honeyford, Rockefeller, Esser, Carrell, Johnson, McCaslin and Hargrove

AN ACT Relating to the judicial conduct commission; and amending RCW 2.64.030, 2.64.060, 2.64.111, 2.64.115, and 2.64.120.

Referred to Committee on Judiciary.

SB 5877 by Senators Prentice, Oke, Haugen, Stevens, Franklin, Benson, Pridemore, Brandland, Rockefeller, Doumit, Weinstein, Kohl-Welles, Sheldon, Rasmussen, Thibaudeau, Jacobsen, Keiser, Mulliken, Pflug and McAuliffe

AN ACT Relating to employment and retirement rights of members of the armed forces called to active duty; amending RCW 41.40.170; reenacting and amending RCW 41.04.005; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5878 by Senators Prentice, Oke, Haugen, Benson, Franklin, Shin, Pridemore, Rockefeller, Hargrove, Fraser, Stevens, Kline, Rasmussen, Mulliken and McAuliffe

AN ACT Relating to reaffirming and clarifying the prohibition against internet gambling; amending RCW 9.46.240 and 67.70.040; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5879 by Senators Prentice, Oke, Haugen, Benson, Franklin, Pridemore, Shin, Rockefeller, Fraser, Hargrove, Stevens and Rasmussen

AN ACT Relating to prohibiting out-of-state contributions to ballot measures relating to gambling; and amending RCW 42.17.640.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 11, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 10, 2005

2005 REGULAR SESSION

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 11, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Deccio, Hewitt, Johnson, McAuliffe, Oke, Rasmussen, Roach, Schoesler, Sheldon and Weinstein.

The Sergeant at Arms Color Guard consisting of Pages Thomas Beirne and Hilary Rhodes, presented the Colors. Reverend Dennis Payne of the Ebenezer African American Episcopal Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 10, 2005

SB 5111 Prime Sponsor, Morton: Providing tax incentives for solar energy systems. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5111 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

February 10, 2005

SB 5119 Prime Sponsor, Parlette: Requiring a review of the local government whistleblower program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 10, 2005

SB 5125 Prime Sponsor, Kohl-Welles: Reducing heavy metals in child use area soils. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass substitute. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

February 10, 2005

SB 5327 Prime Sponsor, Fairley: Creating an office of privacy protection. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Ways & Means.

February 10, 2005

SB 5386 Prime Sponsor, Fraser: Recognizing interests based on federal laws in the management of state waters. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5530 Prime Sponsor, Kline: Prohibiting discrimination in life insurance based on lawful travel destinations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Delvin

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5544 Prime Sponsor, Spanel: Creating the Washington voluntary accounts program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

February 10, 2005

SB 5560 Prime Sponsor, Pflug: Protecting email addresses of members of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5576 Prime Sponsor, Poulsen: Exempting fare cards from the unclaimed property act. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5880 by Senators Franklin, Kohl-Welles, Keiser and McAuliffe

AN ACT Relating to the registration of youth athletic coaches; amending RCW 18.235.020 and 43.24.---; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5881 by Senators Honeyford, Hargrove, Morton, Mulliken and Schoesler

AN ACT Relating to a cougar survey and management program; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5882 by Senators Regala and Fraser

AN ACT Relating to county sales and use taxes; and amending RCW 82.14.450.

Referred to Committee on Government Operations & Elections.

SB 5883 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to the University of Washington forest systems and bioenergy program; creating a new section; and making appropriations.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5884 by Senator Kastama

AN ACT Relating to the statute law committee; amending RCW 44.04.260, 1.08.011, 1.08.013, 1.08.015, 1.08.027, 1.08.038, 1.08.039, 1.08.0392, 1.08.060, and 1.08.110; adding new sections to chapter 1.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5885 by Senators Kastama and Esser

AN ACT Relating to corrective changes to the regional transportation investment district enabling statutes; amending RCW 36.120.020, 36.120.050, 36.120.070, 47.56.076, and 81.100.080; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Transportation.

SB 5886 by Senators Keiser, Deccio and Rasmussen

AN ACT Relating to home and community services' case management responsibilities; and amending RCW 74.09.520, 74.39A.009, 74.39A.030, 74.39A.090, 74.39A.095, and 74.39A.240.

Referred to Committee on Health & Long-Term Care.

SB 5887 by Senators Kastama, McCaslin, Delvin, Rasmussen, Schoesler and McAuliffe

AN ACT Relating to a pilot program on interoperable communication systems; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5888 by Senators Thibaudeau, Franklin, Poulsen and Kline

AN ACT Relating to access to individual health insurance coverage; amending RCW 42.30.020, 48.18.110, 48.20.025, 48.41.030, 48.41.037, 48.41.040, 48.41.060, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.140, 48.41.160, 48.41.190, 48.41.200, 48.44.017, 48.44.020, 48.46.060, 48.46.062, and 70.47.060; reenacting and amending RCW 48.04.010; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5889 by Senators Pridemore, Oke, Rockefeller and Shin

AN ACT Relating to statewide nonpartisan offices; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5890 by Senators Kline, Weinstein and Jacobsen

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

SB 5891 by Senators Stevens, McCaslin, Benson, Carrell, Schmidt and Esser

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

Referred to Committee on Human Services & Corrections.

SB 5892 by Senators Eide and Shin

AN ACT Relating to technical assistance services; and amending RCW 43.330.152, 43.330.155, 43.330.156, and 43.23.037.

Referred to Committee on International Trade & Economic Development.

SB 5893 by Senator Jacobsen

AN ACT Relating to secondary commercial fish receivers; amending RCW 77.15.568; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5894 by Senators Fraser, Morton, Poulsen, Pridemore, Mulliken, Hewitt, Honeyford, Rockefeller, Oke, Kline, Parlette, Kohl-Welles and Rasmussen

AN ACT Relating to the joint legislative committee on water supply during drought; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5895 by Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles

AN ACT Relating to increased coordination between the Puget Sound action team and other governmental entities; amending RCW 90.71.005, 90.71.010, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.080, and 90.71.900; adding new sections to chapter 90.71 RCW; creating a new section; and decodifying RCW 90.71.902.

Referred to Committee on Water, Energy & Environment.

SB 5896 by Senators Mulliken, Hargrove, Hewitt, Sheldon, Morton, Honeyford, Oke and Schoesler

AN ACT Relating to distinguishing growth management update responsibilities between slower and faster growing cities and counties; and amending RCW 36.70A.130.

Referred to Committee on Government Operations & Elections.

SB 5897 by Senators McAuliffe, Kastama, Schmidt, Kohl-Welles, Berkey and Rasmussen

AN ACT Relating to vision exams for school-aged children; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5898 by Senators Regala, Brandland, Pridemore, Hargrove, Thibaudeau, Oke, Kohl-Welles and Rasmussen

AN ACT Relating to postpartum depression; adding new sections to chapter 43.121 RCW; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 5899 by Senators Kohl-Welles, Brandland and Rasmussen

AN ACT Relating to background checks; amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.836, 43.43.838, 43.43.840, and 43.43.845; and repealing RCW 43.43.835.

Referred to Committee on Human Services & Corrections.

SB 5900 by Senators Keiser, Delvin, Roach, Eide, McAuliffe, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.547; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5901 by Senators Delvin, Roach, Rockefeller, Keiser, Pridemore, McAuliffe, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to removing the cap on retirement benefits of members of the law enforcement officers' and fire fighters' retirement system plan 1; and amending RCW 41.26.100.

Referred to Committee on Ways & Means.

SJM 8016 by Senators Keiser, Eide, Spanel, Deccio, Thibaudeau, Benson, Franklin, Pridemore, Weinstein, Rasmussen, Kastama, Kohl-Welles, Kline, Doumit, Berkey, Brown, Poulsen, McAuliffe, Oke, Regala, Parlette and Shin

Requesting that Congress and the Bush Administration support efforts that will lower drug costs for Americans.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION
8624

By Senators Franklin, Prentice, Thibaudeau, Shin, Rockefeller, Pridemore, Spanel, Eide, Keiser, Kline, Berkey, Fraser, Poulsen, Sheldon, Jacobsen, Weinstein, McAuliffe, Kohl-Welles, Rasmussen and Haugen

WHEREAS, Carter G. Woodson, noted black scholar and historian, founded Black History Week, the second week in February, on February 12, 1926; and

WHEREAS, In 1976, as part of the nation's bicentennial, Black History Week was expanded and established as Black History Month with the hope that through this special observance all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, The month of February is significant and recognized in African-American History for the birthdays of great African-American pioneers and institutions, such as Frederick Douglass, W.E.B. DuBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress; and

WHEREAS, African-Americans have endured tremendous personal, social, economic, and political injustices since the dawn of their enslavement; and

WHEREAS, Increasing intercultural exchange and understanding will lead to the healing of all races; and

WHEREAS, We owe a great deal of gratitude to those who have pioneered the way toward social equality; and

WHEREAS, One such trailblazer Shirley Chisolm, the first African-American Congresswoman was elected in 1968, sadly passed away last month; and

WHEREAS, The "unbought and unbosomed" Congresswoman will be remembered fondly for her tremendous spirit, activism, honor, ability to inspire others, and her many significant contributions to our nation; and

WHEREAS, From the beauty and strength of a people suffering an unjust sentence of slavery, to the gains during the abolitionist movement including the 14th Amendment, to a backlash of the oppressive laws of "Jim Crow" which legalized the institutional separation of the races, to the celebration of life and the arts through the Harlem Renaissance, to the numerous and significant gains of freedom by the civil rights movement and agents of change like Reverend Dr. Martin Luther King, Jr., Medgar Evers, and Malcolm X; and

WHEREAS, For the immeasurable struggle of the leaders, victims, and silent heroes during these times to end discrimination, hatred, bigotry, and segregation, we are all in debt;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general and that we urge all citizens of the State of Washington to join with us in taking the opportunity this month to explore this rich history and bring our nation closer to realizing racial equity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Commission on African-American Affairs and the African-American History Museum in Tacoma, Washington.

Senators Franklin, Swecker, Prentice, Kohl-Welles, Schmidt, Shin, Jacobsen, Mulliken, Kline, Parlett, Pridemore, Honeyford and Kastama spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. For the lack of time I did not get around to all of my colleagues to ask them to sign on this resolution so I do apologize and hope you will be able to sign."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. On Wednesday when we were debating and voting on a bill, Senate Bill No. 5049, it was the first time for Senator Rockefeller from the 23rd District to speak on the Senate floor. And as you know, we've had a tradition in the State Senate to make some comments about how horrible the speech was of the first one made and we had enjoyed some humor with one of our State Senators having made his first remarks before that from the 41st District. So I carried on with this tradition and made some comments about how unpleasant I found the Senator's remarks from the 23rd District on my bill. Well, it appears I was too convincing. And I guess I was theater arts major in college but apparently some people took my remarks seriously and inquired later that day about why I was so distressed the good Senator speaking on my bill. So I would just like to make sure that all of you know and anybody who was watching the floor debate on the bill last Wednesday on TVW know, that I hold the Senator from the 23rd District Senator Rockefeller in tremendously high esteem and regard and

was very pleased that he spoke and supported my bill. And I am also thrilled that he is now a member of the Senate so I'm just rising to make that clarification. Thank you."

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. I too would like to congratulate Senator Kohl-Welles on her experience in theater arts and her ability to convince us all that she holds Senator Rockefeller in high regard. I believe that is a, shall we say, an experience, theatrical experience. I certainly appreciate it. Mr. President, I really rise to another much more serious matter and that is the matter of the noise I believe I heard in the general direction of the back of the room earlier on the when we were conferring about the resolution and I wonder if maybe there isn't some defect in this building after all Mr. President. The noise from back there it sounded very unusual something that's not normally in our debates. I wonder maybe if there was some deed or some condition back there that would bear a little effort to correct. Perhaps our new Senator could explain his whatever it is that's in his, that smirk on his face and that good look on his face that maybe there is something going on Mr. President I think that bears compensation so I will leave that to him. Thank you."

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I would like to thank my esteemed colleague regarding that. I would like to apologize to this body for deigning to interrupt your deliberations on so weighty and important a matter. It is important to know note that in my first speech on the Senate floor we were able to obtain a unanimous decision and I feel no small amount of responsibility for that decision and I hope you'll all remind Senator Weinstein when he returns that he was not able to do that. I do have some compensations and hopefully we can have our good friends bring those in. This is a special little treat, something to help you to remember the 49th Legislative District. For those of you who don't know or don't remember, the 49th Legislative District is in Southwest Washington encompassing most of the city of Vancouver and the community of Hazeldell. It is the first home of the first settlement in the Pacific Northwest, that of the Fort Vancouver, established by the Hudson's Bay Company in 1825 and contains the oldest town square in the state of Washington. That being Ester Short Park. It is former home of Captain Ulysses S. Grant; of General George C. Marshall; of General OO Howard, the founder of Howard University; and home of the 'Buffalo Soldiers' who helped to open up the Pacific Northwest for Americans. The 49th Legislative District has a very long and distinguished legislative history - not as long as of your districts - having just been established in the 1950's. I'm, in fact, the sixth Senator to represent the 49th replacing such luminaries as Senator Don Carlson and the legendary Senator Al Bauer. So I look very much forward in the next few years to working with you. I hope you enjoy the snack and we will talk with you all very soon. Thank you. Thank you Mr. President."

MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 11, 2005

2005 REGULAR SESSION

THIRTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 14, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 10, 2005

SB 5035 Prime Sponsor, Thibaudeau: Eliminating the state forensic pathology fellowship program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5146 Prime Sponsor, Keiser: Allowing quality improvement committee confidentiality. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5158 Prime Sponsor, Keiser: Modifying the uniform health care information act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 9, 2005

SB 5177 Prime Sponsor, Swecker: Modifying transportation benefit district provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5289 Prime Sponsor, McAuliffe: Disregarding from federal accountability reporting those students receiving home-based instruction who participate in running start. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Carrell, Delvin, Eide, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5406 Prime Sponsor, Franklin: Modifying medicare supplemental insurance policy provisions to conform to federal law. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5495 Prime Sponsor, Kline: Providing the secretary of health with authority to administer grants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5511 Prime Sponsor, Shin: Extending liability immunity to certain skate parks that charge a nominal fee. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel and Stevens

Passed to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,
ENGROSSED HOUSE BILL NO. 1146,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1048,
HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1113,
HOUSE BILL NO. 1130,
HOUSE BILL NO. 1138,
HOUSE BILL NO. 1515,
HOUSE BILL NO. 1625,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5902 by Senators Eide, Shin, Zarelli, Doumit, Rasmussen and Pflug

AN ACT Relating to small business and entrepreneurial development; creating a new section; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 5903 by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen

AN ACT Relating to duties of the director of the office of public defense; and amending RCW 2.70.020.

Referred to Committee on Human Services & Corrections.

SB 5904 by Senator Pridemore

AN ACT Relating to revisions in Title 82 RCW resulting in no fiscal impact; amending RCW 82.04.180, 82.04.290, 82.04.2908, 82.04.4281, 82.04.4461, 82.04.530, 82.08.0266, 82.08.02665, 82.08.02745, 82.08.0283, 82.08.945, 82.12.0277, 82.12.0284, 82.12.035, 82.12.945, 82.14.055, 82.14B.020, 82.19.010, 82.29A.130, 82.32.033, 82.32.105, 82.32.140, 82.32.520, 82.32.555, and 82.45.150; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.260, 82.04.440, 82.14B.030, and 82.32.330; repealing RCW 82.29A.150; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5905 by Senators Mulliken and Oke

AN ACT Relating to providing for the option for immediate eviction of tenants who are involved in criminal actions or unlawful civil disruptions; amending RCW 59.18.130 and 59.12.030; adding new sections to chapter 59.18 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5906 by Senators Fraser, Morton and Rasmussen

AN ACT Relating to the trust water rights program; amending RCW 90.42.020 and 90.42.100; adding new sections to chapter 90.42 RCW; creating a new section; repealing RCW 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040, 90.42.050, and 90.42.080; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5907 by Senators Haugen, Kastama, McCaslin and Rasmussen

AN ACT Relating to affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5908 by Senators Regala, Schoesler, Pridemore, Oke, Sheldon, Rasmussen, Carrell, Fairley, Brandland, Poulsen, Schmidt, Eide, Thibaudeau, Franklin, Morton, Jacobsen and Rockefeller

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.32.030, and 82.14.390; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing effective dates; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5909 by Senators Deccio, Keiser and Oke

AN ACT Relating to regulation of indoor smoking for the purpose of protecting minors and public health; amending RCW 70.160.020, 70.160.030, 70.160.040, and 70.160.070; adding new sections to chapter 70.160 RCW; creating a new section; and repealing RCW 70.160.050 and 70.160.080.

Referred to Committee on Health & Long-Term Care.

SB 5910 by Senators Kline, Jacobsen and Kohl-Welles

AN ACT Relating to the University of Washington school of law public service legal loan repayment assistance program; adding a new chapter to Title 28B RCW; and making appropriations.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5911 by Senators Berkey, Esser, Doumit, McCaslin, Hewitt, Delvin, Thibaudeau, Kohl-Welles and Rasmussen

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; reenacting and amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5912 by Senators Kastama and Kohl-Welles

AN ACT Relating to clarifying requirements concerning use of scientific information in the designation and protection of critical areas; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5913 by Senators Kastama, Kohl-Welles and Rasmussen

AN ACT Relating to regulating tattooing and body piercing businesses; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.180, 18.16.190, 18.16.200, 18.16.290, 70.54.320, 70.54.330, 70.54.340, and 70.54.350; reenacting and amending RCW 18.16.175; adding new sections to chapter 18.16 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5914 by Senators Parlette and Jacobsen

AN ACT Relating to the salmon recovery funding board; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5915 by Senators Fairley, Brandland, Regala, Hewitt and Kohl-Welles

AN ACT Relating to ensuring that offender populations do not exceed prison capacity; amending RCW 9.94A.728; adding new sections to chapter 43.88C RCW; adding new sections to chapter 9.94A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5916 by Senators Schmidt, Esser, Finkbeiner and Benson

AN ACT Relating to tax incentives for clean and alternative fuel vehicles; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5917 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to discrimination based on lawful source of income; amending RCW 49.60.030, 49.60.040, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.222.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5918 by Senators Shin, Schmidt, Berkey, Kastama, Pflug, Rockefeller, Doumit, Esser, Kohl-Welles, Delvin, Jacobsen and Rasmussen

AN ACT Relating to economic development tax credits for employee training; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5919 by Senators Thibaudeau, Fairley and Kohl-Welles

AN ACT Relating to mental health service providers under medicaid; and amending RCW 74.09.520.

Referred to Committee on Health & Long-Term Care.

SB 5920 by Senators Esser, Pflug, Shin and Rasmussen

AN ACT Relating to regulatory flexibility; amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.061, and 34.05.320; adding new sections to chapter 19.85 RCW; creating a new section; and repealing RCW 19.85.040 and 19.85.050.

Referred to Committee on International Trade & Economic Development.

SB 5921 by Senators Kastama, Kohl-Welles, Rockefeller and Rasmussen

AN ACT Relating to improving government management, accountability, and performance; adding new sections to chapter 43.17 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SCR 8407 by Senators Shin, Berkey, Kastama, Doumit, Rockefeller, Keiser, Esser, Kohl-Welles, Jacobsen, Kline and Rasmussen

Establishing a joint task force to study offshore outsourcing.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 8615

By Senators Rasmussen, Schoesler, Doumit, Prentice, Hewitt, Brandland, Rockefeller and Parlette

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 8,300 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2004; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the judicial system and better understanding the issues related to preserving one's personal rights and how courts may pivot on political happenings; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boyes, the State 4-H Director for the Washington State University 4-H Youth Development Program.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Esser: "Mr. President, one of the great privileges serving in the Senate in the recent years has been the recipient of delicious cookies on Valentine's Day. And I was wondering, if the President was aware, if there might be a cookie distribution taking place today on the floor?"

REMARKS BY THE PRESIDENT

President Owen: "Well, the, I know that's probably why Senator Deccio came in today. The truth of the matter is, as I left this morning about 7:00 a.m., I left in the wafting odor of fresh baked cookies and - about 300 sitting there for me to bring in - and they're still sitting there. So they will be brought in tomorrow, since nobody is going, the 'full' Senate is not going to be on the floor today. I chose to wait until tomorrow. Actually, we won't be on until Wednesday. Well, we'll distribute them tomorrow.

PERSONAL PRIVILEGE

Senator Deccio: "I prefer oatmeal raisin."

REMARKS BY THE PRESIDENT

President Owen: "I know, I've been getting orders and I'm also out getting my Atkins friendly candy today to bring in so. So I got that message last year too."

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. Well, Valentine's Day is really all year round so if you don't bring them until tomorrow that's perfectly alright because we know you love us all year round. I also, I made the same speech to my nineteen grandchildren, because I didn't mail their cards until last night."

REMARKS BY THE PRESIDENT

President Owen: "So, do they have a truck come to your house to pick up the mail or what?"

PERSONAL PRIVILEGE

Senator Rasmussen: "That's true. It was really, really thick and but, you know, you can't get them all out on time, but that doesn't mean that you don't love us all year round."

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 15, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 14, 2005

2005 REGULAR SESSION

THIRTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 15, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 14, 2005

SB 5081 Prime Sponsor, Roach: Authorizing monitoring of a child's telephone conversations by a parent or guardian. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5211 Prime Sponsor, Keiser: Prohibiting pyramid promotional schemes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Ways & Means.

February 14, 2005

SB 5236 Prime Sponsor, Kohl-Welles: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Ways & Means.

February 14, 2005

SB 5237 Prime Sponsor, Keiser: Requiring mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5256 Prime Sponsor, Hargrove: Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5257 Prime Sponsor, Hargrove: Revising provisions relating to mental health treatment for minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5257 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5274 Prime Sponsor, Keiser: Establishing a trainee real estate appraiser classification. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5282 Prime Sponsor, Kline: Clarifying earned release provisions that apply to city and county jails. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5309 Prime Sponsor, Kohl-Welles: Revising the definition of "abuse of a supervisory position." Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5309 be substituted therefor, and the substitute bill do pass.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5320 Prime Sponsor, Hargrove: Authorizing the certification of corrections officers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5320 be substituted therefor, and the substitute bill do pass.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 14, 2005

SB 5429 Prime Sponsor, Carrell: Requiring written justification when a risk assessment is reduced. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5429 be substituted therefor, and the substitute bill do pass.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 14, 2005

SB 5582 Prime Sponsor, Regala: Clarifying how demographic factors are used with regard to sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5631 Prime Sponsor, Regala: Changing provisions relating to inmate work programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5320 and Senate Bill No. 5429 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 11, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services submitted its report entitled "Washington State Kinship Oversight Committee Report." This report is mandated under Chapter 284, Laws of 2003, RCW 74.13.620.

If you have any questions about the report, please call Deborah Reed at 902-7953.

Sincerely,
Dennis Braddock, Secretary

The Department of Social & Health Services submitted its report entitled "Washington State Kinship Oversight Committee Report" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 11, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Auditor's Office Accountability Audit Report of Clover Park Technical College.

If you have any questions about the report, please call Washington State Auditor's Office.

Sincerely,
Brian Sonntag, State Auditor

The Washington State Auditor's Office Accountability Audit Report of Clover Park Technical College is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5922 by Senators Stevens, Hargrove, Roach, Schmidt, Zarelli, Carrell and Finkbeiner

AN ACT Relating to investigations of child abuse or neglect; amending RCW 26.44.030, 26.44.100, 26.44.110, 26.44.115, 26.44.120, and 13.34.062; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5923 by Senator Kastama

AN ACT Relating to timelines for required comprehensive plan and development regulation updates; and amending RCW 36.70A.130.

Referred to Committee on Government Operations & Elections.

SB 5924 by Senators Thibaudeau, Fairley, Keiser, Doumit, Jacobsen and Rasmussen

AN ACT Relating to centralized technology assessment pilot project; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5925 by Senators Rasmussen, Finkbeiner, Sheldon, Kastama, Shin, Hewitt, Delvin and Mulliken

AN ACT Relating to the small business incubator program; and amending RCW 43.176.030.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5926 by Senators McAuliffe, Schmidt, Pridemore, Kohl-Welles, Rockefeller, Shin and Schoesler

AN ACT Relating to the advanced college tuition payment program; amending RCW 28B.95.020, 28B.95.030, 28B.95.090, 28B.95.110, and 6.15.010; and adding a new section to chapter 28B.95 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5927 by Senators Kastama, Schmidt, Benson and Rockefeller

AN ACT Relating to the date of the primary election; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.40.070, 29A.52.011, 29A.56.030, 29A.60.190, 29A.64.070, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 42.12.040, 42.17.080, 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29A.04.158; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5928 by Senators Haugen, Stevens and Kline

AN ACT Relating to the advisory committee of the office of public defense; and amending RCW 2.70.030.

Referred to Committee on Judiciary.

SB 5929 by Senator Rockefeller

AN ACT Relating to cancellation of intermediate drivers' licenses upon a second conviction or traffic infraction; and amending RCW 46.20.267 and 46.20.055.

Referred to Committee on Transportation.

SB 5930 by Senators Kastama and Mulliken

AN ACT Relating to establishing compliance tiers for review and revision requirements mandated by RCW 36.70A.130; amending RCW 36.70A.130; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5931 by Senator Fraser

AN ACT Relating to protecting human health and the environment; amending RCW 52.12.150; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5932 by Senators Esser and Schmidt

AN ACT Relating to housing allowances for public school teachers; amending RCW 28A.400.200, 84.52.0531, 84.52.0531, 41.32.010, 41.40.010, 41.40.010, and 41.35.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5933 by Senators Schmidt, Schoesler, Finkbeiner, Stevens and Oke

AN ACT Relating to improving opportunities to develop outdoor recreational ballfields on agricultural land; amending RCW 79A.25.800, 79A.25.820, 36.70A.060, 36.70A.177, and 90.58.100; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5934 by Senators Parlette and Jacobsen

AN ACT Relating to the relief of the Wenatchi Indians by providing for their ceremonial and subsistence fishing in designated areas; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5935 by Senators Kohl-Welles, Schmidt, Parlette, Brown and Jacobsen

AN ACT Relating to a graduate job placement pilot program; adding a new section to chapter 50.12 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5936 by Senators Kastama, Rockefeller and Esser

AN ACT Relating to the preservation of claim rights of a contractor, subcontractor, or supplier on construction contracts; amending RCW 4.24.370 and 4.24.380; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5937 by Senators Mulliken, Jacobsen, Hewitt and Schoesler

AN ACT Relating to the designation of water quality use-based standards for federal reclamation projects; and amending RCW 90.48.540.

Referred to Committee on Water, Energy & Environment.

SB 5938 by Senators Rasmussen, Schmidt, McAuliffe, Berkey, Jacobsen, Kohl-Welles, Regala and Shin

AN ACT Relating to equitable opportunity for all; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5939 by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin

AN ACT Relating to providing police reports to victims of identity theft; and amending RCW 19.182.160.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5940 by Senators Thibaudeau, Fraser and Kohl-Welles

AN ACT Relating to conservation of the state art collection; and amending RCW 28A.335.210, 28B.10.025, 28B.10.027, 43.17.200, 43.17.210, and 43.19.455.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1048 by Representatives Linville, Jarrett, McIntire, Ericksen, Rodne and Clibborn

AN ACT Relating to the submittal of local government tax estimates to counties; and amending RCW 84.52.020.

Referred to Committee on Government Operations & Elections.

ESHB 1062 by Representatives Morris, Hudgins and Chase

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

Referred to Committee on Water, Energy & Environment.

HB 1081 by Representatives McDonald, O'Brien, Morrell and Pearson

AN ACT Relating to requiring prehire screening for law enforcement applicants; amending RCW 43.101.080, 43.101.095, 43.101.105, and 43.43.020; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Judiciary.

SHB 1113 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Wallace, Jarrett, Fromhold, Armstrong, Moeller, Lovick, Morrell, Kilmer, Dickerson, Appleton, Wood, Ormsby, Sells and Chase)

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.37.190 and 46.63.020; reenacting and amending RCW 9.94A.515; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1130 by Representatives Nixon, Haigh, Kenney and Shabro

AN ACT Relating to inspection of political candidates' contributions and expenditures; and amending RCW 42.17.080.

Referred to Committee on Government Operations & Elections.

HB 1138 by Representatives Ericksen and Holmquist

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

EHB 1146 by Representatives Roach, Kirby and Simpson

AN ACT Relating to funding group life insurance; and amending RCW 48.24.020 and 48.24.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 1242 by Representatives Linville, Jarrett, Miloscia, Tom, Haigh, Sommers, Pettigrew, Pearson, Clibborn, Kristiansen, O'Brien, Orcutt, Quall, Morris, Lantz, Wallace, Kagi, Grant, Morrell, Chase, Springer, Lovick, Kessler, Dunshee, Appleton, P. Sullivan, Kilmer, Hunter, Upthegrove, Williams, Roberts, Dickerson, Sells, Eickmeyer, Nixon, Kenney and Ormsby

AN ACT Relating to focusing the state budgeting process on outcomes and priorities; amending RCW 43.88.090 and 43.88.030; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1515 by Representatives Murray, Hankins, Walsh, Jarrett, McDermott, Grant, Linville, Upthegrove, Quall, Moeller, Tom, Appleton, Schual-Berke, Darneille, Clibborn, Hunter, Flannigan, Simpson, Williams, Hunt, Hudgins, B. Sullivan, Haigh, Chase, Wood, Cody, Sommers, Kenney, Dickerson, McIntire, Hasegawa, Santos and Ormsby

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

Held on First Reading.

HB 1625 by Representatives Clibborn, Condotta, Lantz, Armstrong, Morrell, Hinkle, Buri, Bailey, Grant, Pettigrew, Linville, Priest, Moeller, Simpson, Williams, Tom, Ericks, P. Sullivan, Darneille, Kilmer, Kagi, Hunter, O'Brien, Jarrett and Morris

AN ACT Relating to employer disclosure of employee information; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5936 which was referred to the Committee on Government Operations & Elections and House Bill No. 1515 which was held at the desk.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 16, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 15, 2005

2005 REGULAR SESSION

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 16, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Carly Cassidy and Sydney Filan, presented the Colors. Reverend Michael Anderson of the Holy Spirit Lutheran Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION

8623

By Senators Pflug, Parlette, Esser, Honeyford, Deccio, Shin, Mulliken, Hewitt, Brandland and Benson

WHEREAS, Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first and one of the largest nonprofit service organizations; and

WHEREAS, There are over 1.2 million Rotary club members comprised of professional and business leaders in over 31,000 clubs in more than 165 countries; and

WHEREAS, The Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, the United States Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, Polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, Rotary is the world's largest privately funded source of international scholarships and promotes international understanding through scholarships, exchange programs, and humanitarian grants; and

WHEREAS, More than 35,000 students from 110 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange Program has helped more than 46,000 young professionals explore their career fields in other countries; and

WHEREAS, 8,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange Program; and

WHEREAS, There are over 12,000 Rotary club members in more than 190 clubs throughout this state sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad; and

WHEREAS, Senator Alex Deccio, Senator Luke Esser, Senator Mike Hewitt, Senator Jim Honeyford, Senator Joyce Mulliken, Senator Linda Parlette, Senator Cheryl Pflug, Senator Pam Roach, Senator Phil Rockefeller and Senator Paull Shin are members of Rotary International;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage all citizens to join in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world.

Senators Pflug, Kohl-Welles, Roach, Rockefeller, Shin and Mulliken spoke in favor of adoption of the resolution. Senator Eide moved to amend the resolution to add Senator Rockefeller to the resolution and the motion carried by voice vote.

Senators Parlette, Honeyford, Hewitt, Deccio and Esser spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623. The motion by Senator Pflug carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Rotary International who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and recognized members of the United Methodists of Washington, led by Bobbie Hubbard, who was seated in the gallery.

MOTION

At 10:28 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:20 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 14, 2005
SB 5171 Prime Sponsor, Carrell: Enhancing school safety through information sharing between schools and juvenile justice and care agencies. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5171 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 14, 2005
SB 5213 Prime Sponsor, Brandland: Supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 14, 2005
SB 5308 Prime Sponsor, Kohl-Welles: Changing provisions relating to mandatory reporting of child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5460 Prime Sponsor, McAuliffe: Authorizing educators to request family reconciliation services for students. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5501 Prime Sponsor, Hargrove: Authorizing use of lie detector tests on juvenile court services employment applicants. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and Stevens

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5534 Prime Sponsor, Poulsen: Clarifying city monorail transportation authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5534 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 14, 2005

SB 5583 Prime Sponsor, Regala: Requiring training of children's administration employees concerning older children who are victims of abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

February 10, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am pleased to submit the following appointees for board and commissions for confirmation.

Board Number Names

Indeterminate Sentence Review Board 2 Julia Garratt

Costa

Jeralita

Industrial Insurance Board of Appeals 3 Thomas Egan-chair

Dickinson	Calhoun
Fennerty	Frank
Pacific Northwest Power & Conservation Planning Council 1 Tom Karier	
Personnel Appeals Board 3 Gerald Morgen	Walter
Hubbard	Busse
Nutley	
Board of Tax Appeals 2 Shirley Winsley	Georgia
Gardner	
Washington State University Board of Regents 4 Joe King	Connie
Niva	John
Fabian	Chris
Marr	
Central Washington University Board of Trustees 3 Sid Morrison	Leslie
Jones	Judy Yu
Eastern Washington University Board of Trustees 3 Bertha Ortega	
Budke	Gordon
Kauffman	Jo Ann
The Evergreen State College Board of Trustees 5 Claudia Kauffman Redmorningstar	
Lane	Karen
L.K. Flemming	Stanley
Roloff	Marilee
Lamb	David
Western Washington University Board of Trustees 4 Betty Woods	
Warner	John
Madsen	Dennis
Raymond	Kevin
Peninsula Community College 2 Arturo Flores	
Duncan	Dennis
Grays Harbor Community College 3 Fawn Sharp-Malvini	
Chaffee	Rebecca

Warring		John
Olympic Community College	1 Doug Sayan	
Skagit Valley Community College	2 Margaret Rojas	Debra
Lisser		
Everett Community College	2 Nancy Truitt Pierce	Carlos
Veliz		
Seattle Community Colleges	2 Dorothy Hollingsworth	Nobie
Chan		
Shoreline Community College	3 Jeffrey Lewis	Richard
Stucky		Gidget
Terpstra		
Bellevue Community College	3 RuthAnn Kurose	Lee Kraft
Cressman		Paul
Chiles		
Green River Community College	3 James Rottle	Sherry
Gates		Arlista
Holman		
Pierce Community College	2 David Hamry	Elizabeth
Willis		
Centralia Community College	2 Franklin DeVaul	George
Mohoric		
Lower Columbia Community College	3 Thuy Vo	Michael
Heuer		Lyle
Lovingfoss		
Clark Community College	2 Sherry Waltz Parker	Kim
Peery		
Wenatchee Valley Community College	2 Darlene Wilder	William
McDowell		

Spokane Community Colleges	2	Ben Cabildo	Carol
Landa-McVicker			
Big Bend Community College	3	Katherine Kenison	Cecilia
DeLuna-Gaeta			Michael
Blakely			
Columbia Basin Community College	4	Salvador Beltran	Josie
Villa			Enriqueta
Mayuga			R. Gary
Culbert			
Walla Walla Community College	2	Mary Grant Tompkins	Jon
McFarland			
Whatcom Community College	3	Debra Jones	Barbara
Rofkar			Robert
Fong			
Tacoma Community College	3	Derek Kilmer	David
Edwards			Frederick
Whang			
Edmonds Community College	1	Jack McRae	
South Puget Sound Community College	2	Judy Blinn	Barbara
Clarkson			
Bellingham Technical College	2	Sonia Arevalo-Hayes	Steven
Koch			
Lake Washington Technical College	2	Jane Stein	Sang
Chae			
Renton Technical College	2	Ira SenGupta	Edward
James, Jr.			
Clover Park Technical College	2	Kay Harlan	

		Joe Kosai
Apprenticeship and Training Council	1 Susan Wilder Crane	
Clemency and Pardons Board	5 Margaret Smith	
Winsor		Robert
Almeida		Raul
Turner		John
Terry		Cheryl
Columbia River Gorge Commission	3 Jane Jacobsen	
Abbe		Harold
Akers Sheehan		Katherine
Eastern State Hospital Advisory Board	9 Charlie Freestone	
Ochoa		Gregorio
Morgan		Patricia
Rice-Sauer		Edie
Simangan		Dodds
Gosser		Daniel
Glenn		Terry
Kenney		Ronda
Joseph Fox		Yvette
Forest Practice Appeals Board	1 Tom May	
Health Care Facilities Authority	1 Clarence Legel "Joe"	
Higher Education Facilities Authority	2 Karen Brown	
Eaton		Philip
Housing Finance Commission	8 Claire Grace	
Reickers		Raymond
Reichert		Michael
Otani		Tim

Kloida	Dennis
Pryde	Harry
Bedolla	Isabel
McIver	Richard
Interagency Commission for Outdoor Recreation 5	Val Ogden (chair)
Daubert	Karen
Yokota	Yvonne
Chapman	William
Parsons	Jeff
Investment Board 3	Patrick McElligot
Brookman	Debbie
Masten	George
K-20 Network Board 1	Martin Smith
Marine Employees Commission 2	Elizabeth Ford
Sullivan	John P.
Personnel Resources Board 3	Laura Anderson
Graczyk	Daniel
T. Long	Marsha
Board of Pharmacy 4	Rebecca Hille
Awan	Asaad
Dockter	Donna
Teil Boyer	Susan
Board of Pilotage 7	Craig Lee
Niederhauser	John
Addington	Vince
Hannigan	Patrick
Mackey	Oliver

Davis	Charles
Palmer	Andrew
Professional Educator Standards Board 18 Tim Knue	
Noble	Dora
Nelson	Kathryn
Bradley	Carolyn
Ullas	Ron Scutt Yvonne
Jones	Michael
Koyama	David
Mitchell	Gloria
Okamoto	Sharon
Coar	Carol
Rademaker Simpson	Karen
Fox	Sheila
Bowers	Rebecca
Sterner	Dennis
Rice	Martha
Erskine	Roger
Frei	Vicki
Public Employment Relations Commission 2 Douglas Mooney	
Bradburn	Pamela
Salmon Recovery Funding Board 5 Bill Ruckelshaus (chair)	
Cassidy, Jr	Frank L.
McMurray	Brenda
Tharinger	Stephen
Peters	James L.

Small Business Export Assistance Center 6 Paul Rollins, Jr.

Huang

Elizabeth

Calderon

Paul

Lamb

David

Perryman

John

Maravae

Mike

School for the Blind Trustees 8 Eric Wiseman

Adamson

Kay

Nelson

Charles

Fram

Joseph

Perry

Sherry

Rainey

Stephen

e Fitts

Annabell

Colley

Denise

School for the Deaf Trustees 4 Larry Swift

Decker

Bonita

Reandean

Dolorita

Parker Jensen

Holly

Workforce Training and Education Coordinating board 4 David Harrison (chair)

Hanner

Julianne

Lockett

Asbury

Bender

Rick

Western State Hospital Advisory Committee 12 Pat Lovett

Remick

Jerome

Keller

Tim

Blake

Dorothy

Bien

Alaric

Leichman	Suzanne
Lamberton	Sheryl
Marquez	Steven
Jackson	Roger
David Peterson	Paul
Thurman	Michael
Stewart	David
Energy Northwest Executive Board 2 Dave Remington	
Kenny	Lawrence
Parks and Recreation Commission 4 Joan Thomas	
Fearn	Mickey
Scull	Eliot
Vogt	Cecila
Human Rights Commission 3 Ben Cabildo	
Casson	Ellis
Sioux Lee	Deborah
Gambling Commission 1 Alan Parker	
State Board for Community and Technical Colleges 5 Jim Bricker	
Garrison	James
Mundinger	Erin
Koenninger	Tom
Nishita	Jane

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 10, 2005

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

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

CAROLYN BRADLEY, appointed July 28, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J A BRICKER, appointed February 10, 2005, for the term ending April 3, 2008, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBBIE BROOKMAN, reappointed August 15, 2003, for the term ending December 31, 2005, as Member of the Investment Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN BROWN, appointed May 3, 2004, for the term ending March 26, 2007, as Member of the Higher Education Facilities Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GORDON BUDKE, reappointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Eastern Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BEN CABILDO, appointed September 2, 2003, for the term ending June 17, 2007, as Member of the Human Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BEN CABILDO, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL R. CALDERON, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANK L. CASSIDY, JR, reappointed July 16, 2003, for the term ending July 15, 2007, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELLIS H. CASSON, appointed June 15, 2004, for the term ending June 17, 2009, as Member of the Human Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SANG CHAE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA CHAFFEE, appointed July 22, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NOBIE CHAN, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM H. CHAPMAN, appointed December 15, 2004, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL CHILES, appointed November 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA CLARKSON, appointed July 1, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL COAR, appointed August 30, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENISE COLLEY, appointed September 8, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JERALITA COSTA, appointed September 13, 2004, for the term ending April 15, 2005, as Member of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEE CRESSMAN, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. GARY CULBERT, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN DAUBERT, reappointed December 15, 2004, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES DAVIS, reappointed January 25, 2002, for the term ending December 26, 2005, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CECILIA DELUNA-GAETA, appointed July 25, 2003, for the term ending September 30, 2005, as Member, Board of Trustees, Big Bend Community College District No. 18.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANKLIN DAY DEVAUL, JR., appointed November 3, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Centralia Community College District No. 12.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CALHOUN DICKINSON, appointed August 26, 2003, for the term ending June 17, 2005, as Member of the Industrial Insurance Appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONNA DOCKTER, reappointed January 17, 2003, for the term ending January 19, 2007, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS A. DUNCAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILIP EATON, appointed November 1, 2004, for the term ending March 26, 2008, as Member of the Higher Education Facilities Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
DAVID R. EDWARDS, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees,
Tacoma Community College District No. 22 .

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
THOMAS E. EGAN, reappointed July 1, 2003, for the term ending June 17, 2009, as a Chair of the Board of Industrial
Insurance Appeals.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
ROGER ERSKINE, appointed June 1, 2004, for the term ending May 31, 2008, as Member of the Professional Educator
Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
JOHN FABIAN, appointed October 15, 2004, for the term ending September 30, 2009, as Member, Board of Regents,
Washington State University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
MICKEY FEARN, appointed October 9, 2003, for the term ending December 31, 2008, as Member of the Parks and
Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANK E. FENNERTY, JR., reappointed February 8, 2002, for the term ending June 17, 2007, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STANLEY L.K. FLEMMING, D.O., appointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH FORD, appointed November 24, 2004, for the term ending June 15, 2006, as Member of the Marine Employees' Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHEILA L. FOX, appointed June 15, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSEPH FRAM, reappointed July 2, 2001, for the term ending July 2, 2006, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLIE FREESTONE, appointed December 6, 2004, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICKI FREI, appointed June 1, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARTURO GARCIA-FLORES, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGIA GARDNER, appointed January 1, 2003, for the term ending March 1, 2007, as Member of the Board of Tax Appeals.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIA L. GARRATT, appointed December 3, 2004, for the term ending April 15, 2009, as Member of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES GARRISON, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TERRY GLENN, appointed December 6, 2004, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DANIEL E. GOSSER, reappointed November 26, 2002, for the term ending December 5, 2006, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAIRE GRACE, appointed October 31, 2003, for the term ending June 30, 2007, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DANIEL C. GRACZYK, appointed May 4, 2001, for the term ending January 1, 2007, as Member of the Personnel Resources Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY GRANT TOMPKINS, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID K. HAMRY, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIANNE HANNER, appointed July 25, 2003, for the term ending June 30, 2006, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK M. HANNIGAN, reappointed February 10, 2005, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAY HARLAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID HARRISON, appointed June 7, 2003, for the term ending at the governor's pleasure, as a Chair of the Work Force Training and Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAIL G. HEUER, appointed March 6, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA HILLE, appointed March 18, 2004, for the term ending January 19, 2008, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DORTHY HOLLINGSWORTH, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARLISTA D. HOLMAN, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WALTER T. HUBBARD, reappointed July 27, 2003, for the term ending July 26, 2009, as Member of the Personnel Appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER K. JACKSON, appointed October 8, 2004, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE L. JACOBSEN, appointed June 13, 2003, for the term ending June 12, 2007, as Member of the Columbia River Gorge Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD JAMES, JR., appointed February 4, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBRA JONES, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL JONES, appointed December 21, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVETTE JOSEPH-FOX, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM KARIER, reappointed January 16, 2004, for the term ending January 15, 2007, as Member of the Pacific NW Electric Power and Conservation Planning Council.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIM KELLER, appointed July 1, 2002, for the term ending December 5, 2005, as a Chair of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHERINE KENISON, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Big Bend Community College District No. 18.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAWRENCE KENNEY, reappointed July 1, 2002, for the term ending June 30, 2006, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONDA KENNEY, reappointed November 25, 2002, for the term ending December 5, 2006, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEREK KILMER, appointed July 18, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Tacoma Community College District No. 22 .

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE KING, reappointed August 8, 2000, for the term ending September 30, 2006, as Member, Board of Regents, Washington State University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS KLOIDA, appointed April 2, 2003, for the term ending June 30, 2005, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIM KNUE, appointed August 9, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN W. KOCH, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Bellingham Technical College District No. 25.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM KOENNINGER, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAUDIA KAUFFMAN REDMORNINGS, appointed November 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE KOSAI, appointed December 20, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID KOYAMA, appointed June 1, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUTHANN KUROSE, appointed October 1, 2002, for the term ending September 30, 2007, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID LAMB, appointed August 30, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
DAVID E. LAMB, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business
Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
SHERYL LAMBERTON, PHD, appointed October 8, 2004, for the term ending December 5, 2007, as Member of the
Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
CAROL LANDA-MCVICKER, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of
Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
KAREN LANE, appointed October 18, 2004, for the term ending September 30, 2010, as Member, Board of Trustees, The
Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
CRAIG LEE, reappointed October 24, 2003, for the term ending December 26, 2007, as Member of the Board of Pilotage
Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBORAH S. LEE, appointed December 22, 2004, for the term ending June 17, 2008, as Member of the Human Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUZANNE LEICHMAN, reappointed December 14, 2001, for the term ending December 5, 2005, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY LEWIS, appointed September 23, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBRA LISSER, appointed November 19, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Skagit Valley Community College District No. 4.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARSHA LONG, appointed January 23, 2003, for the term ending January 4, 2009, as Member of the Personnel Resources Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAT LOVETT, appointed October 8, 2004, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYLE LOVINGFOSS, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OLIVER E. MACKEY, appointed December 3, 2004, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS MADSEN, appointed September 1, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Western Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE D. MARAVE, reappointed February 10, 2005, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN MARQUEZ, PH.D., appointed October 19, 2004, for the term ending December 5, 2006, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRIS MARR, appointed January 1, 2003, for the term ending September 30, 2009, as Member, Board of Regents, Washington State University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE MASTEN, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM P. MAY, appointed January 2, 2005, for the term ending January 1, 2011, as Member of the Forest Practices Appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ENRIQUETA MAYUGA, M.D., appointed June 28, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM J. MCDOWELL, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK MCELLIGOT, reappointed February 10, 2005, for the term ending December 31, 2006, as Member of the Investment Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JON W. MCFARLAND, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD MCIVER, appointed May 29, 2003, for the term ending June 30, 2005, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRENDA P. MCMURRAY, reappointed February 1, 2002, for the term ending July 15, 2005, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACK C. MCRAE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GLORIA MITCHELL, appointed June 15, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE MOHORIC, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Centralia Community College District No. 12.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOUGLAS MOONEY, appointed December 1, 2004, for the term ending September 8, 2009, as Member of the Public Employment Relations Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
PATRICIA B. MORGAN, appointed December 13, 2004, for the term ending December 5, 2007, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GERALD L. MORGAN, reappointed April 10, 2002, for the term ending July 26, 2007, as Member of the Personnel Appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIN MUNDINGER, appointed April 14, 2004, for the term ending April 3, 2008, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES P. NELSON, appointed March 29, 2001, for the term ending July 1, 2006, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHRYN A. NELSON, appointed June 16, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE NISHITA, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONNIE NIVA, appointed June 2, 2003, for the term ending September 30, 2008, as Member, Board of Regents, Washington State University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DORA NOBLE, appointed June 1, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BUSSE NUTLEY, appointed April 1, 2003, for the term ending July 26, 2005, as Member of the Personnel Appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GREGORY OCHOA, reappointed December 6, 2000, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VAL OGDEN, appointed December 18, 2003, for the term ending December 31, 2005, as a Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHARON OKAMOTO, appointed June 1, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERTHA ORTEGA, appointed October 14, 2002, for the term ending September 30, 2007, as Member, Board of Trustees, Eastern Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIM OTANI, appointed October 25, 2002, for the term ending June 30, 2005, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANDREW PALMER, reappointed March 17, 2003, for the term ending December 26, 2006, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALAN R. PARKER, reappointed July 1, 2003, for the term ending June 30, 2009, as Member of the Gambling Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KIM PEERY, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Clark Community College District No. 14.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN PERRYMAN, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOLLY PARKER JENSEN, appointed June 27, 2002, for the term ending July 1, 2005, as Member, Board of Trustees, State School for the Deaf.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF PARSONS, reappointed February 10, 2005, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERRY PERRY, appointed October 7, 2004, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES L. PETERS, reappointed July 16, 2002, for the term ending July 15, 2006, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL DAVID PETERSON, appointed October 8, 2004, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARRY PRYDE, appointed July 1, 2003, for the term ending June 30, 2007, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN L. RADEMAKER SIMPSON, appointed June 23, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. STEPHEN RAINEY, appointed November 1, 2004, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEVIN M. RAYMOND, reappointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOLORITA REANDEAU, appointed August 19, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL REICHERT, appointed October 25, 2002, for the term ending June 30, 2005, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEROME REMICK, appointed October 15, 2004, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVE REMINGTON, appointed December 17, 2004, for the term ending June 30, 2008, as Member of the Executive Board of the Washington Public Power Supply System. (Energy Northwest).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTHA RICE, appointed August 10, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDIE RICE-SAUER, appointed December 6, 2001, for the term ending December 5, 2005, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA ROFKAR, appointed November 16, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARGARET ROJAS, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Skagit Valley Community College District No. 4.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL ROLLINS, JR., appointed March 23, 2004, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILEE ROLOFF, appointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES K. ROTTLE, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL RUCKELSHAUS, reappointed September 18, 2003, for the term ending July 15, 2007, as a Chair of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOUG SAYAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Olympic Community College District No. 3.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIOT SCULL, appointed January 1, 2005, for the term ending December 31, 2010, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RON SCUTT, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

IRA SENGUPTA, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FAWN SHARP-MALVINI, appointed November 1, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DODDS SIMANGAN, reappointed November 25, 2002, for the term ending December 5, 2006, as Member of the Eastern State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARGARET M. SMITH, reappointed October 1, 2001, for the term ending September 23, 2005, as Member of the Clemency and Pardons Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTIN F. SMITH, reappointed February 10, 2005, for the term ending November 28, 2008, as Member of the K-20 Educational Network Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE STEIN, appointed May 28, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS W. STERNER, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
DAVID STEWART, appointed December 15, 2004, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
RICHARD STUCKY, appointed January 1, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
JOHN P. SULLIVAN, reappointed June 16, 2002, for the term ending June 15, 2007, as Member of the Marine Employees' Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
JOHN SWANSON, appointed October 10, 2003, for the term ending June 15, 2008, as a Chair of the Marine Employees' Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
LARRY E. SWIFT, appointed July 1, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN TEIL BOYER, appointed March 15, 2004, for the term ending January 19, 2008, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GIDGET TERPSTRA, appointed July 1, 2004, for the term ending September 3, 2008, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERYL TERRY, appointed December 1, 2004, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN THARINGER, appointed February 1, 2002, for the term ending July 15, 2005, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOAN K. THOMAS, appointed October 9, 2003, for the term ending December 31, 2008, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL THURMAN, appointed December 13, 2004, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY TRUITT PIERCE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN TURNER, appointed December 1, 2004, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE ULLAS, appointed July 28, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CARLOS VELIZ, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSIE VILLA, appointed November 1, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THUY VO, appointed December 16, 2004, for the term ending September 30, 2006, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CECILIA VOGT, appointed January 1, 2005, for the term ending December 31, 2010, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN D. WARNER, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN WARRING, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FREDERICK WHANG, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Tacoma Community College District No. 22 .

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN WILDER CRANE, appointed March 10, 2004, for the term ending February 21, 2007, as Member of the Washington State Apprenticeship and Training Council.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARLENE WILDER, appointed November 17, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH A. WILLIS, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHIRLEY WINSLEY, appointed July 1, 2004, for the term ending March 1, 2009, as Member of the Board of Tax Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT W. WINSOR, reappointed October 4, 2002, for the term ending September 25, 2006, as Member of the Clemency and Pardons Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIC WISEMAN, appointed September 27, 2004, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETTY WOODS, appointed October 1, 2004, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE M. YOKOTA, appointed September 24, 2003, for the term ending December 31, 2006, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY YU, reappointed November 1, 2002, for the term ending September 30, 2008, as Member, Board of Trustees, Central Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ASBURY LOCKETT, appointed July 25, 2003, for the term ending June 30, 2007, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT B. FONG, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LESLIE JONES, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Central Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JO ANN KAUFFMAN, appointed December 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Eastern Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERRY GATES, appointed December 4, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BONITA K. DECKER, reappointed December 19, 2003, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Deaf.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SID MORRISON, appointed December 19, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Central Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERRY W. PARKER, appointed December 19, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Clark Community College District No. 14.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLARENCE "JOE" F. LEGEL, reappointed June 20, 2003, for the term ending June 19, 2007, as Member of the Health Care Facilities Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN S. NIEDERHAUSER, appointed January 27, 2004, for the term ending December 26, 2007, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNABELLE FITTS, appointed January 27, 2004, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAYMOND C. REICKERS, appointed January 26, 2004, for the term ending June 30, 2007, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HAROLD ABBE, appointed August 11, 2004, for the term ending June 12, 2008, as Member of the Columbia River Gorge Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAY ADAMSON, reappointed July 2, 2003, for the term ending July 1, 2008, as Member of the State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VINCE ADDINGTON, reappointed December 3, 2004, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHARINE AKERS SHEEHAN, reappointed June 13, 2001, for the term ending June 12, 2005, as Member of the Columbia River Gorge Bi-State Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAUL ALMEIDA, reappointed September 26, 2003, for the term ending September 25, 2007, as Member of the Clemency and Pardons Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURA ANDERSON, appointed January 5, 2005, for the term ending January 4, 2011, as Member of the Personnel Resources Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SONIA AREVALO-HAYES, appointed November 19, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ASAAD AWAM, appointed January 17, 2003, for the term ending January 19, 2007, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
ISABEL BEDOLLA, appointed July 1, 2003, for the term ending June 30, 2007, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
SALVADOR BELTRAN, JR., appointed December 4, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
RICK S. BENDER, reappointed September 18, 2003, for the term ending June 30, 2007, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
ALARIC BIEN, appointed December 10, 2001, for the term ending December 5, 2005, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
DOROTHY BLAKE, reappointed December 10, 2001, for the term ending December 5, 2005, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
MICHAEL BLAKELY, appointed January 6, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Big Bend Community College District No. 18.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY BLINN, appointed December 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA BOWERS, appointed June 21, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAMELA BRADBURN, appointed February 25, 2004, for the term ending September 8, 2008, as Member of the Public Employment Relations Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5941 by Senators Thibaudeau, Kohl-Welles, Fairley, Regala and Kline

AN ACT Relating to reducing greenhouse gases; adding a new chapter to Title 19 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5942 by Senator Deccio

AN ACT Relating to canvassing ballots or voting devices; and amending RCW 29A.60.210 and 29A.60.190.

Referred to Committee on Government Operations & Elections.

SB 5943 by Senators Kohl-Welles, McCaslin, Thibaudeau, Franklin, Fraser, Kline and Regala

AN ACT Relating to medical use of marijuana; amending RCW 69.51A.010, 69.51A.030, and 69.51A.040; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5944 by Senators Kastama, Kline and Sheldon

AN ACT Relating to grandparent visitation; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 5945 by Senators Kastama, Swecker, Mulliken, Haugen, Honeyford, McCaslin, Rasmussen, Parlette and Roach

AN ACT Relating to agricultural zoning that supports family farm ownership; amending RCW 36.70A.030 and 36.70A.177; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5946 by Senators Jacobsen and Swecker

AN ACT Relating to intercounty rural library districts; amending RCW 27.12.190 and 27.12.355; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 5947 by Senator Jacobsen

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Government Operations & Elections.

SB 5948 by Senators Pridemore and Zarelli

AN ACT Relating to unclaimed property; amending RCW 63.29.020, 63.29.180, 63.29.190, 63.29.220, and 63.29.280; and repealing RCW 63.29.033.

Referred to Committee on Ways & Means.

SB 5949 by Senators Delvin and Berkey

AN ACT Relating to the restoration and redevelopment of unfinished nuclear power project sites for the purposes of creating an electrical generating energy park; amending RCW 80.50.300; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5950 by Senators Hewitt, Honeyford, Schoesler and Rasmussen

AN ACT Relating to sufficient cause for nonuse of water; and reenacting and amending RCW 90.14.140.

Referred to Committee on Water, Energy & Environment.

SB 5951 by Senators Rasmussen, Hewitt and Kohl-Welles

AN ACT Relating to exempting a horse racing license from public inspection; and reenacting and amending RCW 42.17.310.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5952 by Senators Jacobsen, Hewitt, Rasmussen and Kohl-Welles

AN ACT Relating to licensing exemptions for transporting persons at horse races; amending RCW 46.25.050; and reenacting and amending RCW 46.16.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5953 by Senators Jacobsen, Deccio, Keiser, Rasmussen and Kohl-Welles

AN ACT Relating to authorizing horse racing handicapping contests for patrons of a class 1 racing association live race meet; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5954 by Senators Kastama and Berkey

AN ACT Relating to example critical areas policies or regulations; and amending RCW 36.70A.172, 36.70A.280, and 36.70A.290.

Referred to Committee on Government Operations & Elections.

SB 5955 by Senators Honeyford, Zarelli, Morton, Mulliken and Schoesler

AN ACT Relating to requiring legislative approval for disposal, conveyance, or transfer of property to instrumentalities of the United States for less than full market value; and amending RCW 77.12.210 and 77.12.220.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5956 by Senator Kastama

AN ACT Relating to homicide by abuse; amending RCW 9A.32.055; reenacting and amending RCW 9.94A.515; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5957 by Senators Fairley, Benton and Brown

AN ACT Relating to escrow accounts required of self-funded multiple employer welfare arrangements; amending RCW 48.14.0201 and 48.41.060; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5958 by Senators Jacobsen, Poulsen, Thibaudeau, Kohl-Welles and Kline

AN ACT Relating to school levies; amending RCW 84.52.0531 and 84.52.0531; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5959 by Senator Jacobsen

AN ACT Relating to use of state-owned aquatic lands by a governmental entity; and amending RCW 79.90.460, 79.90.465, and 79.90.470.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5960 by Senator Rasmussen

AN ACT Relating to the nutrient management plan sales and use tax exemption; amending RCW 82.08.890 and 82.12.890; and providing a contingent effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5961 by Senators Rasmussen and Shin

AN ACT Relating to proper management of livestock mortalities; adding a new section to chapter 16.68 RCW; creating a new section; repealing RCW 16.68.020; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5962 by Senators Haugen, Schoesler, Rasmussen, Morton, Shin and Delvin

AN ACT Relating to customary agricultural practices; amending RCW 70.94.640; adding a new section to chapter 7.48 RCW; and adding a new section to chapter 64.06 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5963 by Senators Rasmussen, Schoesler, Shin and Delvin

AN ACT Relating to assuring security of livestock information provided to governmental agencies; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5964 by Senators Honeyford, Brandland, Mulliken, Hewitt and Schoesler

AN ACT Relating to medical care for jail inmates; and amending RCW 70.48.130.

Referred to Committee on Human Services & Corrections.

SB 5965 by Senators Honeyford, Keiser, Schoesler, Parlette, Hewitt and Rockefeller

AN ACT Relating to the use of video equipment in nursing homes; adding a new section to chapter 18.51 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1515 which was previously held at the desk on February 15, 2005 be referred to the Committee on Financial Institutions, Housing & Consumer Protection.

MOTION

Senator Esser moved to amend the motion by Senator Eide and refer House Bill No. 1515 to the Committee on Judiciary.

Senators Esser and Finkbeiner spoke in favor of the motion.
Senators Kline and Brown spoke against the motion.

MOTION

Senator Esser demanded a roll call vote.
The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.
The President declared the question before the Senate to be motion by Senator Esser to refer House Bill No. 1515 to the Committee on Judiciary.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to refer House Bill No. 1515 to the Committee on Judiciary and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

The President declared the question before the Senate to be the motion by Senator Eide to refer all measures to the committees as designated with the exception of House Bill No. 1515 which was referred to the Committee on Financial Institutions, Housing & Consumer Protection and the motion carried.

MOTION

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

SECOND READING

SENATE BILL NO. 5139, by Senators Haugen, Oke, Poulsen and Swecker

Modifying highway and bridge tolling authority.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5139 was substituted for Senate Bill No. 5139 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker and Oke spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hargrove: "Would Senator Haugen yield to a question? Thank you. Is it for sure, in this bill, that you would take legislative action to reenact a toll on any of the bridges that were taken, that were once prohibited, but now you're taking out with this legislation?"

Senator Haugen: "That's correct. No tolling can occur in this state without direct authorization by the legislature. We do have a bill that will be moving through here that will allow a pilot project on Hot lanes on 167. Hopefully we'll have a chance on, but any type of tolling that takes place will have to pass the legislature."

Senator Hargrove: "So the Transportation Commission, on their own authority, cannot enact a toll on any our bridges?"

Senator Haugen: "No."

Senators Esser and Benton spoke against passage of the bill.

Senators Hargrove, Spanel, Mulliken and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5139.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Benson, Benton, Carrell, Esser, Pflug, Roach, Stevens and Zarelli - 8

SUBSTITUTE SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Parlette, Morton, Mulliken, Delvin and Sheldon

Supporting the establishment of the Ice Age Floods National Geologic Trail.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Parlette, Sheldon, Deccio and Jacobsen spoke in favor of passage of the memorial.

MOTION

On motion of Senator Morton, Senator Oke was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8000.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5148, by Senators Kohl-Welles, Kline, Fairley and Carrell

Repealing the crime of "slander of a woman."

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator McCaslin - 1

Excused: Senator Oke - 1

SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1014, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, O'Brien, Cody, Morrell, Chase and Schual-Berke)

Revising DNA testing provision.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.73.170 and 2003 c 100 s 1 are each amended to read as follows:

(1) ~~((On or before December 31, 2004, a person in this state who has been convicted of a felony and is currently serving a term of imprisonment and who has been denied postconviction DNA testing may submit a request to the state Office of Public Defense, which will transmit the request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing, if DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or DNA testing technology was not sufficiently developed to test the DNA evidence in the case. On and after January 1, 2005, a person must raise the DNA issues at trial or on appeal.~~

~~(2) The prosecutor shall screen the request. The request shall be reviewed based upon the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. The prosecutor shall inform the requestor and the state Office of Public Defense of the decision, and shall, in the case of an adverse decision, advise the requestor of appeals rights. Upon determining that testing should occur and the evidence still exists, the prosecutor shall request DNA testing by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.~~

~~(3) A person denied a request made pursuant to subsections (1) and (2) of this section has a right to appeal his or her request within thirty days of denial of the request by the prosecutor. The appeal shall be to the attorney general's office. If the attorney general's office determines that it is likely that the DNA testing would demonstrate innocence on a more probable than not basis, then the attorney general's office shall request DNA testing by the Washington state patrol crime laboratory.~~

~~(4) Notwithstanding any other provision of law, any biological material that has been secured in connection with a criminal case prior to July 22, 2001, may not be destroyed before January 1, 2005.)~~ A person convicted of a felony in a Washington state court who currently is serving a term of imprisonment may submit to the court that entered the judgment of conviction a verified written motion requesting DNA testing, with a copy of the motion provided to the state office of public defense.

(2) The motion shall:

(a) State that:

(i) The court ruled that DNA testing did not meet acceptable scientific standards; or

(ii) DNA testing technology was not sufficiently developed to test the DNA evidence in the case; or

(iii) The DNA testing now requested would be significantly more accurate than prior DNA testing or would provide significant new information;

(b) Explain why DNA evidence is material to the identity of the perpetrator of, or accomplice to, the crime, or to sentence enhancement; and

(c) Comply with all other procedural requirements established by court rule.

(3) The court shall grant a motion requesting DNA testing under this section if such motion is in the form required by subsection (2) of this section, and the convicted person has shown the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis.

(4) Upon written request to the court that entered a judgment of conviction, a convicted person who demonstrates that he or she is indigent under RCW 10.101.010 may request appointment of counsel solely to prepare and present a motion under this section, and the court, in its discretion, may grant the request. Such motion for appointment of counsel shall comply with all procedural requirements established by court rule.

(5) DNA testing ordered under this section shall be performed by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

(6) Notwithstanding any other provision of law, upon motion of defense counsel or the court's own motion, a sentencing court in a felony case may order the preservation of any biological material that has been secured in connection with a criminal case, or evidence samples sufficient for testing, in accordance with any court rule adopted for the preservation of evidence. The court must specify the samples to be maintained and the length of time the samples must be preserved.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1014.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "testing;" strike the remainder of the title and insert "amending RCW 10.73.170; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1014 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1014 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1014, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1014, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senators Delvin, Hargrove, Regala, Roach, Kohl-Welles, Keiser, Kline and McAuliffe

Establishing an interagency plan for children of incarcerated parents.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Jacobsen was excused.
On motion of Senator Hewitt, Senator Honeyford was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Honeyford, Jacobsen and Oke - 3

SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Senator Delvin, I got to tell you how disappointed I am in you. I've trained you and trained you and trained you this summer, teach you to act like a senator. The first thing you do on your first speech is stand up and not button your jacket. We do things differently over here. Secondly, let me tell you how disappointed I am in a gift like this. The Senators from Spokane are noted for giving very nice gifts, like bottles of wine. How many would rather have a bottle of wine than a T-Shirt? Thank you, and I don't think that we even need to do a roll call on that. However, it is by this body a tradition that you give something from your district and I will say that the Senator from the 41st last week gave something from China so that's a little bit of outsourcing that went on, so I don't want to hear about out sourcing. Outsourcing is off the table now, so we'll expect the wine. Some others things happen differently in this body as well. When we vote here we say 'yea' or 'nay' so when you do the budget this year you'll get to say 'yea' or 'nay'. And if you don't know the history behind this, you voted the wrong way on the budget one year because he punched the wrong button in the other body and tried to stand up and change his vote and was gavelled down. That's different over here. I also think you're confused as to what body you belong in. I think perhaps you should of maybe moved into the Lt. Governor's office because in the last few years you have been to Peru. So you've been to Peru, Chile, Germany, Ireland, Great Britain, South Africa, Mexico, Nepal, Thailand, France, Bolivia and Canada. Well, I can tell you in the Senate, we have to work, so that'll be enough of that. Welcome to the Senate, we're glad to have you here Senator Delvin."

PERSONAL PRIVILEGE

Senator Delvin: "Point of compensation Mr. President. Thank you Mr. President. I represent the 8th district which is known for the Columbia River rolls through there, the Yakima certainly comes into the Columbia there and the Snake River used to flow through in the same district by now it's in the 16th. We're known for agriculture, we're known for the Hanford area and I was trying to think of a appropriate gift. At first I thought about the ag that goes on in my area, district and I know you've gotten wine in the past and the good Senator from the 16th brought it up. Well, with a cops salary I couldn't afford a bottle of wine for everyone unless I could find some of that two dollar bottle and I didn't find any two dollar bottle. So, that went out. I do have a French fry plant in my district and I thought how about a bad of frozen French fires and I know a lot of you guys do the carb light and I would just add to that carb light. As you know when you take gas, when you go to the gas pumps to fill up your car, you have to leave that gas pump because the tank gets full and you have to drive off so just push away from the dinner table more often and get out and drive around and you don't have worry about what you eat. Then I thought well I'm a police officer and maybe something along the lines of a police officer Mr. President and I thought well I could give you all one of my police business cards and put 'get out of jail free card' on it. I thought that would probably only work in Richland and I know a lot of you don't never come to Richland so that wouldn't be a very good gift. I thought about hand cuffs, give everyone a pair of hand cuffs Mr. President but I know some of you already have some fur lined hand cuffs and also you'd have a hard time maybe taking those home and explaining what the hand cuffs were to your spouse so that idea went out the window too. Then I thought what is really unique about the 8th district and it's probably the high school that I attended and graduated from. We are known, the Richland High is known as the Richland Bombers and that comes from the World War II role that Hanford played in

manufacturing the plutonium that was used in one of the bombs to bring it into World War II. Also during the Cold War Hanford played an important role in our national security during the Cold War, and now of course we're in the clean up, to clean up that legacy. Richland, the Bombers has a symbol, it's called the mushroom cloud and that is in the school on the mixing area and when I was a freshman I found you don't step on that as a freshman because I ended upside down in the trash can for stepping on the cloud. Only seniors could do that. I hope you'll enjoy the shirt. It's from the High School, it's unique, it's the Bombers, it has the mushroom cloud with the 'R'. I encourage you to wear it in Seattle. I encourage you to wear it to Olympia, wherever you may go to show that you're as proud of the cloud as I am, Mr. President, thank you very much."

MOTION

At 12:23 p.m., on motion of Senator Eide, the Senate adjourned until 12:30 p.m. Thursday, February 17, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 16, 2005

2005 REGULAR SESSION

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 17, 2005

The Senate was called to order at 12:30 p.m. by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 2005

SB 5027 Prime Sponsor, Jacobsen: Improving real estate excise tax procedures for taxation of water rights transfers. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5123 Prime Sponsor, Kastama: Concerning sales of precursor drugs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5136 Prime Sponsor, Doumit: Modifying fire protection district property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5141 Prime Sponsor, Rasmussen: Providing for early intervention services for children with disabilities. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pridemore, Rasmussen, Rockefeller, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Ways & Means.

February 15, 2005

SB 5190 Prime Sponsor, Fraser: Concerning adulterated commercial feed. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5311 Prime Sponsor, Rasmussen: Creating an autism task force. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 16, 2005

SB 5349 Prime Sponsor, Kastama: Creating a dyslexia reading instruction pilot program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5349 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Ways & Means.

February 15, 2005

SB 5352 Prime Sponsor, Esser: Revising provisions relating to animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5387 Prime Sponsor, Regala: Requiring water conservancy board commissioners to disclose certain financial information. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5397 Prime Sponsor, Rockefeller: Changing vehicle emission standards provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5397 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5439 Prime Sponsor, Roach: Authorizing background checks on gubernatorial appointees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Roach

MINORITY recommendation: Do not pass. Signed by Senator Fairley

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5443 Prime Sponsor, Rasmussen: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5445 Prime Sponsor, Kline: Clarifying Initiative 297. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5462 Prime Sponsor, McCaslin: Changing the terms for nonlegislative members of the legislative ethics board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5465 Prime Sponsor, Rasmussen: Modifying the taxation of land valued under the open space program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 15, 2005

SB 5469 Prime Sponsor, Schmidt: Creating an individual development account program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 15, 2005

SB 5528 Prime Sponsor, Morton: Eliminating certain fees for hydraulic works inspections. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Hewitt, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5563 Prime Sponsor, Franklin: Including women's contributions in the World War II oral history project. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5565 Prime Sponsor, Schmidt: Informing out-of-state, overseas, and service voters of rights and procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5569 Prime Sponsor, Keiser: Revising the nursing facility payment system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 16, 2005

SB 5664 Prime Sponsor, McAuliffe: Improving teachers' skills with regard to children with learning differences. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Higher Education

Passed to Committee on Rules for second reading.

February 15, 2005

SB 5676 Prime Sponsor, Poulsen: Requiring oil spill contingency plans to include shellfish beds. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5771 Prime Sponsor, Thibaudeau: Requiring coverage for neurodevelopmental therapies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 16, 2005

SB 5812 Prime Sponsor, Keiser: Creating the nursing facility medicaid program trust account. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

February 16, 2005

SB 5813 Prime Sponsor, Keiser: Exempting certain nursing homes from the quality maintenance fee. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5443 which was referred to the Committee on Ways & Means and Senate Bill No. 5027 which was referred to the Committee on Rules.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 16, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
HOUSE BILL NO. 1194,
SUBSTITUTE SENATE BILL NO. 5097,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 16, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5966 by Senators McCaslin, Haugen and Honeyford

AN ACT Relating to vehicle immobilization; amending RCW 46.55.010; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

SB 5967 by Senators Kastama and Haugen

AN ACT Relating to the master licensing service; and adding a new section to chapter 19.02 RCW.

Referred to Committee on Government Operations & Elections.

SB 5968 by Senators Rasmussen, Morton, Schoesler, Jacobsen, Delvin, Parlette and Mulliken

AN ACT Relating to studying the economic and social contribution of agricultural fairs to Washington state; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5969 by Senators Swecker, Haugen, Esser and Spanel

AN ACT Relating to city and town use of state fuel tax distributions; and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 5970 by Senator Jacobsen

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5971 by Senators McAuliffe, Pridemore, Schmidt, Eide, Shin, Rockefeller, Berkey, Weinstein, Kohl-Welles, Delvin and Rasmussen

AN ACT Relating to a statewide student association; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5972 by Senators Prentice, Zarelli, Rasmussen and Schmidt

AN ACT Relating to the business and occupation tax credit for property tax payments related to the manufacture of commercial airplanes; amending RCW 82.04.4463; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5973 by Senator Franklin

AN ACT Relating to the sales and use taxation of candy; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5974 by Senators Prentice, Hargrove and Haugen; by request of Lieutenant Governor

AN ACT Relating to drug use among pregnant women; amending RCW 70.96A.090; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5975 by Senator Pridemore

AN ACT Relating to competitive bid requirements; and reenacting and amending RCW 36.32.245.

Referred to Committee on Government Operations & Elections.

SB 5976 by Senator Sheldon

AN ACT Relating to the state fire protection policy board; and amending RCW 43.43.932.

Referred to Committee on Government Operations & Elections.

SB 5977 by Senators Oke and Regala

AN ACT Relating to the "we love our pets" special license plates; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5978 by Senator Morton

AN ACT Relating to eliminating the partial relinquishment of water rights; and amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Water, Energy & Environment.

SB 5979 by Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke

AN ACT Relating to search and rescue dogs; amending RCW 9.91.170; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5980 by Senators Parlette, Deccio, Mulliken, Schmidt and Oke

AN ACT Relating to small business health savings accounts; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health & Long-Term Care.

SB 5981 by Senators Parlette, Deccio, Brandland and Schmidt

AN ACT Relating to cost reduction in health benefit plans; amending RCW 48.21.045, 48.44.023, 48.46.066, and 41.05.065; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5982 by Senators Parlette, Deccio, Hewitt, Brandland, Honeyford, Mulliken, Schmidt and Oke

AN ACT Relating to access to health insurance for small employers and their employees; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health & Long-Term Care.

SB 5983 by Senators Pflug, Schmidt, Esser, Delvin and Benson

AN ACT Relating to professional certification of teachers; amending RCW 28A.410.210 and 28A.305.130; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SJM 8017 by Senators Franklin, Deccio, Kline, Hewitt, Benson, Shin, McCaslin, Mulliken, Morton, Delvin, Pflug, Benton, Oke, Swecker, Roach, Zarelli, Brandland, Carrell, Schmidt, Honeyford, Rasmussen, Prentice, Rockefeller, Keiser, Doumit, McAuliffe, Spanel, Fairley, Weinstein, Pridemore, Regala, Jacobsen, Brown and Parlette

Requesting more resources for education on prostate cancer.

Referred to Committee on Health & Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1194 by Representatives Simpson, Campbell, Appleton, Clements, Cody, Sommers, P. Sullivan, Morrell, Schual-Berke, Chase, Dickerson, Kenney, O'Brien, Clibborn, Conway, Green, Sells, Kagi, Ormsby, Wallace, Upthegrove, Hasegawa and Kilmer

AN ACT Relating to reimportation of prescription drugs; amending RCW 70.14.050; adding a new section to chapter 70.14 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Rockefeller, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5970 which was referred to the Committee on Labor, Commerce, Research & Development.

MOTION

At 12:35 p.m., on motion of Senator Rockefeller, the Senate was declared to be at ease subject to the call of the President for the purpose of a Joint Session with the House of Representatives.

JOINT SESSION

The Speaker (Representative Lovick presiding) called the House to order.

The Sergeant at Arms of the House announced that the Senate had arrived. The Speaker (Representative Lovick presiding) requested that the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President Pro Tempore Rosa Franklin, Majority Leader Lisa Brown and Minority Leader Bill Finkbeiner to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Speaker (Representative Lovick presiding) called upon President Pro Tempore Franklin to preside over the Joint Session.

President Pro Tempore Franklin called the Joint Session to order. The Clerk called the roll of the House and Senate and a quorum was present.

President Pro Tempore Franklin introduced the Statewide Elected Officials: Governor Christine Gregoire, Secretary of State Sam Reed, State Treasurer Mike Murphy, Insurance Commissioner Mike Kreidler and Attorney General Rob McKenna.

The Clerk called the roll of the former members who were in attendance: Art Brown, Jerry Ellis, Phyllis Erickson, Bill Garson, Barbara Granlund, Audrey Gruger, Steve Hargrove, Denny Heck, Lorraine Hine, Joan Houchen, Brock Jackley, Sue Karahalios, Richard King, Louise Miller, Val Ogden, Paul Sanders, Ray Schow, Dean Sutherland, Joe Taller, Mike Todd, Shirley Winsley, William Young, Former Secretary of State Ralph Munro, and Former House Sergeant at Arms, Ross Young.

The Flags were escorted to the Rostrum by the Washington State Patrol Color Guard. President Pro Tempore Franklin led the Chamber in the Pledge of Allegiance.

President Pro Tempore Franklin announced the purpose of the joint session was to conduct memorial services in memory of departed former members of the Legislature. President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick to conduct the service.

The Invocation was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

Reverend Grace: "Spirit of Life, we come together this afternoon from all across our beautiful and great state of Washington to honor and remember those who have given committed and dedicated service to this State and their home communities through their membership in this Legislature.

We represent the rich variety of people, points of view, and sacred faith traditions of our vibrant State. Today, we join together as one in the spirit of love, compassion, and appreciation as we honor the memories of our colleagues, friends and family members. We recognize that we are together on this profound journey of life with all its sorrows and joys, its stumblings and triumphs, its mystery and wisdom. Together, as community, we bless and heal, we teach and learn, we uplift and help one another.

It is in profound gratitude that we honor past members of this Legislature who have made their transition this year, passing from the experience of this earthly life. While we sorrow and grieve at their loss, we also rejoice that our lives have been touched by these dear ones. Our hearts are healed as we remember them. We find ourselves deepened, enriched and lifted up, encouraged and strengthened.

We are so grateful for each of these dear ones: dedication to service for the greater good, for their willingness to take on the often difficult mantle of leadership; for the great time, energy and effort they gave to their work; for their ability to live up to their ideals; for their willingness to give of themselves; and most of all for their love of family, friends, community and state.

This afternoon we open ourselves to this time or memorial, this time of honor, this time coming together as community. As we begin let us share in the ideas of this beautiful poem:

‘I am standing upon the seashore. A ship, at my side,
spreads her white sails to the moving breeze and starts
for the blue ocean. She is an object of beauty and strength.
I stand and watch her until, at length, she hangs like a speck
of white cloud just where the sea and sky come to mingle with each other.
Then, someone at my side says, ‘There, she is gone’

Gone where?
 Gone from my sight. That is all. She is just as large in mast,
 hull and spar as she was when she left my side.
 And, she is just as able to bear her load of living freight to her destined port.
 Her diminished size is in me – not in her.
 And, just at the moment when someone says, ‘There, she is gone,’
 there are other eyes watching her coming, and other voices
 ready to take up the glad shout, ‘Here she comes!’
 And that is dying...’

Amen."

The Intern Ensemble Choir, composed of Senate and House interns and directed by Dorian Waller, performed "Swing Low Sweet Chariot."

Speaker Pro Tempore Lovick: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and House of Representatives of the State of Washington who have passed from among us. On behalf of the people of our State, the Fifty Ninth Legislature of the State of Washington conveys its respects to those deceased legislators who once sat in the hallowed chambers of the House and Senate, answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. While their journey in this is completed, their achievements, records and valued services have been recorded in the journals of the Senate and House, and are now and forevermore a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends, and also share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities, and truly loved this great State of Washington. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records."

Speaker Pro Tempore Lovick and President Pro Tempore Franklin called the roll of the deceased former members of the Senate and House of Representatives:

MEMBER	DISTRICT & YEARS SERVED	MEMORIALIST
Daniel Brink	35 th District House 1959-63	Rep. Ed Murray
Eric Braun	12 th District House 1957-67	Rep. Mike Armstrong
Daniel Donovan	38 th District House 1947-49	Rep. John McCoy
Robert Ford	23 rd District House 1941-43, 1945-53	Sen. Karen Fraser
Robert "Bob" Gaines	30 th District House 1973-79	Rep. Skip Priest
R.R. "Bob" Grieve	34 th District Senate 1947-1975	Rep. Joe McDermott
Charles Kilbury	16 th District House 1969-79	Rep. Sam Hunt
Harry B. Lewis	22 nd District House 1961-1965 Senate 1965-1977	Rep. Toby Nixon
Catherine May	14 th District House 1953-1959	Reps. Mary Skinner & Maralyn Chase
Joe Mentor	10 th District House 1969-73	Rep. Beverly Woods
Ray Moore	36 th District Senate 1979-1994	Rep. Helen Sommers
Charles Newschwander	28 th , 29 th Districts House 1961-1969	Rep. Tami Green

	Senate 1969-79	
Frances North	47 th District House 1973-1983	Sen. Stephen Johnson
Eugene "Pat" Patterson	9 th District House 1973-1981 Senate 1981-93	Rep. David Buri
Kent Pullen	47 th District House 1973-75 Senate 1975-90	Sen. Pam Roach
Shirley Rector	5 th District House 1989-91	Sen. Harriet Spanel
George Sheridan	27 th District House 1965-69	Rep. Dennis Flannigan
Sally Walker	28 th District House 1985-1990	Rep. Jan Shabro

Rabbi Seth Goldstein, Temple Bet Hatfiloh, Olympia offered the Memorial Prayer.

Rabbi Goldstein: "El Maleh Rachamin, God full of compassion, we assemble here today, in the seat of our government, to honor the memory of those who have given of themselves to serve this great State, and who have subsequently gone to their eternal home. At this time, we recall the work of the Jewish poet, Hillel Bavli, who wrote these words:

This is my prayer to you, my gentle God—
 Let me not stray from my life's course
 Let not my spirit fall into decay,
 And may it never cease to thirst for you.
 And for the energizing dew
 That you have sprinkled on it
 Ever since my life was new.
 And let my heart be open to
 The downtrodden, and to the orphaned life,
 And to all who stumble
 And to one entangled and hidden sorrows,
 And to one who struggles in the dark.
 And bless my eyes, and let me merit
 To behold the human beauty in this world.
 Deepen my senses, widen their grasp
 So they absorb a green and flowering
 And budding world, and take from it
 The secret blossoming within a silence.
 Grant me with strength to yield
 The best of fruits. Let my life grow
 A wealth of word and deed, steeped
 In the fountain of my being,
 Without my measuring all things
 For only what they have to offer me.
 And when my day shall come,
 Let me slip into the land of night,
 Without asking anything of others
 Or from you, God.

We come from a variety of faith traditions and beliefs, Yet what we all share is the pain which comes from grief, the emptiness which comes from loss. And, we all recognized that although each individual life is short in the grand view of the cosmos, life itself continues and animates the universe. "A wealth of word and deed," write the poet, and indeed, it is in this that our lives touch the eternal. While our time on earth is limited, our words and our deeds ensure that we live on. Our words and deeds – how we touch and move others – have life beyond the course of our natural life spans.

How true this is for those who serve the greater good, who serve as leaders of our communities and of our state. For their actions affect us all. Those who serve in positions of leadership ensure that with their words and deeds we are all uplifted; through their service, we all benefit. The mantle of leadership is a sometimes heavy one to bear, and in honoring the memory of those who served our state, we honor too the commitment they made and the service they gave. For this State, and all its citizens, have benefited from the lives they led.

Our time here on earth teaches us many things. We learn that loss, pain and grief are a part of our human existence. Yet we learn too that so is healing, hope and love. It is love that sustains us in the face of death, and it is love that aids us during

the grieving process. As we come together as a community to remember those who served this community, may we support each other in strength. May we draw on the gift of memory to enliven us. May we be inspired by the work of those who have come before us to continue to strive for justice and righteousness. May we follow their great example of public service and concern for the general welfare.

At times of grief we turn to the Eternal Source of All. We pray that the souls of those who have departed from this world be bound up in the bond of life. We pray for your blessing of comfort over those who mourn loss. May our deeds be worthy of the memory of those lawmakers we remember here today. Zichronom liveracha, may their memory be for a blessing. Amen."

The Legislative Choir sang "Till We meet Again." The Washington State Patrol offered a ceremonial salute of 17 bells and "Taps" by SPC Nicole Lee.

Reverend Rick Murray of the First Presbyterian Church of Yakima offered the closing prayer.

Reverend Murray: "We are grateful for this good day which you have made. Glad to be in this place of governance – where decisions are made and vital leadership is given to this great State. Today we have remembered those who have gone before, who strove to do justice and love mercy, who made every effort to govern wisely, who gave with energy, intelligence, imagination and love to the work of governing.

We now honor friends who have worked before us, worked along side of us, we miss them, and yet we also walk in the legacy that they leave us. We remember our own call to service and to love, our own desire to leave a legacy of leadership, service, and concern for the people we represent.

Help us to remember our calling, be with us as we continue to serve our state, the people of our districts, and remind us of your values. Truth, life, Justice and mercy are all woven into the fabric of what we need to be about as we move about. Give us eyes to see, hearts to feel, and minds to know the priorities that are Your priorities.

I pray in the name of Father, Son and Holy Spirit. Amen."

Washington State Patrol Sergeant Keith Huntley played "Amazing Grace" on the bagpipes.

Speaker Pro Tempore Lovick returned the gavel to President Pro Tempore Franklin who thanked the members of the Memorial Committee and everyone who participated in the day's ceremony.

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

President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick who asked the Sergeant at Arms of the House and Senate to escort President Pro Tempore Franklin, Majority Leader Brown and Minority Leader Finkbeiner from the Rostrum, and the Senators from the floor of the House.

The Senate was called to order at 2:00 p.m. by the President Pro Tempore.

MOTION

At 2:01 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Friday, February 18, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 17, 2005

2005 REGULAR SESSION

FORTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 18, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 17, 2005

SB 5094 Prime Sponsor, Jacobsen: Changing the maximum per parcel rate for conservation district special assessments. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen and Morton

MINORITY recommendation: Do not pass. Signed by Senators Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5107 Prime Sponsor, Fairley: Allowing reimbursement limits under the mobile home relocation assistance act to be set by rule. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5270 Prime Sponsor, Haugen: Assisting vessel registration enforcement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5332 Prime Sponsor, Kline: Honoring the Reverend Doctor Martin Luther King, Jr. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5370 Prime Sponsor, Brown: Creating the economic development strategic reserve account. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 15, 2005

SB 5422 Prime Sponsor, Haugen: Providing research and services for special purpose districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5533 Prime Sponsor, Fairley: Regulating information provided to and by financial institution employers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5566 Prime Sponsor, Hargrove: Authorizing the use of enrollment cards issued by federally recognized Indian tribes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5612 Prime Sponsor, Berkey: Expanding programs eligible for housing assistance grants and loans. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland and Delvin

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5640 Prime Sponsor, Eide: Exempting royalty income on patents and copyrights from business and occupation tax for five years. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 17, 2005

SB 5642 Prime Sponsor, Eide: Establishing the business and job retention and expansion program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5642 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Ways & Means.

February 17, 2005

SB 5663 Prime Sponsor, Rasmussen: Changing the tax exemptions for machinery and equipment used to reduce agricultural burning. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5663 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 16, 2005

SB 5673 Prime Sponsor, Prentice: Changing provisions relating to the high technology business and occupation tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5673 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5697 Prime Sponsor, Prentice: Modifying the high technology business and occupation tax credit. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 17, 2005

SB 5713 Prime Sponsor, Regala: Assisting tenants in multiple-unit housing proposed for rehabilitation. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Prentice and Spanel

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5742 Prime Sponsor, Roach: Strengthening review and correction of county election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 17, 2005

SB 5744 Prime Sponsor, Haugen: Authorizing county-wide mail ballot elections. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5782 Prime Sponsor, Shin: Modifying provisions of the linked deposit program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5794 Prime Sponsor, Prentice: Authorizing the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5811 Prime Sponsor, Kohl-Welles: Encouraging the ethical transfer of technology for the economic benefit of the state. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5814 Prime Sponsor, Prentice: Authorizing the governor to enter into cigarette tax contracts with additional tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5911 Prime Sponsor, Berkey: Excluding self-service laundry from the definition of retail sale for excise tax purposes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

February 17, 2005

SB 5918 Prime Sponsor, Shin: Providing economic development tax credits for employee training. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

February 17, 2005

SJM 8012 Prime Sponsor, Prentice: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2005

HB 1049 Prime Sponsor, Green: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5566 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Agriculture's 2004 Annual Report on Pesticide Investigations & Enforcement. This report is mandated under RCW 15.58.420 and RCW 17.21.350.

If you have any questions about the report, please call 902-1850.

Sincerely,

Leslie Emerick, Legislative Affairs Coordinator

The Department of Agriculture's 2004 Annual Report on Pesticide Investigations & Enforcement is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5984 by Senator Kline

AN ACT Relating to clerk's fees for ex parte orders; and amending RCW 36.18.016.

Referred to Committee on Judiciary.

SB 5985 by Senators Kline, Franklin, Keiser and Kohl-Welles

AN ACT Relating to public disclosure of clinical trials; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5986 by Senators Kline, Franklin, Keiser and Kohl-Welles

AN ACT Relating to the learned intermediary doctrine for prescription products; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5987 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5988 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5989 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5990 by Senators Regala, Carrell, Rasmussen, Hewitt, Swecker, Franklin, Zarelli and Doumit

AN ACT Relating to a sales and use tax deferral for the construction of a historic automobile museum; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 5991 by Senators Franklin, Kline and Kohl-Welles

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

Referred to Committee on Ways & Means.

SB 5992 by Senators Kohl-Welles and Parlette

AN ACT Relating to the industrial injury second injury fund; amending RCW 51.44.040; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5993 by Senators Prentice, Doumit, Zarelli, Rasmussen and Kohl-Welles

AN ACT Relating to funding for crime victims' compensation; adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5994 by Senators Prentice and Rasmussen

AN ACT Relating to limiting the location and number of house-banked card rooms; amending RCW 9.46.295 and 9.46.070; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5995 by Senator Hargrove

AN ACT Relating to placement of children in shelter care; amending RCW 13.34.060, 13.34.065, and 13.34.130; and amending 1999 c 17 s 1 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 5996 by Senator Franklin

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5997 by Senators Spanel and Benton

AN ACT Relating to banks, savings banks, and mutual savings banks branches; amending RCW 30.38.005, 30.38.010, 32.04.030, and 32.32.228; and adding a new section to chapter 30.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5998 by Senator Jacobsen

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.069.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5999 by Senators Prentice and Brown

AN ACT Relating to the taxation of contracts to administer parking and business improvement areas; amending RCW 35.87A.110; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6000 by Senators Zarelli and Mulliken

AN ACT Relating to sales and use tax on privately produced trout; amending RCW 77.18.050; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6001 by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles

AN ACT Relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6002 by Senators Benton and Zarelli

AN ACT Relating to decisions by regional committees on school district organization; amending RCW 28A.315.195, 28A.315.015, and 28A.315.095; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 6003 by Senator Jacobsen

AN ACT Relating to commute trip reduction tax credit; amending RCW 82.70.010, 82.70.020, 82.70.030, and 82.70.040; adding a new section to chapter 82.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6004 by Senators Franklin, Kline and Kohl-Welles

AN ACT Relating to the taxation of intangible personal property; amending RCW 82.03.130 and 82.03.140; adding a new chapter to Title 82 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6005 by Senators Rockefeller, Honeyford, Haugen, Regala and Kohl-Welles

AN ACT Relating to state publication preservation by state library services within the office of the secretary of state; amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050, 40.07.020, and 40.07.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJM 8018 by Senators Fraser, Parlette, Poulsen, Hewitt, Berkey, Zarelli, Prentice, Doumit, Rockefeller, Fairley, Rasmussen, Kohl-Welles, Schoesler, Brandland, Schmidt, Shin, Pridemore, Mulliken, Honeyford, Brown, Kline and Regala

Requesting that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates be rejected.

Referred to Committee on Water, Energy & Environment.

SJR 8211 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

SJR 8212 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to allow the taxation of intangible personal property.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 21, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 18, 2005

2005 REGULAR SESSION

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 21, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2005

SB 5038 Prime Sponsor, Honeyford: Increasing penalties for failure to yield to emergency vehicles or police vehicles. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass.
Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5041 Prime Sponsor, McCaslin: Revising deadly weapon and firearm sentence range enhancements. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5041 be substituted therefor, and the substitute bill do pass.
Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 16, 2005

SB 5054 Prime Sponsor, Johnson: Regarding patient authorization of disclosure of health care information. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5084 Prime Sponsor, McAuliffe: Establishing a foster youth postsecondary education and training coordination committee. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 18, 2005

SB 5360 Prime Sponsor, Brandland: Making the certificate of academic achievement a requirement for running start eligibility. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5395 Prime Sponsor, Kastama: Requiring voting devices to produce paper records. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5417 Prime Sponsor, Weinstein: Restricting access to motor vehicles for persons arrested for alcohol offenses (John's Law). Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5433 Prime Sponsor, Kline: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5434 Prime Sponsor, Kline: Revising standards for antiharassment protection order hearings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5435 Prime Sponsor, Kline: Granting the municipal courts jurisdiction for antiharassment protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5452 Prime Sponsor, Franklin: Prohibiting genetic testing as a condition of life insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5453 Prime Sponsor, Delvin: Providing civil immunity for broadcasters participating in the Amber alert. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5459 Prime Sponsor, Shin: Restricting the information on recorded documents. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5499 Prime Sponsor, Kastama: Clarifying and standardizing various election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5499 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Mulliken and Roach

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5531 Prime Sponsor, Kline: Providing indigent defense services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 17, 2005

SB 5581 Prime Sponsor, Brown: Establishing the life sciences discovery fund. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 17, 2005

SB 5638 Prime Sponsor, McAuliffe: Changing student assessment provisions. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Ways & Means.

February 17, 2005

SB 5682 Prime Sponsor, Keiser: Regulating beer and wine sampling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5685 Prime Sponsor, Kline: Administering the state-funded civil representation of indigent persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson and Rasmussen

Passed to Committee on Ways & Means.

February 16, 2005

SB 5691 Prime Sponsor, Esser: Authorizing jury source lists to be divided by jury assignment area. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5745 Prime Sponsor, Roach: Modifying primary election law. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5746 Prime Sponsor, Kastama: Requiring the state to assume a share of primary and general election costs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SJR 8207 Prime Sponsor, Kline: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5041 and Senate Bill No. 5685 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 18, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE HOUSE BILL NO. 1219,
SECOND SUBSTITUTE HOUSE BILL NO. 1316,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 21, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6006 by Senators Honeyford, Mulliken and Parlette

AN ACT Relating to voter registration; amending RCW 29A.08.115, 29A.08.115, 29A.08.210, and 29A.08.220; adding a new section to chapter 29A.84 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6007 by Senators Finkbeiner and Stevens

AN ACT Relating to safety in children's placement services; amending RCW 13.34.132, 13.34.136, 13.34.260, and 74.13.250; adding new sections to chapter 13.34 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6008 by Senators Hargrove, Stevens and Rasmussen

AN ACT Relating to guardianship of dependent children; amending RCW 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232, 13.34.233, 13.34.234, 13.34.236, and 13.32A.030; reenacting and amending RCW 74.15.020; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6009 by Senators Thibaudeau, Sheldon, Schmidt, Kline, Kohl-Welles and Rasmussen

AN ACT Relating to adding a tribal representative to the state board of health; and reenacting and amending RCW 43.20.030.

Referred to Committee on Health & Long-Term Care.

SB 6010 by Senator Fairley

AN ACT Relating to employment rights of peace corps volunteers; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6011 by Senators Rasmussen and Haugen

AN ACT Relating to performance and interpretation of nerve conduction tests and performance of needle electromyography; amending RCW 18.71.030; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.57 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6012 by Senators Spanel, Oke, Weinstein, Esser and Rasmussen

AN ACT Relating to parking and business improvement areas; and amending RCW 35.87A.010.

Referred to Committee on Transportation.

SB 6013 by Senator Fraser

AN ACT Relating to a study of hazards of unused trailer hitches; and creating a new section.

Referred to Committee on Transportation.

SB 6014 by Senators Kline, Parlette, Kohl-Welles and Keiser

AN ACT Relating to ensuring that employers are not charged for claims made due to injuries during emergencies or disasters; and amending RCW 51.16.130.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6015 by Senators Morton and Mulliken

AN ACT Relating to the payment of motor vehicle gross weight fees; amending RCW 46.16.135; and creating a new section.

Referred to Committee on Transportation.

SB 6016 by Senators Jacobsen, Poulsen and Kohl-Welles

AN ACT Relating to local transportation funding options; amending RCW 82.80.010 and 82.80.070; adding new sections to chapter 82.80 RCW; adding new sections to chapter 35.77 RCW; creating new sections; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and providing effective dates.

Referred to Committee on Transportation.

SJM 8019 by Senators Shin, Rasmussen, Rockefeller, Weinstein, Kastama, Kohl-Welles, Pridemore, Berkey, Doumit, McAuliffe, Franklin, Keiser, Regala, Fairley, Prentice, Jacobsen, Fraser and Haugen

Requesting the United States trade representative to create a federal-state international trade policy commission.

Referred to Committee on International Trade & Economic Development.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

SHB 1219 by House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Morrell, Kessler, Simpson, Campbell, P. Sullivan, Williams, Chase, Dickerson, Quall, Kenney, O'Brien, Clibborn, Conway, Green, Lantz, Sells, Kagi, Ormsby, Wallace, McIntire, Upthegrove, Hasegawa and Kilmer)

AN ACT Relating to authorizing a prescription drug purchasing consortium; adding new sections to chapter 70.14 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

2SHB 1316 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Simpson, Kessler, Morrell, Kilmer, Upthegrove, Clibborn, Hasegawa, Conway, Roberts, Takko, Moeller, Kagi, Dickerson, Campbell and Ormsby)

AN ACT Relating to importation of prescription drugs from Canadian wholesalers; amending RCW 18.64.046; adding a new section to chapter 18.64 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, February 22, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 21, 2005

2005 REGULAR SESSION

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 22, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2005

SB 5104 Prime Sponsor, Regala: Creating the "Keep Kids Safe" license plate series. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5105 Prime Sponsor, Swecker: Regarding certification of entities regulated by the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5110 Prime Sponsor, Rockefeller: Including four public port districts on the executive board of regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5143 Prime Sponsor, Weinstein: Authorizing a "Ski & Ride Washington" license plate. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5143 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5145 Prime Sponsor, Jacobsen: Creating a boater safety education program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5219 Prime Sponsor, Kastama: Changing primary dates and associated election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Mulliken and Roach

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5228 Prime Sponsor, Jacobsen: Providing funding for watchable wildlife activities by creating the "Wild On Washington" license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5229 Prime Sponsor, Swecker: Authorizing endangered wildlife license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5229 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5230 Prime Sponsor, Swecker: Establishing the Washington's Wildlife license plate collection. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5263 Prime Sponsor, Haugen: Updating laws on drugs and alcohol use by commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5339 Prime Sponsor, Franklin: Regarding recidivism reduction through discharge of convicted felons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland and Carrell

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5381 Prime Sponsor, Kohl-Welles: Authorizing an independent, nonprofit Washington academy of sciences. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5415 Prime Sponsor, Fairley: Making loans under chapter 31.45 RCW to military borrowers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5415 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5424 Prime Sponsor, Haugen: Authorizing the "Washington Lighthouses" special plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5444 Prime Sponsor, Jacobsen: Authorizing "Share the Road" license plates to commemorate Cooper Jones. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5484 Prime Sponsor, Fairley: Monitoring and reporting on check cashers and sellers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5486 Prime Sponsor, Fairley: Regulating check cashers and sellers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5564 Prime Sponsor, Schmidt: Requiring the secretary of state to prepare a manual of election laws and rules. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senators Haugen and McCaslin

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5609 Prime Sponsor, Shin: Increasing the operating fee waiver authority for Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5613 Prime Sponsor, Berkey: Authorizing community colleges to deduct certain payments from tuition waivers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5621 Prime Sponsor, McAuliffe: Requiring the superintendent of public instruction to adopt standards for voluntary certification of preschools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senators Benton, Delvin, Pflug and Schoesler

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5625 Prime Sponsor, Kohl-Welles: Regarding gender equity reporting. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5633 Prime Sponsor, Carrell: Revising provisions relating to retention of information concerning unfounded allegations of child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5707 Prime Sponsor, Fraser: Creating a women's history consortium. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Schoesler and Shin

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5803 Prime Sponsor, McAuliffe: Promoting internet safety. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5809 Prime Sponsor, Fairley: Revising jurisdiction of youth courts. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5833 Prime Sponsor, Brown: Authorizing special license plates to recognize the Gonzaga University alumni association. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Poulsen, Vice Chair

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5875 Prime Sponsor, Hargrove: Clarifying the interests of parents and alleged fathers under the juvenile court act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 21, 2005

SJM 8011 Prime Sponsor, McAuliffe: Petitioning the President and Congress to fully fund the No Child Left Behind Act of 2001. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senators Benton, Delvin, Pflug, Schmidt and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5564 which was referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6017 by Senators Kastama, Swecker, Weinstein, Kohl-Welles and Oke

AN ACT Relating to high occupancy toll lanes; adding new sections to chapter 47.56 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 6018 by Senators Keiser, Kohl-Welles, Thibaudeau, Rasmussen, McAuliffe and Spanel

AN ACT Relating to expanding access to insurance coverage through the small business assist program; amending RCW 70.47.010, 70.47.015, 70.47.020, 70.47.060, 70.47.100, 70.47.120, 70.47.130, 70.47.160, and 41.05.140; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 70.47 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6019 by Senators Thibaudeau, Fairley, Franklin, Kline and Kohl-Welles

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6020 by Senators Kastama, Keiser, Kohl-Welles and Kline

AN ACT Relating to importation of prescription drugs from Canadian wholesalers; amending RCW 18.64.046; adding a new section to chapter 18.64 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6021 by Senator Regala

AN ACT Relating to limiting the tax exemption for sales to nonresidents; amending RCW 82.08.0273; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6022 by Senator Prentice

AN ACT Relating to wastewater treatment and conveyance systems; amending RCW 48.30.270 and 48.30.270; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6023 by Senator Esser

AN ACT Relating to interlocal agreements for court services among municipalities; amending RCW 3.50.020 and 3.50.805; and creating a new section.

Referred to Committee on Judiciary.

SB 6024 by Senators Carrell, Stevens, Brandland and Hargrove

AN ACT Relating to juveniles in the custody of law enforcement officers; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6025 by Senators Shin, Kohl-Welles, Thibaudeau and Rasmussen

AN ACT Relating to expanding the office of the Washington state trade representative; and amending RCW 43.332.010.

Referred to Committee on International Trade & Economic Development.

SJM 8020 by Senators Kline, Hargrove, Finkbeiner, Kohl-Welles, Pridemore, Regala, Rockefeller, Shin, Jacobsen, Thibaudeau and Spanel

Expressing concern about the USA PATRIOT Act.

Referred to Committee on Judiciary.

SCR 8408 by Senators Thibaudeau, Kohl-Welles, Rasmussen and McAuliffe

Creating a committee to study best practices regarding reporting of child abuse and neglect.

Referred to Committee on Human Services & Corrections.

MOTIONS

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION

8626

By Senators Parlette, Franklin, Honeyford, Schmidt and McAuliffe

WHEREAS, According to a new economic study, Washington's tree fruit industry drives nearly six billion dollars per year in the state's economy and provides more than one hundred forty thousand jobs for Washington workers; and

WHEREAS, The tree fruit industry is rightfully considered the "Boeing of central Washington" and is a major economic engine for the region and the entire state; and

WHEREAS, The continued vitality of this industry in a global marketplace is necessary not only for those people who are directly employed but also vital for the economic sustainability of local communities and the state;

WHEREAS, Apples have become a prominent component of health and fitness programs including the goal of eating five fruits and vegetables a day and the "three-Apples-a-Day Plan";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the valuable contribution that the tree fruit industry makes every year to the production of tasty and nutritious food products and to the economy of the region and of the state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the tree fruit industry through the Washington State Horticultural Association.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8626.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 23, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 22, 2005

2005 REGULAR SESSION

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 23, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Mulliken, Pflug and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Tyler Best and Trevor Durant, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

At 10:04 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:11 a.m. by President Owen.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2005

SB 5154 Prime Sponsor, Pridemore: Changing the leasehold excise tax exemption for certain historical property. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5154 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5185 Prime Sponsor, Franklin: Establishing the legal presumption of reasonable value from the certification of health care records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Deccio, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5245 Prime Sponsor, Fraser: Making technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5331 Prime Sponsor, Doumit: Establishing the historic county courthouse grant program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 21, 2005

SB 5380 Prime Sponsor, Kohl-Welles: Revising provisions relating to disbursement of liquor revolving fund moneys for the purpose of funding alcohol education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5430 Prime Sponsor, Hargrove: Providing funds for the crime victims' compensation program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland and Carrell

Passed to Committee on Ways & Means.

February 21, 2005

SB 5471 Prime Sponsor, Thibaudeau: Authorizing a prescription drug purchasing consortium. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Ways & Means.

February 22, 2005

SB 5487 Prime Sponsor, Keiser: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Brown, Deccio, Hewitt, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 21, 2005

SB 5494 Prime Sponsor, Thibaudeau: Identifying health care providers covered by the retired health care provider liability malpractice insurance program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5496 Prime Sponsor, Keiser: Revising provisions for inspection of hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5500 Prime Sponsor, Hargrove: Specifying procedures for transfer of juvenile proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5553 Prime Sponsor, Brandland: Creating a pilot program for live scan devices. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

February 21, 2005

SB 5554 Prime Sponsor, Kohl-Welles: Extending and adding a member to the joint task force on criminal background check processes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5558 Prime Sponsor, Brown: Establishing a prescription drug assistance foundation. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5614 Prime Sponsor, Keiser: Requiring annual audits of the state industrial insurance fund. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 21, 2005

SB 5636 Prime Sponsor, Keiser: Revising provision for imposition of sanctions on health professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5658 Prime Sponsor, Haugen: Regulating liquified petroleum gas. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5659 Prime Sponsor, Pridemore: Authorizing renewable energy tax credits. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton and Regala

Passed to Committee on Ways & Means.

February 17, 2005

SB 5741 Prime Sponsor, Kastama: Modifying provisions on voters' pamphlets. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Mulliken and Roach

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5553 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Yakima Valley Community College Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Yakima Valley Community College audit report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Pierce College District Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Pierce College District Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Peninsula College Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Peninsula College Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s):
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6026 by Senators Kastama and McCaslin

AN ACT Relating to terms of executive ethics board members; and amending RCW 42.52.350.

Referred to Committee on Government Operations & Elections.

SB 6027 by Senators Hewitt and Fraser

AN ACT Relating to the elimination of obsolete bond retirement accounts; amending RCW 28B.14C.140, 28B.14D.900, 28B.15.210, 28B.20.382, 28B.20.715, 28B.20.721, 28B.20.725, 28B.20.810, 28B.20.820, 28B.30.730, 28B.30.740,

28B.30.750, 28B.31.070, 28B.31.100, and 43.84.092; reenacting and amending RCW 43.84.092; creating a new section; repealing RCW 28B.14C.080, 28B.14C.090, 28B.20.720, 28B.20.800, and 28B.20.805; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6028 by Senators Benson, Brown, Deccio, Poulsen, Brandland, Keiser, Parlette, Schoesler, Oke, Esser, Haugen, Swecker, Jacobsen, Schmidt, Kohl-Welles and Rasmussen

AN ACT Relating to service members' civil relief; adding a new chapter to Title 38 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6029 by Senators Schoesler, Morton, Mulliken and Delvin

AN ACT Relating to providing certainty and clarity in the administration of agricultural water rights; and amending RCW 90.03.380.

Referred to Committee on Water, Energy & Environment.

SB 6030 by Senators Haugen, Mulliken and Rasmussen

AN ACT Relating to review of amendments to comprehensive plans and development regulations; and amending RCW 36.70A.290.

Referred to Committee on Government Operations & Elections.

SB 6031 by Senators Swecker, Jacobsen and Oke

AN ACT Relating to an additional sales and use tax for the renovation and maintenance of state parks facilities; amending RCW 82.08.020; adding a new section to chapter 82.12 RCW; adding a new section to chapter 79A.05 RCW; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6032 by Senator Mulliken

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 6033 by Senator Doumit

AN ACT Relating to a Washington coastal Dungeness crab pot buoy tag program; amending RCW 77.70.430 and 77.70.440; and adding a new section to chapter 77.70 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6034 by Senators Brown and Kohl-Welles

AN ACT Relating to industrial insurance premium rates; and amending RCW 51.16.035.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6035 by Senator Mulliken

AN ACT Relating to clarifying how local governments may demonstrate that best available science has been included in growth management decisions; and amending RCW 36.70A.172.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHJR 4205 by House Committee on Education (originally sponsored by Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake)

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 8628

By Senator Rasmussen

WHEREAS, Future Farmers of America was founded in 1928, changing its name in 1988 to the National FFA Organization to represent the growing diversity of agriculture; and

WHEREAS, The Washington FFA Organization is an integral part of the future of the food, fiber, and natural resource systems of the Washington Agriculture Industry; and

WHEREAS, The FFA boasts 476,732 members nationally and approximately 8,000 members in Washington state; and

WHEREAS, Agricultural education and the Washington FFA ensure a steady supply of young professionals to meet growing demands in science, business, and technology of Washington agriculture; and

WHEREAS, The FFA Motto----"Learning to Do, Doing to Learn, Earning to Live, Living to Serve"----gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, The FFA promotes character, citizenship, volunteerism, patriotism, and cooperation; and

WHEREAS, Washington FFA emphasizes premier leadership, personal growth, and career success among its members; and

WHEREAS, The FFA offers diverse educational opportunities such as land judging, expos, fairs, agricultural mechanics, public speaking, skills contests, chapter meetings, award and recognition programs, committees, and community projects; and

WHEREAS, FFA Agriculture Education Programs provide a strong foundation for the youth of Washington to grow careers in the field of agriculture;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate supports the role of the Washington FFA and Agriculture Education in the educational system of the great state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to H. Wayne Gilman, Washington State FFA Adviser and Washington FFA Foundation Director Ronald Crawford.

Senators Rasmussen and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Carey Smithingell, Sentinel and Kevin Faw, President of FFA who were seated at the rostrum.

With permission of the Senate, business was suspended to allow President Faw to address the Senate.

REMARKS BY PRESIDENT FFA

President Faw: "I want to start out by thanking you very much for having us here today. It's quite an honor to be able to come and present ourselves to the Senate and it's amazing to see the support that we have after that resolution, so thank you very much. I kind of saw, as we were sitting in the hall, I saw a few people walk by kind of looking at our jackets maybe wondering what exactly this blue jacket means and don't worry there's plenty of people that do that as we are around. We always get stares as we're walking through an airport, as we're walking through downtown. 'Now, why is that person wearing a blue corduroy jacket? Does he not know that's that not in style?' Well, this jacket was chosen way back in 1928. The national blue was chosen to show the unity within the FFA. Although we come from different backgrounds, we all come together for one common goal and the corn gold was chosen to show the true traditions of farming which are hard work, innovation, the understanding of land and resources and above all the belief in the future of farming. It was started back in 1928. Thirty-three farmers came together said, 'Hey let's start this Future Farmers of America, so that we do have a future in farming.' The name was changed in 1988 to show the diversity of the organization. It was changed to the National FFA organization to just show that we're not all about farming now. The FFA mission which was read earlier is to make a positive difference in the lives of FFA members, to develop their potential for personal growth, premier leadership and career success through agriculture education. As we travel around we always get the question, 'Can I join FFA?' by different students. Absolutely, but their reply is, 'I live in town. I don't know anything about farming and I absolutely hate pigs'. Well, you probably think the same thing. That all we have in FFA is farmers. Well, that's not exactly right. In nationwide enrollment, only thirty percent of our members come from a farming community. The other seventy percent are from urban and suburban areas so that really shows how the FFA has diversified over the years. Throughout our travels as state officers this year, we have visited chapters in downtown Tacoma, Vancouver, the Kitsap peninsula, Olympia, Spokane, the Tri-Cities and we've also gone to areas like Kahlotus, Garfield, Polouse, the Toledo and Willapa Valley and so as our travels you know we've seen the different areas within the state and it's just amazing to be able to see the diversity within the FFA. So finally, I just want to challenge you to support the career and technical education programs within the schools. These are the programs that have hands on learning and where the students can learn the most and just get the most out of the programs and so as you go out if you're talking with school officials, maybe ask them, 'Do you have an FFA program?' and if not encourage them to get involved in one because this is, the benefits they will reap will, is just beyond measure and I think it kind of shows throughout. I mean just look at the Senators that have been in the FFA, ask them. It's just unbelievable how much progress you can see in the FFA. So, thank you very much again for having us here. It's quite an honor."

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION

8625

By Senators Brown and Finkbeiner

WHEREAS, The Senate adopted permanent rules for the 2005-07 biennium under Engrossed Senate Floor Resolution 2005-8601;

WHEREAS, Pursuant to Senate Rule 35, the Senate has received one day's notice from Senators Brown and Finkbeiner of their intent to move adoption of an amendment to the Senate Rule 45 in the manner set forth below;

NOW, THEREFORE, BE IT RESOLVED, That Rule 45 as set forth in Engrossed Senate Floor Resolution 2005-8601 is stricken in its entirety and Rule 45 of the Permanent Rules of the Senate for the 2005-07 is set forth and adopted as follows:

"Committee Rules

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

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply

during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

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

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

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

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

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

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

8. ~~((Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto))~~ Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

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

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

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

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

Senators Brown and Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

The motion by Senator Brown carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5046, by Senators Regala and Johnson

Modifying provisions governing ethics complaints.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Regala and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Today prior to floor action I provided the rostrum reader with a list of three names, Senator Mulliken, Senator Stevens, and Senator Pflug, to be excused from the day's roll call votes.

Unfortunately, prior to the vote on Senate Bill 5046 I was on the telephone and failed to ensure that in fact the three senators were excused before the roll call. I enter this statement in order that the Journal reflect that Senator Mulliken, Senator Stevens and Senator Pflug should be regarded as excused for the vote on Senate Bill 5046.

SENATOR MIKE HEWITT, 16th Legislative District

SECOND READING

ENGROSSED SENATE BILL NO. 5045, by Senators Doumit and Morton

Allowing title insurance companies to provide a guarantee covering its agents.

The measure was read the second time.

MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 2, line 2, after "authorized" insert ", or eligible under chapter 48.15 RCW."

On page 2, line 30, after "authorized" insert ", or eligible under chapter 48.15 RCW."

On page 3, line 9, after "authorized" insert ", or eligible under chapter 48.15 RCW."

Senator Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 2, line 2 to Senate Bill No. 5045.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Hewitt, Senators Mulliken, Pflug and Stevens were excused.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Mulliken, Pflug and Stevens - 3

ENGROSSED SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5196, by Senators Fairley, Benton, Keiser, Benson, Franklin and Berkey

Regulating insurable interests and employer-owned life insurance.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5196.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Morton: "Thank you Mr. President. Ladies and Gentlemen of the Senate, I have an unusual request of both the President and of yourself and that's for a moment of memorial tribute. In the summer time I received a request for some pages and in reviewing the allotment that we were given for our pages I had an interesting scenario. Four young ladies wanted to come together and four young men. We did our best to equalize that out. We ended selecting two of the four ladies and after many phone calls, we selected all four of the four men. However, two weeks ago in a tragic automobile accident, one of those four was killed. The other three are with us today paging. The young man who was killed was Levi Morgan of Deer Park. Recognized as an outstanding student and the tragedy did not mar, however, the other companions to come and be with us and serve this week in memory of him and in tribute to him. So, Mr. President I would respectfully request that we have, as we usually do many times, a moment of silence, memorial tribute, in recognition of this page who was unable to attend, Levi Morgan.

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Mr. Levi Morgan, who passed away February 11, 2005.

SECOND READING

SENATE BILL NO. 5142, by Senators Schoesler, Rasmussen, Morton and Delvin

Regarding air registrations for elevators and warehouses.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. The good Senator from the 9th District just gave his first speech and as usual and a custom we demand some tribute but before we receive that I thought we ought to make some comments about the good Senator. He first came to State Legislature in 1993 and since that time he spends the Legislative session residing with his uncle. I tried to call his Uncle Ed to see if he'd put a curfew on the good Senator but I couldn't get him on the phone but I think it was a good idea if he did. He should have a curfew imposed for staying with his Uncle Ed. Secondly the good Senator always seems to have something in his mouth, often times it's a toothpick and I wanted you to know that single handedly he's kept the toothpick industry in business through his usage. Those of you that know Senator Schoesler know that he's very proud of his kids, Cody and Veronica. Veronica is really an outstanding student, high school and college and I believe now she's a school teacher and it's obvious I think that she got her brains from her mother. One final bit about the good Senator Schoesler is according to his friend, Senator Buck, Representative Buck that they like to fishing in Alaska and generally they go along with Representative Armstrong and Steve Gano and those are two or three fairly good-size people and there's really a method for this type of arrangement. See those trips they take go into the back country. We have grizzlies and black bears and they wanted to make sure that they have someone who runs slower than they would in case there was a bear around so that's why they chose Senator Schoesler to go along. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Esser: "Thank you Mr. President. Well, for those who are concerned that the Senate of today lacks the courage to deal with the tough issues of the day I would direct their attention to the rear of the chamber and to the new Senator from the 9th district. One need only examine Senate Bill No. 5142 to determine the fearlessness which he attacks the most extractable issues that we face. This bill languished year after year, session after session. Air registrations for elevators and warehouses are widely regarded as the third rail of Washington State politics. Every member understands that to touch that topic means certain

doom, not the Senator from the 9th district. Absent his leadership Peas, lentils and beans would not be defined as grains and what greater injustice could be imagined? And so, Mr. President I want to salute the new Senator from the 9th district, our new champion of the gabonzo bean."

PERSONAL PRIVILEGE

Senator Deccio: "Thank you Mr. President. I think the Senator from the 9th district is very courageous person when dealing with the elevator he rose to the occasion. Senator Schoesler, no beans or gabonzo, things that we got to spit out, just give us some real stuff when you give us our gift, ok."

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. I couldn't help in saying this. I really don't give a hill of beans about the garbanzos's and the elevators and stuff like this but I do know it's a great place to go to get a good cigar."

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. I know that, ladies and gentlemen of the Senate wondering why I am standing in regards to paying tribute to Senator Schoesler which I could many times sort of mispronounce his name. If you recall Senator, back in the 90's when we made that trip to Eastern Washington, the agricultural tour, and on that particular tour at that time there was a, I think it was, a wheat thresher and I am brave one and I am investigating and asking all the questions. I climbed on that wheat thresher and it was tilted. I have that picture still today and you, that is the way I met you and when you came to this body then again we worked on an issue so I want to say, welcome and I do remember that tour. It was great and I learned a lot."

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, Mr. President, I too want to welcome our new Senator from the 9th district and being the Coug mom I am absolutely thrilled to get my cup. I also want to say he's the ranking chair of the Agriculture & Rural Economic Development Committee and he serves very wonderfully in that role and please don't judge him, his height by his first bill. He's gonna have some more to come."

PERSONAL PRIVILEGE

Senator Schoesler: "Well, I've been asked what these tokens represent from the 9th legislative district. The 9th legislative district we have primarily two industries, higher education and agriculture. There is a memento from each of the institutions of higher education, the Cougar mug and the eagle lapel pen. There is also from the agriculture industry the glasses from the Washington Association of Wheat Growers, 50th anniversary celebration this past year. The irony was, is that I planned another gift from the district. We thought about what we could add and the sample of the peas and lentils to make that super stew sounded like a good idea not knowing that it would be my first bill relating to peas and lentils, so I would like to thank my many friends on the Senate floor and thank you, Mr. President."

SECOND READING

SENATE BILL NO. 5180, by Senators Kastama, Roach, Sheldon and Shin

Authorizing the economic development finance authority to continue issuing bonds.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 45

Absent: Senator Thibaudeau - 1

Excused: Senators Mulliken, Pflug and Stevens - 3

SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. Last night at 9:00 and again this morning at 9:00 I made two trips up to Fort Lewis to visit some of our National Guard ships coming back from Iraq. Just to let you know, last night it was the 303rd Calvary from Puyallup. This morning, it was one of the units from Bellingham and another from, it was over in Spokane. Then tomorrow night we get units from here in Olympia, Montesano, Longview and Vancouver will be coming back. If you have the opportunity, these will be coming in over a period of time. It's a great, great experience to see these soliders come back, standing at attention, listening to the National Anthem, listening to the Army song being played, being played by the army band and then they're dismissed and to watch the excitement in the families joined together as for the first time they get to see each other in over a year. So, they appreciate the fact that we're in contact with them. I would encourage you do so and then again thank you for that moment, Mr. President."

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 23, 2005

2005 REGULAR SESSION

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 24, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 22, 2005

SB 5092 Prime Sponsor, Jacobsen: Creating a beginning farmers loan program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5093 Prime Sponsor, Jacobsen: Creating a matching fund program for agricultural economic planning. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 22, 2005

SB 5109 Prime Sponsor, Jacobsen: Preserving farm and agricultural land through conservation futures levies. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 22, 2005

SB 5126 Prime Sponsor, Kohl-Welles: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5144 Prime Sponsor, Eide: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5225 Prime Sponsor, Jacobsen: Concerning a multiple season big game permit. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Morton

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5226 Prime Sponsor, Jacobsen: Providing for temporary combination fishing licenses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2005

SB 5227 Prime Sponsor, Jacobsen: Decriminalizing certain hunter reporting requirements. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2005

SB 5233 Prime Sponsor, Doumit: Defining "deliver" and "delivery" for food fish and shellfish. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5327 Prime Sponsor, Fairley: Creating an office of privacy protection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5340 Prime Sponsor, Rasmussen: Creating the military department capital account and rental and lease account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5378 Prime Sponsor, Pridemore: Allowing counties to increase funding for properties acquired through conservation futures. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Spanel and Swecker

Passed to Committee on Ways & Means.

February 23, 2005

SB 5419 Prime Sponsor, Fraser: Changing water permit processing provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Ways & Means.

February 22, 2005

SB 5432 Prime Sponsor, Spanel: Creating the oil spill monitoring and oversight council. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Ways & Means.

February 23, 2005

SB 5539 Prime Sponsor, Jacobsen: Creating the veterans conservation corps program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 22, 2005

SB 5686 Prime Sponsor, Fairley: Regulating check cashers and sellers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5776 Prime Sponsor, Rasmussen: Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 23, 2005

SB 5786 Prime Sponsor, Weinstein: Authorizing voter approved regular property tax levies for school purposes. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Early Learning & K-12; Rasmussen, Rockefeller, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell, Delvin and Schoesler

Passed to Committee on Ways & Means.

February 23, 2005

SB 5818 Prime Sponsor, Doumit: Transferring the department of natural resources' law enforcement program to the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5818 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5831 Prime Sponsor, Morton: Concerning well construction. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5862 Prime Sponsor, Pflug: Creating the association of Washington generals. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5877 Prime Sponsor, Prentice: Addressing the employment and retirement rights of members of the armed forces called to active duty. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5962 Prime Sponsor, Haugen: Protecting customary agricultural practices against nuisance actions. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5968 Prime Sponsor, Rasmussen: Requiring a study of the economic and social contribution of agricultural fairs to Washington state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 22, 2005

SJR 8202 Prime Sponsor, Eide: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8202 as recommended by the Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2005

SCR 8401 Prime Sponsor, Jacobsen: Creating a joint select committee concerning Latino accessibility to higher education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Rasmussen, Rockefeller, Schoesler and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5831 which was referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6036 by Senators Berkey and Mulliken

AN ACT Relating to requiring a review of land use permitting processes; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6037 by Senators Sheldon and Rockefeller

AN ACT Relating to connection of limited areas of more intensive rural development for recreational or tourist use to existing public facilities; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

SB 6038 by Senators Fairley and Kline

AN ACT Relating to medical malpractice rates; and adding new sections to chapter 48.19 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6039 by Senator Haugen

AN ACT Relating to the aircraft fuel tax; and amending RCW 82.42.030.

Referred to Committee on Transportation.

SB 6040 by Senators Jacobsen, Haugen, Swecker and Spanel

AN ACT Relating to authorizing county taxes for the construction, design, repair, or improvement of viaducts and bridges; amending RCW 36.100.040 and 36.38.010; adding new sections to chapter 82.14 RCW; and providing contingent expiration dates.

Referred to Committee on Transportation.

SB 6041 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance and modifying applications for a change of circumstances; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6042 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; and amending RCW 51.08.178.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6043 by Senators Brandland, Fairley, Benson, Keiser, Schmidt, Spanel, Benton, Franklin, Berkey, Kohl-Welles and Rasmussen

AN ACT Relating to breaches of security that compromise personal information; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6044 by Senators Franklin, Benton and Kohl-Welles

AN ACT Relating to housing assistance for low-income persons; amending RCW 36.22.178; and adding a new chapter to Title 36 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6045 by Senators Honeyford and Hewitt

AN ACT Relating to accelerating legislative approval of public works projects; and amending RCW 43.155.070.

Referred to Committee on Ways & Means.

SB 6046 by Senators Shin and Rasmussen

AN ACT Relating to financing local economic development projects; amending RCW 70.105D.020; and adding a new chapter to Title 43 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6047 by Senators Brandland and Rasmussen

AN ACT Relating to the removal of gravel from waterways to reduce the impact of flooding; amending RCW 36.32.290 and 79.90.150; adding a new section to chapter 86.09 RCW; adding a new section to chapter 85.05 RCW; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6048 by Senator Jacobsen

AN ACT Relating to creating nonpartisan commissions for judicial nominees; amending RCW 2.04.100 and 2.06.080; adding new sections to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 6049 by Senators Parlette, Sheldon, Benton, Benson, Zarelli, Brandland, Carrell, Deccio, Hewitt, Johnson, Oke, Schoesler, Morton, Roach, Esser, Schmidt, Finkbeiner, Swecker, Honeyford, McCaslin and Mulliken

AN ACT Relating to small business health savings accounts; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health & Long-Term Care.

SB 6050 by Senators Parlette, Doumit, Morton and Mulliken

AN ACT Relating to providing financial assistance to cities, towns, and counties; amending RCW 82.45.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SJR 8213 by Senators Carrell, Roach, Benton, Schoesler, Mulliken, Stevens, Swecker, Morton, Delvin, Schmidt, Brandland and Esser

Repealing a conflicting residency requirement for voting in a presidential election.

Referred to Committee on Government Operations & Elections.

SJR 8214 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8215 by Senators Esser, Finkbeiner, Oke and Mulliken

Removing the legislature from the election certification process.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 25, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 24, 2005

2005 REGULAR SESSION

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 25, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Fraser and Stevens.

The Sergeant at Arms Color Guard consisting of Pages McKenzie McAuliffe and Joshua Pflug, presented the Colors. Pastor Irene Martin of the St. James Episcopal Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 2005

SB 5065 Prime Sponsor, Thibaudeau: Requiring notice of potential injuries resulting from health care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5137 Prime Sponsor, Haugen: Adjusting procedures of vessel dealer trust accounts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5150 Prime Sponsor, Haugen: Changing provisions concerning marine pilot licensing qualifications and procedures. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5150 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5207 Prime Sponsor, Doumit: Limiting liability of ports providing pilots. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5264 Prime Sponsor, Haugen: Allowing reciprocal waiver of driver's license exams. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5265 Prime Sponsor, Spanel: Making technical corrections to chapter 46.87 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5285 Prime Sponsor, Poulsen: Updating the water quality joint development act to provide local government flexibility for improving drinking water and treatment services. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5318 Prime Sponsor, Thibaudeau: Improving patient safety practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5362 Prime Sponsor, Fairley: Regulating insurance, generally. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5442 Prime Sponsor, Poulsen: Establishing a joint legislative and executive task force on long-term care financing and chronic care management. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5451 Prime Sponsor, Keiser: Modifying the excise taxation of cosmetic medical services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5451 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland, Deccio and Parlette

Passed to Committee on Ways & Means.

February 23, 2005

SB 5456 Prime Sponsor, Prentice: Making it a crime to excavate without notification near a transmission pipeline. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5479 Prime Sponsor, Berkey: Revising time periods in landlord/tenant actions. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5513 Prime Sponsor, Haugen: Restructuring certain transportation agencies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5584 Prime Sponsor, Jacobsen: Authorizing a customer facility charge on rental car customers to finance consolidated rental car facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5584 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Esser, Kastama, Oke, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Mulliken

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5598 Prime Sponsor, Franklin: Modifying the composition of the nursing care quality assurance commission. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5598 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5692 Prime Sponsor, Berkey: Regulating tax refund anticipation loans. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5743 Prime Sponsor, Kastama: Enhancing voter registration recordkeeping. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5749 Prime Sponsor, McAuliffe: Requiring a review of enhanced 911 services. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5767 Prime Sponsor, McAuliffe: Developing plans to address the housing needs of homeless persons. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton, Brandland, Delvin and Schmidt

Passed to Committee on Ways & Means.

February 23, 2005

SB 5808 Prime Sponsor, Poulsen: Increasing the threshold for short board appeals before the shorelines and pollution control hearings boards. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5931 Prime Sponsor, Fraser: Requiring removal of hazardous materials in accordance with state and federal laws before conducting planned structure fires for fire fighter training. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5931 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5957 Prime Sponsor, Fairley: Changing the terms for the escrow accounts required of self-funded multiple employer welfare arrangements. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Schmidt

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5960 Prime Sponsor, Rasmussen: Modifying the nutrient management plan sales and use tax exemption. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5960 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

February 23, 2005

SJM 8018 Prime Sponsor, Fraser: Requesting that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates be rejected. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 8018 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 24, 2005

SHB 1154 Prime Sponsor, Committee on Financial Institutions & Insurance: Requiring that insurance coverage for mental health services be at parity with medical and surgical services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Johnson and Parlette

MINORITY recommendation: Do not pass. Signed by Senator Benson

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE

GUBERNATORIAL APPOINTMENTS

February 24, 2005

SGA 9008 ISABEL BEDOLLA, appointed July 1, 2003, for the term ending June 30, 2007, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 23, 2005

SGA 9019 DEBBIE BROOKMAN, reappointed August 15, 2003, for the term ending December 31, 2005, as Member of the Investment Board. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Brandland, Delvin, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9068 CLAIRE GRACE, appointed October 31, 2003, for the term ending June 30, 2007, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9096 DENNIS KLOIDA, appointed April 2, 2003, for the term ending June 30, 2005, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 23, 2005

SGA 9124 GEORGE MASTEN, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Brandland, Franklin, Keiser and Spanel

Passed to Committee on Rules for second reading.

February 23, 2005

SGA 9128 PATRICK MCELLIGOTT, reappointed February 10, 2005, for the term ending December 31, 2006, as Member of the Investment Board. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9130 RICHARD MCIVER, appointed May 29, 2003, for the term ending June 30, 2005, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6051 by Senators Delvin and Schoesler

AN ACT Relating to tobacco products taxes; and adding a new section to chapter 82.26 RCW.

Referred to Committee on Ways & Means.

SB 6052 by Senators Kline, Finkbeiner, Fairley, Zarelli, Kohl-Welles and Parlette

AN ACT Relating to expanding the responsibilities of the caseload forecast council; and amending RCW 43.88C.010.

Referred to Committee on Ways & Means.

SB 6053 by Senator Haugen

AN ACT Relating to property that has been specifically devised; and adding a new section to chapter 11.12 RCW.

Referred to Committee on Judiciary.

SB 6054 by Senators Kohl-Welles, Rasmussen and Kline

AN ACT Relating to worker's compensation parity for agency home care workers; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6055 by Senator Kline

AN ACT Relating to a commission on psychoactive substance control; and creating new sections.

Referred to Committee on Judiciary.

SB 6056 by Senator Rasmussen

AN ACT Relating to the certification of animal massage therapists; and adding a new chapter to Title 18 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SJM 8021 by Senators Oke, Eide, Swecker, Kastama, Schmidt, Roach, Benson, Brandland, Finkbeiner, Schoesler, Parlette, Esser, Delvin, Sheldon, Kohl-Welles, Kline, Rockefeller, Rasmussen, Thibaudeau and Shin

Honoring War Dogs.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 10:09 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:18 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5134, by Senators Jacobsen, Oke and Rasmussen

Making the disabled hunters and fishers advisory committee a permanent entity.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Deccio, Fraser and Stevens - 3

SENATE BILL NO. 5134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senators Deccio and Stevens were excused.

On motion of Senator Regala, Senator Fraser was excused.

SECOND READING

SENATE BILL NO. 5290, by Senators Delvin, Rasmussen, Schoesler, Shin, Morton, Jacobsen and Mulliken

Including goats in theft of livestock in the first degree.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

Senator Delvin spoke in favor of adoption of the substitute.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fraser and Stevens - 3

SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5035, by Senators Thibaudeau, Brandland and Franklin

Eliminating the state forensic pathology fellowship program. Revised for 1st Substitute: Revising the forensic pathology program.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

Senator Thibaudeau spoke in favor of adoption of the substitute.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fraser and Stevens - 3

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5070, by Senators Spanel, Stevens and Haugen

Creating an additional superior court position.

The measure was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fraser and Stevens - 3

SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5329, by Senators Pflug, Shin, Esser, Schoesler, Roach, Rasmussen, Rockefeller, Berkey and Mulliken

Establishing an industry cluster-based approach to economic development.

The measure was read the second time.

MOTION

On motion of Senator Pflug, the rules were suspended, Senate Bill No. 5329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fraser and Stevens - 3

SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5086, by Senators Shin, Schoesler and Rasmussen

Modifying rural Washington loan fund provisions.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fraser and Stevens - 3

SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8018, by Senators Fraser, Parlette, Poulsen, Hewitt, Berkey, Zarelli, Prentice, Doumit, Rockefeller, Fairley, Rasmussen, Kohl-Welles, Schoesler, Brandland, Schmidt, Shin, Pridemore, Mulliken, Honeyford, Brown, Kline and Regala

Requesting that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates be rejected.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Joint Memorial No. 8018 was substituted for Senate Joint Memorial No. 8018 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Joint Memorial No. 8018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8018.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8018 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Deccio, Fraser and Stevens - 4

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8018, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Weinstein, Senator Regala was excused.

On motion of Senator Esser, Senator McCaslin was excused.

On motion of Senator Mulliken, Senators Hewitt and Parlette were excused.

SECOND READING

SENATE BILL NO. 5356, by Senator Brown

Modifying the alignment of state route number 290.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5356.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5356 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Deccio, Fraser, Hewitt, McCaslin, Parlette, Regala and Stevens - 7

SENATE BILL NO. 5356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5723, by Senators Delvin, Rasmussen, Schoesler, Mulliken and Rockefeller

Extending an asparagus exception to the standards for fruits and vegetables.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Deccio, Fraser, Hewitt, McCaslin, Parlette, Regala and Stevens - 7

SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5390, by Senators Keiser, Parlette, Franklin, Kastama, Johnson, Shin, Kohl-Welles and Kline

Concerning improving the quality of care in state-purchased health care programs.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5390 was substituted for Senate Bill No. 5390 and the substitute bill was placed on the second reading and read the second time.

Senators Keiser and Johnson spoke in favor of adoption of the substitute.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5390.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5390 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Deccio, Fraser, Hewitt, McCaslin, Parlette, Regala and Stevens - 7

SUBSTITUTE SENATE BILL NO. 5390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5013, by Senators Honeyford and Sheldon

Authorizing RV logos on highway sign panels.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5013 was substituted for Senate Bill No. 5013 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5013.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Deccio, Fraser, Hewitt, McCaslin, Parlette, Regala and Stevens - 7

SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:22 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 28, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 25, 2005

2005 REGULAR SESSION

FIFTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 28, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2005

SB 5026 Prime Sponsor, Regala: Modifying tax abatement provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5042 Prime Sponsor, McCaslin: Tolling the statute of limitations for felonies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5043 Prime Sponsor, Mulliken: Clarifying the responsibility for enforcement noise control rules. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5043 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: MMR Signed by Senators Benton and Haugen

Passed to Committee on Ways & Means.

February 22, 2005

SB 5077 Prime Sponsor, Eide: Changing duties for aiding injured persons. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5087 Prime Sponsor, Kohl-Welles: Providing for a review and update of the best practices audit of compensation and employment for part-time faculty in technical and community colleges. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5116 Prime Sponsor, Shin: Requiring helmets within public skate parks. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke and Swecker

Passed to Committee on Judiciary.

February 24, 2005

SB 5125 Prime Sponsor, Kohl-Welles: Reducing heavy metals in child use area soils. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5125 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Fairley, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5130 Prime Sponsor, Carrell: Transporting residents of secure community transition facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5132 Prime Sponsor, Carrell: Protecting public employee personal information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5135 Prime Sponsor, Kastama: Addressing volunteer fire fighters' and reserve officers' relief and pensions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5157 Prime Sponsor, Regala: Revising provisions relating to local law enforcement automatic fingerprint identification systems. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 22, 2005

SB 5165 Prime Sponsor, Kline: Expanding the DNA identification system. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 24, 2005

SB 5166 Prime Sponsor, Hargrove: Ordering a study of electronic monitoring systems. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5172 Prime Sponsor, Johnson: Enacting the revised Uniform Arbitration Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5172 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5184 Prime Sponsor, Franklin: Authorizing reimbursement for law enforcement service costs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2005

SB 5204 Prime Sponsor, Brandland: Modifying the chattel lien process. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5204 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5205 Prime Sponsor, Fraser: Making payments under certain bond authorization acts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5220 Prime Sponsor, Kastama: Managing the motor pool within the department of general administration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5220 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5222 Prime Sponsor, Esser: Changing provisions relating to the insanity defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5223 Prime Sponsor, Esser: Decriminalizing "fine-only" misdemeanors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5234 Prime Sponsor, Jacobsen: Expanding hunter access to certain private lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5242 Prime Sponsor, Doumit: Harmonizing penalties for inmates possessing weapons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5252 Prime Sponsor, Fraser: Establishing a commemorative works account for the department of general administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5259 Prime Sponsor, Kline: Limiting prosecution of persons reporting drug overdoses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5261 Prime Sponsor, Fraser: Authorizing interruptive military service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5279 Prime Sponsor, Jacobsen: Modifying provisions with regard to recreational activities on certain lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5293 Prime Sponsor, Mulliken: Requiring DSHS to investigate fraud and to cooperate with fraud investigations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Ways & Means.

February 24, 2005

SB 5333 Prime Sponsor, Regala: Modifying requirements for voter-approved property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Ways & Means.

February 23, 2005

SB 5366 Prime Sponsor, Schoesler: Regulating movement of older mobile homes. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

February 24, 2005

SB 5372 Prime Sponsor, Berkey: Requiring notice to water and sewer districts of changes that require relocating facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5375 Prime Sponsor, Kline: Regulating supervision of offenders who travel or transfer to or from another state. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Ways & Means.

February 24, 2005

SB 5385 Prime Sponsor, Jacobsen: Creating the Washington invasive species council. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5385 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

February 22, 2005

SB 5404 Prime Sponsor, Kline: Paying for certain actions and proceedings for damages brought against law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5441 Prime Sponsor, Weinstein: Requiring an education and higher education finance study. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5441 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5455 Prime Sponsor, Mulliken: Promoting economic revitalization. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5455 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Roach

Passed to Committee on Ways & Means.

February 23, 2005

SB 5457 Prime Sponsor, Esser: Increasing penalties for failure to secure a vehicle load on a public highway. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5458 Prime Sponsor, Shin: Increasing the surcharge for the preservation of historical documents. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5470 Prime Sponsor, Franklin: Allowing the importation of certain prescription drugs from Canadian wholesalers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5476 Prime Sponsor, Kline: Creating advisory sentence ranges. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

February 23, 2005

SB 5477 Prime Sponsor, Kline: Revising sentencing procedures for exceptional sentences. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5502 Prime Sponsor, Hargrove: Revising juvenile sentencing alternatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5511 Prime Sponsor, Shin: Extending liability immunity to certain skate parks that charge a nominal fee. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5521 Prime Sponsor, Rasmussen: Crediting military service to certain employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Ways & Means.

February 24, 2005

SB 5542 Prime Sponsor, Carrell: Authorizing alternative detention and rehabilitation facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Brandland, Carrell and McAuliffe

MINORITY recommendation: Without recommendation. Signed by Senator Regala, Vice Chair

Passed to Committee on Ways & Means.

February 24, 2005

SB 5573 Prime Sponsor, Fairley: Authorizing local governments to seek voter approval for a fixed multiyear regular property tax dollar rate. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton and Roach

Passed to Committee on Ways & Means.

February 24, 2005

SB 5577 Prime Sponsor, Fairley: Making available relocation assistance payments to tenants. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5577 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Prentice and Schmidt

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5641 Prime Sponsor, Eide: Providing for small business and entrepreneurial development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 24, 2005

SB 5643 Prime Sponsor, Hargrove: Exempting community notification and release of sex offender information from public disclosure. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5644 Prime Sponsor, Kline: Extending the stay on driver's license suspensions pending entry of a deferred prosecution. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5645 Prime Sponsor, Kline: Changing requirements for ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5654 Prime Sponsor, Prentice: Protecting the privacy of personal information of criminal justice officials. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5654 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser, Johnson and McCaslin

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5666 Prime Sponsor, Stevens: Regarding information sharing in child dependency cases. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5701 Prime Sponsor, Hewitt: Revising provisions relating to regional law libraries. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5719 Prime Sponsor, Hargrove: Extending the community commitment disposition alternative pilot program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5733 Prime Sponsor, Kline: Concerning mandatory arbitration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5759 Prime Sponsor, Weinstein: Supporting the state achievers' scholarship program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5761 Prime Sponsor, Doumit: Concerning forest practices' impacts on family forest landowners. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

February 24, 2005

SB 5763 Prime Sponsor, Hargrove: Enacting the omnibus treatment of mental and substance abuse disorders act of 2005. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Ways & Means.

February 22, 2005

SB 5764 Prime Sponsor, Weinstein: Providing immunity from civil actions for a health professional making a good faith claim of unprofessional conduct or inability to practice safely against another health professional. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5765 Prime Sponsor, Spanel: Concerning Dungeness crab--Puget Sound fishery licenses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5806 Prime Sponsor, Kohl-Welles: Requiring child care agencies to provide additional information to parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5828 Prime Sponsor, Eide: Regarding digital or online learning. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5834 Prime Sponsor, Stevens: Requiring a study of juvenile offender case filings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5834 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Ways & Means.

February 24, 2005

SB 5848 Prime Sponsor, McAuliffe: Changing provisions relating to missing and runaway children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5853 Prime Sponsor, McAuliffe: Reclassifying the state board of education as a class four group. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5869 Prime Sponsor, Swecker: Concerning planting of certain trout. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5872 Prime Sponsor, Stevens: Creating the department of family and children's services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5873 Prime Sponsor, Stevens: Revising the duties of the family and children's ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Ways & Means.

February 24, 2005

SB 5902 Prime Sponsor, Eide: Establishing a small business innovation research program proposal review process. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5903 Prime Sponsor, Stevens: Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5939 Prime Sponsor, Fairley: Requiring police reports to be given to victims of identity theft. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5939 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5974 Prime Sponsor, Prentice: Providing information to pregnant women about opiate treatment programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5995 Prime Sponsor, Hargrove: Recognizing a parent's preference in the placement of a child in shelter care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 24, 2005

SB 6008 Prime Sponsor, Hargrove: Revising provisions relating to guardianship of dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6008 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 24, 2005

SB 6025 Prime Sponsor, Shin: Expanding the office of the Washington state trade representative. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6025 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2005

SJM 8019 Prime Sponsor, Shin: Requesting the United States trade representative to create a federal-state international trade policy commission. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2005

SJR 8208 Prime Sponsor, Morton: Amending the Constitution to allow for adjournment after cutoff during the regular session. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Fairley, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Berkey, Vice Chair; Benton and Roach

Passed to Committee on Ways & Means.

STANDING COMMITTEE REPORT
GUBERNATORIAL APPOINTMENTS

February 24, 2005

SGA 9021 GORDON BUDKE, reappointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9027 SANG CHAE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9029 NOBIE CHAN, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9031 PAUL CHILES, appointed November 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Bellevue Community College District No. 8. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9033 CAROL COAR, appointed August 30, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9036 LEE CRESSMAN, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Bellevue Community College District No. 8. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9040 BONITA K. DECKER, reappointed December 19, 2003, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9041 CECILIA DELUNA-GAETA, appointed July 25, 2003, for the term ending September 30, 2005, as Member, Board of Trustees, Big Bend Community College District No. 18. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9042 FRANKLIN DAY DEVAUL, JR., appointed November 3, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Centralia Community College District No. 12. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9045 DENNIS A. DUNCAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9047 DAVID R. EDWARDS, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Tacoma Community College District No. 22. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9054 STANLEY L.K. FLEMMING, D.O., appointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9055 ROBERT B. FONG, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9057 SHEILA L. FOX, appointed June 15, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 24, 2005

SGA 9058 JOSEPH FRAM, reappointed July 2, 2001, for the term ending July 2, 2006, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9061 ARTURO GARCIA-FLORES, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9064 JAMES GARRISON, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9065 SHERRY GATES, appointed December 4, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9070 MARY GRANT TOMPKINS, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Walla Walla Community College District No. 20. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9071 DAVID HAMRY, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9076 MICHAEL G. HEUER, appointed March 6, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9078 DORTHY HOLLINGSWORTH, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9079 ARLISTA D. HOLMAN, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9084 DEBRA JONES, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9085 LESLIE JONES, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9091 KATHERINE KENISON, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Big Bend Community College District No. 18. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9094 DEREK KILMER, appointed July 18, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Tacoma Community College District No. 22. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 25, 2005

SGA 9097 TIM KNUE, appointed August 9, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5157, Senate Bill No. 5333, Senate Bill No. 5385, Senate Bill No. 5476, Senate Bill No. 5834 and Senate Bill No. 5873 which were referred to the Committee on Ways & Means and Senate Bill No. 5759 and Senate Bill No. 5903 which were referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 25, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

HOUSE BILL NO. 1000,
HOUSE BILL NO. 1072,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1196,
HOUSE BILL NO. 1261,
HOUSE BILL NO. 1262,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1409,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6057 by Senators Fairley and Kohl-Welles

AN ACT Relating to gambling commission reporting on social card room financial activity; amending RCW 9.46.070; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6058 by Senators Kohl-Welles and Parlette

AN ACT Relating to ensuring employers pay the contribution rate they have earned; amending RCW 50.04.245, 50.04.320, 50.24.170, 50.29.062, and 50.12.220; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.36 RCW; adding a new section to chapter 50.29 RCW; creating a new section; recodifying RCW 50.12.220; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6059 by Senators Berkey, Haugen, McAuliffe, Franklin, Rockefeller, Schoesler, Eide, Weinstein, Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles

AN ACT Relating to sick leave pools for state employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6060 by Senator Kline

AN ACT Relating to tort liability of governmental entities; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 6061 by Senators Rockefeller and Prentice

AN ACT Relating to the disclosure of controlling interest transfers in business organizations for real estate excise tax purposes; adding a new section to chapter 43.07 RCW; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Judiciary.

SB 6062 by Senators Rockefeller, Haugen, Spanel, Rasmussen and Kohl-Welles

AN ACT Relating to ferry charges for frequent users; and amending RCW 47.60.326.

Referred to Committee on Transportation.

SB 6063 by Senator Brandland

AN ACT Relating to actions against health care providers; amending RCW 4.56.250 and 7.70.070; adding new sections to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6064 by Senators Benton and Fairley

AN ACT Relating to homeowners' associations; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 6065 by Senator Kohl-Welles

AN ACT Relating to the extension of local taxes to fund arts, cultural and heritage institutions, and publicly owned sports and entertainment facilities; amending RCW 82.14.0485, 82.14.360, 67.28.180, 35.21.280, 82.29A.130, and 39.04.010; adding new sections to chapter 35.21 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SJR 8216 by Senator Franklin

Concerning the scope of practice of medicine and surgery.

Referred to Committee on Health & Long-Term Care.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

HB 1000 by Representatives Clibborn, Pettigrew, Shabro, Nixon, B. Sullivan, Moeller, Jarrett, Hunter, Hudgins, Upthegrove, Tom, Morrell, P. Sullivan, Wallace and Kilmer

AN ACT Relating to allowing special meetings to be called through electronic mail notice; and amending RCW 42.30.080.

Referred to Committee on Government Operations & Elections.

HB 1072 by Representatives Lovick and Pearson

AN ACT Relating to controlled substances; and amending RCW 69.50.401, 69.50.406, 69.50.440, and 9A.42.100.

Referred to Committee on Judiciary.

2SHB 1168 by House Committee on Appropriations (originally sponsored by Representatives Appleton, O'Brien, Cody, Campbell, Moeller, P. Sullivan, Chase, Flannigan, McCoy, Sells, Simpson, Darneille, Hasegawa, McIntire, Murray, McDermott, Morrell, Green, Schual-Berke, Kagi, Kessler, Dickerson, Kenney, Hankins, Conway, Lantz, Ormsby, Wallace and Upthegrove)

AN ACT Relating to reimportation of prescription drugs; amending RCW 18.64.350 and 18.64.360; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1196 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Simpson and Chase)

AN ACT Relating to the United States longshore and harbor workers' compensation account in the Washington insurance guaranty association; amending RCW 48.32.010, 48.32.020, 48.32.030, 48.32.040, 48.32.050, 48.32.060, and 48.32.100; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1261 by Representatives Morrell, Haigh, Wallace, Campbell, O'Brien, McCoy, Moeller, Kenney, Hasegawa, Green, Lantz, Flannigan, Williams, Dunshee, B. Sullivan, Kilmer, Strow, Upthegrove, Darneille, Springer, Hunt, Sells, P. Sullivan, Tom, Talcott, McCune, Serben, McDonald, Conway, Linville, Kristiansen, Chase, Ormsby, Santos and Kagi

AN ACT Relating to the joint committee on veterans' and military affairs; and amending RCW 73.04.150.

Referred to Committee on Government Operations & Elections.

HB 1262 by Representatives Takko, Walsh, Blake and Wallace

AN ACT Relating to judicial compensation; and amending RCW 2.08.180.

Referred to Committee on Judiciary.

HB 1296 by Representatives Lovick, Flannigan, Williams, Priest and Serben

AN ACT Relating to jurisdiction for antiharassment protection orders; and amending RCW 10.14.150 and 10.14.160.

Referred to Committee on Judiciary.

HB 1409 by Representatives Condotta, Wood and Conway

AN ACT Relating to updating references to contract liquor stores; amending RCW 66.04.010, 66.08.026, 66.08.050, 66.08.235, 66.16.040, 66.16.041, 66.16.080, 66.20.160, 66.20.180, 66.24.380, 66.44.120, and 41.40.023; and repealing RCW 66.16.030.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8631

By Senators Haugen, Jacobsen, Oke, Poulsen, Spanel, Swecker, Mulliken, Kastama, Weinstein, Benson, Esser and Eide

WHEREAS, One hundred years ago in March 1905, the legislature overrode Governor McBride's 1903 veto and enacted additional legislation creating the highway commissioner's office and designating state roads; and

WHEREAS, One hundred years ago on March 13, 1905, Governor Albert Mead signed legislation creating the office of Highway Commissioner and a three-member state highway board and designated routes for 12 state roads to be constructed; and

WHEREAS, On April 17, 1905, the newly created highway board met for the first time and consisted of highway commissioner J. M. Snow, state auditor Charles W. Clausen, and state treasurer C. W. Maynard; and

WHEREAS, We honor the thousands upon thousands of men and women who helped shape the system of highways, roads, bridges, tunnels, and ferries that we all enjoy today; and

WHEREAS, We honor those who had the vision to create a transportation network that is recognized as one of the finest in the nation that embraces aviation, transit, commute trip reduction, high-occupancy vehicle lanes, and the expanded use of web-based traveler information to provide drivers with real-time information; and

WHEREAS, We honor those who are at the forefront of recognizing the future transportation needs of the state and using innovative and cost-effective means to achieve the greatest results;

NOW, THEREFORE, BE IT RESOLVED, That the Senate call on the people of the state of Washington to honor its early highway and transportation pioneers of the region by celebrating and commemorating our state department of transportation's centennial in the grand manner befitting this one hundredth anniversary.

Senator Haugen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, March 1, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, FEBRUARY 28, 2005

2005 REGULAR SESSION

FIFTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 1, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 2005

SB 5108 Prime Sponsor, Fraser: Increasing the administrative cap on the housing assistance program and the affordable housing program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5108 as recommended by Committee on Financial Institutions, Housing & Consumer Protection be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach and Schoesler

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5232 Prime Sponsor, Oke: Requiring a turkey tag to hunt for turkey. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5288 Prime Sponsor, McAuliffe: Specifying how custodial interrogations of juveniles may be conducted. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5310 Prime Sponsor, Johnson: Prohibiting surveys of unemployment insurance claimants. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5310 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5326 Prime Sponsor, Kohl-Welles: Providing home rule charter cities the ability to choose their election system. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5365 Prime Sponsor, Prentice: Creating the business and professions account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5368 Prime Sponsor, Keiser: Modifying the nurse mandatory overtime prohibition. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

February 28, 2005

SB 5527 Prime Sponsor, Morton: Prohibiting automatic fee increases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5602 Prime Sponsor, Rasmussen: Managing livestock nutrients. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5620 Prime Sponsor, Kline: Providing for priority consideration of voluntary buffers in open space plans and public benefit rating systems. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5672 Prime Sponsor, Jacobsen: Regulating commercial parking businesses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5732 Prime Sponsor, McAuliffe: Revising the powers, duties, and membership of the state board of education and the Washington professional educator standards board and eliminating the academic achievement and accountability commission. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5732 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell and Mulliken

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5750 Prime Sponsor, Schoesler: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 25, 2005

SB 5752 Prime Sponsor, Prentice: Concerning funeral services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5752 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5768 Prime Sponsor, Kastama: Regarding alternative public works contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5798 Prime Sponsor, Parlette: Using television advertising to promote tourism in Washington. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5798 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

February 24, 2005

SB 5899 Prime Sponsor, Kohl-Welles: Changing provisions relating to background checks. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5904 Prime Sponsor, Pridemore: Modifying the administration of taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5921 Prime Sponsor, Kastama: Improving government management, accountability, and performance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5921 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

February 24, 2005

SB 5922 Prime Sponsor, Stevens: Changing procedures for investigations of child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5925 Prime Sponsor, Rasmussen: Authorizing a study to propose tax incentives that would promote investment in small business incubators. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5948 Prime Sponsor, Pridemore: Modifying unclaimed property provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5961 Prime Sponsor, Rasmussen: Requiring proper management of livestock mortalities. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 28, 2005

SB 5963 Prime Sponsor, Rasmussen: Creating a task force to study livestock information security. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5963 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 25, 2005

SB 6014 Prime Sponsor, Kline: Concerning industrial insurance claims made due to disaster response. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6014 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 6026 Prime Sponsor, Kastama: Allowing members of the executive ethics board to serve a second term. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 28, 2005

SB 6040 Prime Sponsor, Jacobsen: Authorizing a county to impose taxes for certain viaduct or bridge projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Ways & Means.

February 28, 2005

SJM 8021 Prime Sponsor, Oke: Honoring War Dogs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 24, 2005

ESHB 1064 Prime Sponsor, Committee on State Government Operations & Accountability: Improving government performance and accountability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 28, 2005

SGA 9098 STEVEN W. KOCH, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Bellingham Technical College District No. 25. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Vice Chair, Higher Education' Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9099 TOM KOENNINGER, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9101 JOE KOSAI, appointed December 20, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9103 RUTHANN KUROSE, appointed October 1, 2002, for the term ending September 30, 2007, as Member, Board of Trustees, Bellevue Community College District No. 8. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9107 CAROL LANDA-MCVICKER, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9108 KAREN LANE, appointed October 18, 2004, for the term ending September 30, 2010, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9113 JEFFREY LEWIS, appointed September 23, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9114 DEBRA LISSER, appointed November 19, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Skagit Valley Community College District No. 4. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9118 LYLE LOVINGFOSS, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9123 CHRIS MARR, appointed January 1, 2003, for the term ending September 30, 2009, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9127 WILLIAM J. MCDOWELL, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9129 JON W. MCFARLAND, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Walla Walla Community College District No. 20. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9132 JACK C. MCRAE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9133 GLORIA MITCHELL, appointed June 15, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9134 GEORGE MOHORIC, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Centralia Community College District No. 12. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9138 SID MORRISON, appointed December 19, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9139 ERIN MUNDINGER, appointed April 14, 2004, for the term ending April 3, 2008, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9140 CHARLES P. NELSON, appointed March 29, 2001, for the term ending July 1, 2006, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SGA 9141 KATHRYN A. NELSON, appointed June 16, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5732 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 25, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Accountability Report, Washington Wheat Commission.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Report, Washington Wheat Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 25, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Financial Statements Audit, Washington Wheat Commission.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Financial Statements Audit, Washington Wheat Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 25, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Financial Statements Audit, Washington Apple Commission. This report is mandated under .
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Financial Statements Audit, Washington Apple Commission is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

February 28, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1014,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 28, 2005

MR. PRESIDENT:

The House has passed the following bill:
SUBSTITUTE HOUSE BILL NO. 1337,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 28, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055,
ENGROSSED HOUSE BILL NO. 1157,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 28, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1020,
SUBSTITUTE HOUSE BILL NO. 1054,
HOUSE BILL NO. 1082,
HOUSE BILL NO. 1086,
HOUSE BILL NO. 1092,
HOUSE BILL NO. 1131,
HOUSE BILL NO. 1307,
HOUSE BILL NO. 1310,
HOUSE BILL NO. 1331,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 28, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1160,
HOUSE BILL NO. 1161,
SUBSTITUTE HOUSE BILL NO. 1171,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1269,
HOUSE BILL NO. 1279,
SUBSTITUTE HOUSE BILL NO. 1280,
HOUSE BILL NO. 1312,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1348
HOUSE BILL NO. 1403,
SUBSTITUTE HOUSE BILL NO. 1426,
HOUSE BILL NO. 1471,
HOUSE BILL NO. 1668,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6066 by Senator Franklin

AN ACT Relating to studying breastfeeding women in the workplace in Washington state; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6067 by Senators Kline, Thibaudeau and Kohl-Welles

AN ACT Relating to abolition of the death penalty; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900.

Referred to Committee on Judiciary.

SB 6068 by Senators Poulsen, Kline and Kohl-Welles

AN ACT Relating to conservation of aquatic lands owned by the state; amending RCW 79.90.460; adding a new chapter to Title 79 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6069 by Senators Thibaudeau, McAuliffe, Kohl-Welles and Rasmussen

AN ACT Relating to creating a fund to reimburse group life insurance premiums paid by members of the Washington state national guard; reenacting and amending RCW 43.79A.040; adding a new section to chapter 38.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6070 by Senators Swecker and Kline

AN ACT Relating to commute trip reduction grants; and amending RCW 70.94.996.

Referred to Committee on Transportation.

SB 6071 by Senators Honeyford and Mulliken

AN ACT Relating to the fruit and vegetable inspection account; amending RCW 15.17.240; and creating a new section.

Referred to Committee on Ways & Means.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

HB 1160 by Representatives Conway, Wood, Green, Hudgins, McCoy, Lovick, Darneille, Morrell, Chase, Cody, Kenney and Sells

AN ACT Relating to reducing workplace violence in state hospitals; and adding a new section to chapter 72.23 RCW.

Referred to Committee on Human Services & Corrections.

HB 1161 by Representatives Buri, O'Brien, Walsh, Ericks, Darneille, McCoy, Clements, Serben, Pearson, Strow, Kristiansen, Moeller, Lovick, Simpson, Campbell, Tom, Morrell, Chase, Ahern, Newhouse, Armstrong, Woods, Sells and Ormsby

AN ACT Relating to adding entities entitled to notification about sex offenders and kidnapping offenders; and amending RCW 4.24.550.

Referred to Committee on Human Services & Corrections.

SHB 1171 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darneille, Chase, Kenney and Ormsby)

AN ACT Relating to dissolution; and amending RCW 26.09.030.

Referred to Committee on Judiciary.

HB 1198 by Representatives Linville, Bailey and Cody

AN ACT Relating to speech-language pathologists and audiologists; and amending RCW 18.35.010, 18.35.020, 18.35.060, and 18.35.195.

Referred to Committee on Health & Long-Term Care.

HB 1269 by Representatives Conway, Curtis, Simpson, Hinkle, Upthegrove, Moeller, Morrell, Green, O'Brien, P. Sullivan, Kenney, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Wallace, Serben and Strow

AN ACT Relating to permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit; adding a new section to chapter 41.26 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1279 by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Human Services & Corrections.

SHB 1280 by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, P. Sullivan, Roach, Orcutt, Darneille, Morrell, Wallace and Santos)

AN ACT Relating to the kinship care oversight committee; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

HB 1312 by Representatives Wood, Condotta and Linville

AN ACT Relating to the boilers and unfired pressure vessels law; amending RCW 70.79.080, 70.79.090, 70.79.160, 70.79.190, 70.79.320, and 70.79.170; adding a new section to chapter 70.79 RCW; and repealing RCW 70.79.360.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1328 by Representatives Conway, Crouse, Simpson and Chase

AN ACT Relating to city and county disability boards; amending RCW 41.26.110; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1337 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Pearson and Darneille)

AN ACT Relating to storage of sex offender records; and amending RCW 40.14.070.

Referred to Committee on Human Services & Corrections.

SHB 1348 by House Committee on Judiciary (originally sponsored by Representatives Williams, Newhouse and Lantz)

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

HB 1403 by Representatives Dickerson, McDonald and Chase

AN ACT Relating to service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody; and amending RCW 4.28.100.

Referred to Committee on Judiciary.

SHB 1426 by House Committee on Children & Family Services (originally sponsored by Representatives Roberts, McDonald, Kagi, Nixon, Pettigrew, Dickerson, Darneille, Tom, Rodne, Hasegawa, O'Brien, Lovick, Ormsby, Morrell, Chase and Santos)

AN ACT Relating to children of incarcerated parents; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 1471 by Representatives Lovick, McDonald and Takko

AN ACT Relating to authentication of documents; and amending RCW 5.44.130 and 5.52.050.

Referred to Committee on Judiciary.

HB 1668 by Representatives Lantz and Priest

AN ACT Relating to the administrative office of the courts; amending RCW 2.14.110, 2.43.020, 2.43.030, 2.43.070, 2.56.010, 2.56.020, 2.56.030, 2.56.120, 2.56.150, 2.56.180, 2.68.020, 2.70.050, 3.46.030, 3.50.020, 3.66.010, 3.66.070, 9.73.230, 9.94A.855, 10.64.120, 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.40.430, 13.64.080, 13.70.130, 26.12.177, 26.12.802, 26.12.804, 26.18.210, 26.18.220, 26.19.011, 26.19.035, 26.19.050, 26.26.065, 26.50.030, 26.50.035, 35.20.030, 36.01.050, 36.18.018, 43.08.250, 43.70.540, 43.101.280, 46.20.286, 74.14C.100, and 82.14.310; amending 1983 c 199 s 2 (uncodified); and reenacting and amending RCW 9.94A.660 and 9.94A.850.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION

8637

By Senators Kohl-Welles, Spanel, Doumit, Hargrove, Rasmussen, Franklin, Thibaudeau, Eide, Rockefeller, Shin, Fraser, Pridemore, Fairley, Haugen, Berkey, McAuliffe, Kline, Regala, Poulsen, Brown, Sheldon, Keiser and Jacobsen

WHEREAS, The Washington State commercial fishing fleet begins leaving in March and the Blessing of the Fleet will occur March 6, 2005, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the seventy-seventh year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington State commercial fishing fleet begins leaving Blaine waters in May and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 1, 2005; and

WHEREAS, The Washington State commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and

WHEREAS, The harvest annually generates hundreds of millions of dollars in economic contributions to the Washington State economy; and

WHEREAS, The commercial fishing industry is one of the largest industries in Washington State; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, thanks, and when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers do lose their lives, and their deaths devastate not only the tightly knit fabric that is the community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, and wish the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends, and communities.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, March 2, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 1, 2005

2005 REGULAR SESSION

FIFTY-SECOND DAY

Senate Chamber, Olympia, Wednesday, March 2, 2005

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Deccio.

The Sergeant at Arms Color Guard consisting of Pages Dalton Hembroff and Hanne Ockert-Axelsson, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 2005

SB 5095 Prime Sponsor, Doumit: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Stevens and Swecker

Passed to Committee on Ways & Means.

March 1, 2005

SB 5100 Prime Sponsor, Poulsen: Providing greenhouse gas reduction objectives and strategies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

March 1, 2005

SB 5334 Prime Sponsor, Kastama: Authorizing a temporary annexation surtax for specified cities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5334 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Berkey, Vice Chair; Benton and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5369 Prime Sponsor, Rasmussen: Creating the potato commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5405 Prime Sponsor, Jacobsen: Establishing the future of Washington forests review council. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 28, 2005

SB 5411 Prime Sponsor, Pridemore: Authorizing branch campuses to offer lower-division courses. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Delvin, Mulliken and Schoesler

Passed to Committee on Ways & Means.

February 28, 2005

SB 5437 Prime Sponsor, Doumit: Concerning the construction of bridges and trestles over tidelands, shorelands, and harbor areas of the state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 1, 2005

SB 5509 Prime Sponsor, Poulsen: Requiring public buildings to be built using high-performance green building standards. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Morton

Passed to Committee on Ways & Means.

February 28, 2005

SB 5606 Prime Sponsor, Pridemore: Concerning the activation of the national guard. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5619 Prime Sponsor, Kline: Requiring consideration of water quality during growth management planning. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5619 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5630 Prime Sponsor, Jacobsen: Providing funding for parks and recreational facilities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5680 Prime Sponsor, Roach: Regarding capital facilities at the Rainier school. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5699 Prime Sponsor, Oke: Preventing and controlling aquatic invasive species and algae. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5699 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 28, 2005

SB 5702 Prime Sponsor, Zarelli: Creating the developmental disabilities community trust account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5705 Prime Sponsor, Rockefeller: Avoiding fragmentation in bargaining units for classified school employees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Benton, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5805 Prime Sponsor, Kohl-Welles: Regulating preschools and kindergartens. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5805 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Benton, Carrell, Delvin, Mulliken, Pflug and Schoesler

Passed to Committee on Ways & Means.

February 28, 2005

SB 5845 Prime Sponsor, Pridemore: Clarifying property tax provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5845 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5863 Prime Sponsor, Prentice: Improving consistency among tax incentives enacted during the 2003-2005 biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5863 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5867 Prime Sponsor, Schmidt: Creating a pilot program for baccalaureate degrees at selected community and technical colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Delvin and Schoesler

Passed to Committee on Ways & Means.

February 28, 2005

SB 5883 Prime Sponsor, Jacobsen: Funding the University of Washington forest systems and bioenergy program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5893 Prime Sponsor, Jacobsen: Creating the crime of a secondary commercial fish receiver's failure to account for commercial harvest. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5894 Prime Sponsor, Fraser: Creating the joint legislative committee on water supply during drought. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5910 Prime Sponsor, Kline: Establishing the University of Washington school of law public service legal loan repayment assistance program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Benton, Carrell, Delvin, Mulliken and Schoesler

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5914 Prime Sponsor, Parlette: Concerning the conditioning of grants and loans by the salmon recovery funding board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5916 Prime Sponsor, Schmidt: Providing tax incentives for clean and alternative fuel vehicles. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Morton and Mulliken

Passed to Committee on Ways & Means.

February 28, 2005

SB 5967 Prime Sponsor, Kastama: Concerning the master licensing service. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5867 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6072 by Senators Brandland and Mulliken

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 5.64.010, 4.56.250, 4.16.350, 7.70.100, 7.70.070, 43.70.110, 43.70.250, and 4.24.260; adding new sections to chapter 4.56 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 7.04 RCW; adding a new section to chapter 4.24 RCW; adding new sections to chapter 48.19 RCW; adding new sections to chapter 43.70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

SHB 1009 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Upthegrove, Conway, Hudgins, Morrell, Kenney, P. Sullivan, B. Sullivan, Dunn, McCoy, Wallace and Chase)

AN ACT Relating to paying utility bills electronically; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 80.36 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SHB 1020 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

AN ACT Relating to siting electrical transmission under the energy facility site evaluation council; amending RCW 80.50.020, 80.50.060, 80.50.090, and 80.50.110; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 1054 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest and Morrell)

AN ACT Relating to the revised uniform arbitration act; amending RCW 3.46.150, 3.50.800, 3.50.805, 15.49.071, 35.20.010, 35.22.425, 35.23.555, 35.27.515, 35.30.100, 35A.11.200, 46.96.150, 49.66.090, 59.18.320, 59.18.330, 59.20.260, 59.20.270, and 70.87.205; adding a new chapter to Title 7 RCW; repealing RCW 7.04.010, 7.04.020, 7.04.030, 7.04.040, 7.04.050, 7.04.060, 7.04.070, 7.04.080, 7.04.090, 7.04.100, 7.04.110, 7.04.120, 7.04.130, 7.04.140, 7.04.150, 7.04.160, 7.04.170, 7.04.175, 7.04.180, 7.04.190, 7.04.200, 7.04.210, and 7.04.220; and providing an effective date.

Referred to Committee on Judiciary.

ESHB 1055 by Representatives Lantz, Priest and Morrell

AN ACT Relating to the uniform mediation act; amending RCW 7.75.050, 26.09.015, 35.63.260, and 48.43.055; reenacting and amending RCW 42.17.310; adding a new chapter to Title 7 RCW; repealing RCW 5.60.070 and 5.60.072; and providing an effective date.

Referred to Committee on Judiciary.

HB 1082 by Representatives Moeller, McDonald, Hasegawa, Roach, Jarrett, Takko and Chase

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

Referred to Committee on Human Services & Corrections.

HB 1086 by Representatives Linville, Kristiansen and Pettigrew

AN ACT Relating to commercial feed; amending RCW 15.53.901, 15.53.9013, 15.53.9014, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.9024, and 15.53.9044; adding a new section to chapter 15.53 RCW; repealing RCW 15.53.9053; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1092 by Representatives Grant, Newhouse, Kristiansen and Linville

AN ACT Relating to the rural Washington loan fund; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

HB 1131 by Representatives Nixon, Haigh and Shabro

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on Government Operations & Elections.

EHB 1157 by Representatives Roach and Kirby

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1307 by Representatives Haigh, Eickmeyer, Wallace, P. Sullivan, Morrell, Sells, Miloscia, Takko, Ormsby, McCoy, Conway, McDermott and Chase

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

Referred to Committee on Government Operations & Elections.

SHB 1310 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Conway, McCoy, Condotta, Wood and Chase)

AN ACT Relating to mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers; amending RCW 51.14.110, 51.14.110, and 51.14.030; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1331 by Representatives Conway, Alexander, Wood, DeBolt, Simpson, Strow, Chase and Ormsby

AN ACT Relating to electrical contractor licenses; and amending RCW 19.28.041.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1092 which was referred to the Committee on International Trade & Economic Development.

MOTION

At 10:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:00 a.m. by the President Pro Tempore.

MOTIONS

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

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5268, by Senators Esser and Kastama

Allowing assumptions of water-sewer districts by code cities.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Esser and Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5268.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5053, by Senators Kline and Johnson

Authorizing service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5418, by Senators Berkey, Benton, Fairley, Shin, Kastama, Carrell, McAuliffe, Benson, Prentice, Delvin, Kohl-Welles, Keiser and Kline

Allowing consumers to place a security freeze on a credit report.

The measure was read the second time.

MOTION

Senator Berkey moved that the following amendment by Senator Berkey be adopted.

On page 4, line 16, strike "investigate benefits fraud" and insert "fulfill any of its statutory responsibilities"

Senators Berkey and Fairley spoke in favor of adoption of the amendment.

Senator Benton spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 4, line 16 to Senate Bill No. 5418.

The motion by Senator Berkey carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Senate Bill No. 5418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5418.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 33

Voting nay: Senators Benson, Benton, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler, Stevens and Zarelli - 15

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5059, by Senators Haugen, Swecker, Jacobsen, Benton and Rockefeller

Creating a transportation debt limit.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jacobsen: "Thank you Madam President. A point of personal privilege. It's an honor to announce that today is the 65th birthday for Vic Moon. I think he must have been our only prenatal employee. I can't imagine this place without Vic being around. Vic is in the wings some place. Would you be willing to step out so we could see you? Anyway, it's a real honor to speak and wish Vic a happy birthday and I know there's a lot of other members that want to do it too and he's not very happy with me right now but he does such a great job. The other thing is it's such a treasure to have somebody around here that you can just get some personal reminences about actually how these bills became a laws twenty and thirty years ago. You always wonder how did that happen. Well he can tell you how it happened. Happy Birthday Vic."

PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Madam President. Vic Moon is older than I am and has been here longer than I have and of course he used to call me 'Senator No.' Vic, you're going to have to call me 'Senator maybe,' I'm changing as I age, and I hope you are too. Vic has been a tremendous help to all of us here who know him and we probably ask him a lot more questions than he has answers for but that's the only way we'll learn Vic."

PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Madam President. Well, Senator Jacobsen was incorrect. It's more like forty and fifty years of experience that he can go back on. The other thing that I really appreciate about Vic is when you bring him a stupid idea he can still make it sound like it's a good idea and really help you figure it out. Have you ever had him to anything, say anything to you but. 'That's a great idea, Senator' and 'I think we can work with that.' So I think all our staff should pay attention to that. I get a lot of other ones that say 'Boy that's a dumb idea'. Anyway, Vic we hope you stay around for at least thirty more years so that you can tell about some of things we did when we were here."

PERSONAL PRIVILEGE

Senator Oke: "Thank you Madam President. Vic, you're special to me. Fifteen years I've been in this body and fifteen years I've been in Natural Resources and you've grown me up and I'm almost looking older than you now, that's what worrying me. We call him 'Senator' in our committee and he responds to that very, very well. He's one of those folks around that you know you can trust and always doing the right job. He's always got such a wonderful tie on. I'm amazed at his daily changes of ties but you folks in the staff have made us look so good for so many years and we thank you. Happy Birthday Vic."

PERSONAL PRIVILEGE

Senator Stevens: "Thank you Madam President Pro Tempore. Also rising for as a point of personal privilege. I have gone to Vic many, many times in the Natural Resources Committee and asked him, 'Vic is this doable?' and I have yet to have him say, 'No Senator, we can't do that.' I have never heard him say that. I will ask him a question on how many roads are in the state of Washington that aren't paved and he will give me an answer. I will ask him, I've asked him how many fish in the sea and so far he's still looking. I know that whatever we asked of Vic he is always willing, he always comes with a can do attitude and in this place that is such a blessing. Thank you Vic and Happy Birthday."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Madam President. Well, I'm probably the person in the room who has known Victor Moon the longest, since 1967 when we actually worked together. I remember way back then he gave me a book called 'The Political Imagination' and how that I'm finally on the committee that he works for I can see why you need a lot of imagination. Happy Birthday."

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "I would just like to take this opportunity also to say to Vic. One of my first committees was the committee on which you are a staff and you were wonderful. I would like to say 'welcome to the golden age', it is not your age that matters. Age is only a state of mind and we are very, very bright so you see where I am. Your mind stays wonderful, so welcome to the golden age. Thank you."

SECOND READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Hargrove, Stevens, Regala, Kline, Esser, Zarelli, Carrell, Finkbeiner, Johnson, Delvin, Fairley, Swecker, Sheldon, McAuliffe, Franklin, Prentice, Shin, Spanel, Kohl-Welles, Brown, Roach and Mulliken

Revising limitations on use of inmate labor.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Joint Resolution No. 8206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8206 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE JOINT RESOLUTION NO. 8206, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5006, by Senator Jacobsen

Concerning the sale of aquaculture products produced on leased state-owned aquatic land.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5006 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5173, by Senators Johnson, Weinstein, Esser and Kline

Enacting the Uniform Mediation Act.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline be adopted:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. TITLE. This act may be cited as the Uniform Mediation Act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Mediation" means a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.

(2) "Mediation communication" means a statement, whether oral or in a record or verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

(3) "Mediator" means an individual who conducts a mediation.

(4) "Nonparty participant" means a person, other than a party or mediator, that participates in a mediation.

(5) "Mediation party" means a person that participates in a mediation and whose agreement is necessary to resolve the dispute.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; or public corporation, or any other legal or commercial entity.

(7) "Proceeding" means:

(a) A judicial, administrative, arbitral, or other adjudicative process, including related prehearing and posthearing motions, conferences, and discovery; or

(b) A legislative hearing or similar process.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(9) "Sign" means:

(a) To execute or adopt a tangible symbol with the present intent to authenticate a record; or

(b) To attach or logically associate an electronic symbol, sound, or process to or with a record with the present intent to authenticate a record.

NEW SECTION. Sec. 3. SCOPE. (1) Except as otherwise provided in subsection (2) or (3) of this section, this chapter applies to a mediation in which:

(a) The mediation parties are required to mediate by statute or court or administrative agency rule or referred to mediation by a court, administrative agency, or arbitrator;

(b) The mediation parties and the mediator agree to mediate in a record that demonstrates an expectation that mediation communications will be privileged against disclosure; or

(c) The mediation parties use as a mediator an individual who holds himself or herself out as a mediator or the mediation is provided by a person that holds itself out as providing mediation.

(2) This chapter does not apply to a mediation:

(a) Conducted by a judge who might make a ruling on the case; or

(b) Conducted under the auspices of:

(i) A primary or secondary school if all the parties are students; or

(ii) A correctional institution for youths if all the parties are residents of that institution.

(3) If the parties agree in advance in a signed record, or a record of proceeding reflects agreement by the parties, that all or part of a mediation is not privileged, the privileges under sections 4 through 6 of this act do not apply to the mediation or part agreed upon. However, sections 4 through 6 of this act apply to a mediation communication made by a person that has not received actual notice of the agreement before the communication is made.

NEW SECTION. Sec. 4. PRIVILEGE AGAINST DISCLOSURE; ADMISSIBILITY; DISCOVERY. (1) Except as otherwise provided in section 6 of this act, a mediation communication is privileged as provided in subsection (2) of this section and is not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by section 5 of this act.

(2) In a proceeding, the following privileges apply:

(a) A mediation party may refuse to disclose, and may prevent any other person from disclosing, a mediation communication;

(b) A mediator may refuse to disclose a mediation communication, and may prevent any other person from disclosing a mediation communication of the mediator; and

(c) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a mediation communication of the nonparty participant.

(3) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation.

NEW SECTION. Sec. 5. WAIVER AND PRECLUSION OF PRIVILEGE. (1) A privilege under section 4 of this act may be waived in a record or orally during a proceeding if it is expressly waived by all parties to the mediation and:

(a) In the case of the privilege of a mediator, it is expressly waived by the mediator; and

(b) In the case of the privilege of a nonparty participant, it is expressly waived by the nonparty participant.

(2) A person that discloses or makes a representation about a mediation communication which prejudices another person in a proceeding is precluded from asserting a privilege under section 4 of this act, but only to the extent necessary for the person prejudiced to respond to the representation or disclosure.

(3) A person that intentionally uses a mediation to plan, attempt to commit, or commit a crime, or to conceal an ongoing crime or ongoing criminal activity is precluded from asserting a privilege under section 4 of this act.

NEW SECTION. Sec. 6. EXCEPTIONS TO PRIVILEGE. (1) There is no privilege under section 4 of this act for a mediation communication that is:

(a) In an agreement evidenced by a record signed by all parties to the agreement;

(b) Made during a session of a mediation which is open, or is required by law to be open, to the public;

(c) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(d) Intentionally used to plan a crime, attempt to commit or commit a crime, or to conceal an ongoing crime or ongoing criminal activity;

(e) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediator;

(f) Except as otherwise provided in subsection (3) of this section, sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediation party, nonparty participant, or representative of a party based on conduct occurring during a mediation; or

(g) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding in which a child or adult protective services agency is a party, unless the public agency participates in the child or adult protection mediation.

(2) There is no privilege under section 4 of this act if a court finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and that the mediation communication is sought or offered in:

(a) A criminal court proceeding involving a felony; or

(b) Except as otherwise provided in subsection (3) of this section, a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

(3) A mediator may not be compelled to provide evidence of a mediation communication referred to in subsection (1)(f) or (2)(b) of this section.

(4) If a mediation communication is not privileged under subsection (1) or (2) of this section, only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection (1) or (2) of this section does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose.

(5) Records of mediation communications that are privileged under this chapter are exempt from the requirements of chapter 42.17 RCW.

NEW SECTION. Sec. 7. PROHIBITED MEDIATOR REPORTS. (1) Except as provided in subsection (2) of this section, a mediator may not make a report, assessment, evaluation, recommendation, finding, or other communication regarding a mediation to a court, administrative agency, or other authority that may make a ruling on the dispute that is the subject of the mediation.

(2) A mediator may disclose:

(a) Whether the mediation occurred or has terminated, whether a settlement was reached, attendance, and efforts to schedule a mediation ordered by a court, administrative agency, or other authority that may make a ruling on the dispute;

(b) A mediation communication as permitted under section 6 of this act; or

(c) A mediation communication evidencing abuse, neglect, abandonment, or exploitation of an individual to a public agency responsible for protecting individuals against such mistreatment.

(3) A communication made in violation of subsection (1) of this section may not be considered by a court, administrative agency, or arbitrator.

NEW SECTION. Sec. 8. CONFIDENTIALITY. Unless subject to chapter 42.30 RCW, mediation communications are confidential to the extent agreed by the parties or provided by other law or rule of this state.

NEW SECTION. Sec. 9. MEDIATOR'S DISCLOSURE OF CONFLICTS OF INTEREST; BACKGROUND. (1) Before accepting a mediation, an individual who is requested to serve as a mediator shall:

(a) Make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and an existing or past relationship with a mediation party or foreseeable participant in the mediation; and

(b) Disclose any such known fact to the mediation parties as soon as is practical before accepting a mediation.

(2) If a mediator learns any fact described in subsection (1)(a) of this section after accepting a mediation, the mediator shall disclose it as soon as is practicable.

(3) At the request of a mediation party, an individual who is requested to serve as a mediator shall disclose the mediator's qualifications to mediate a dispute.

(4) A person that violates subsection (1) or (2) of this section is precluded by the violation from asserting a privilege under section 4 of this act.

(5) Subsections (1) through (3) of this section do not apply to an individual acting as a judge.

(6) This chapter does not require that a mediator have a special qualification by background or profession.

NEW SECTION. Sec. 10. PARTICIPATION IN MEDIATION. An attorney or other individual designated by a party may accompany the party to and participate in a mediation, except that if the dispute being mediated is the subject of pending proceedings under chapter 12.40 RCW, then a party may not be represented by an attorney in mediation unless the party may be represented by an attorney in the proceedings under chapter 12.40 RCW. A waiver of participation given before the mediation may be rescinded.

NEW SECTION. Sec. 11. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but this chapter does not modify, limit, or supersede section 101(c) of that act or authorize electronic delivery of any of the notices described in section 103(b) of that act.

NEW SECTION. Sec. 12. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this chapter, consideration should be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 13. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in

unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Records of mediation communications that are privileged under chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 14. RCW 5.60.070 and 1993 c 492 s 422 are each amended to read as follows:

(1) If there is a court order to mediate, a written agreement between the parties to mediate, or if mediation is mandated under RCW 7.70.100, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

- (a) When all parties to the mediation agree, in writing, to disclosure;
- (b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;
- (c) When a written agreement to mediate permits disclosure;
- (d) When disclosure is mandated by statute;
- (e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;
- (f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or
- (g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order, a written agreement to mediate, or when mediation is mandated under RCW 7.70.100, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

- (a) All parties to the mediation and the mediator agree in writing; or
- (b) In an action described in subsection (1)(g) of this section.

(3) Beginning on January 1, 2006, this section governs only mediations pursuant to a referral or an agreement made before January 1, 2006. Mediations pursuant to a referral or an agreement made on or after January 1, 2006, are governed by chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act).

Sec. 15. RCW 5.60.072 and 1991 c 321 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 5.60.070 and chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act), when any party participates in mediation conducted by a state or federal agency under the provisions of a collective bargaining law or similar statute, the agency's rules govern questions of privilege and confidentiality.

Sec. 16. RCW 7.75.050 and 1984 c 258 s 505 are each amended to read as follows:

Regardless of any provision to the contrary in chapter 42.17 RCW, all memoranda, work notes or products, or case files of centers established under this chapter are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless the court or administrative tribunal determines that the materials were submitted by a participant to the center for the purpose of avoiding discovery of the material in a subsequent proceeding. ~~((Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege. The foregoing privilege and limitation on evidentiary use does not apply to any communication of a threat that injury or damage may be inflicted on any person or on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter.))~~ In all other respects, chapter 7.-- RCW, (sections 1 through 12 and 20 through 23 of this act), shall govern the privilege and confidentiality to be accorded to communications made in conjunction with a mediation conducted by a dispute resolution center established under this chapter.

Sec. 17. RCW 26.09.015 and 1991 c 367 s 2 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

~~(3)(a) Mediation proceedings under this chapter shall be (held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings. This subsection shall not apply to postdecree mediation required pursuant to a parenting plan))~~ governed in all respects by chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act), except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

- (A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(3)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(3)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act).

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

Sec. 18. RCW 35.63.260 and 1998 c 119 s 1 are each amended to read as follows:

(1) Prior to filing an appeal of a final decision by a hearing examiner involving a conditional or special use permit application requested by a party that is licensed or certified by the department of social and health services or the department of corrections, the aggrieved party must, within five days after the final decision, initiate formal mediation procedures in an attempt to resolve the parties' differences. If, after initial evaluation of the dispute, the parties agree to proceed with a mediation, the mediation shall be conducted by a trained mediator selected by agreement of the parties. The agreement to mediate shall be in writing and subject to ~~((RCW 5.60.070))~~ chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act). If the parties are unable to agree on a mediator, each party shall nominate a mediator and the mediator shall be selected by lot from among the nominees. The mediator must be selected within five days after formal mediation procedures are initiated. The mediation process must be completed within fourteen days from the time the mediator is selected except that the mediation process may extend beyond fourteen days by agreement of the parties. The mediator shall, within the fourteen-day period or within the extension if an extension is agreed to, provide the parties with a written summary of the issues and any agreements reached. If the parties agree, the mediation report shall be made available to the governing jurisdiction. The cost of the mediation shall be shared by the parties.

(2) Any time limits for filing of appeals are tolled during the pendency of the mediation process.

(3) As used in this section, "party" does not include county, city, or town.

Sec. 19. RCW 48.43.055 and 2002 c 300 s 6 are each amended to read as follows:

Each health carrier as defined under RCW 48.43.005 shall file with the commissioner its procedures for review and adjudication of complaints initiated by health care providers. Procedures filed under this section shall provide a fair review for consideration of complaints. Every health carrier shall provide reasonable means allowing any health care provider aggrieved by actions of the health carrier to be heard after submitting a written request for review. If the health carrier fails to grant or reject a request within thirty days after it is made, the complaining health care provider may proceed as if the complaint had been rejected. A complaint that has been rejected by the health carrier may be submitted to nonbinding mediation. Mediation shall be conducted under ~~((mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100))~~ chapter 7.-- RCW (sections 1 through 12 and 20 through 23 of this act), or any other rules of mediation agreed to by the parties. This section is solely for resolution of provider complaints. Complaints by, or on behalf of, a covered person are subject to the grievance processes in RCW 48.43.530.

NEW SECTION. Sec. 20. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 21. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. APPLICATION TO EXISTING AGREEMENTS OR REFERRALS. (1) This chapter governs a mediation pursuant to a referral or an agreement to mediate made on or after January 1, 2006.

(2) If all parties agree in a signed record or a record of proceeding reflects such an agreement by all parties, then this chapter governs a mediation pursuant to a referral or an agreement to mediate whenever made.

NEW SECTION. Sec. 23. EFFECTIVE DATE. This act takes effect January 1, 2006.

NEW SECTION. Sec. 24. Sections 1 through 12 and 20 through 23 of this act constitute a new chapter in Title 7 RCW."

Senators Kline and Johnson spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Johnson to Substitute Senate Bill No. 5173.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 5.60.070, 5.60.072, 7.75.050, 26.09.015, 35.63.260, and 48.43.055; reenacting and amending RCW 42.17.310; adding a new chapter to Title 7 RCW; and providing an effective date."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Johnson: "Is it now before us as amended, the Substitute bill as amended."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Yes, Senator."

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5173.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Carrell - 1

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION

8633

By Senators Pflug, Schmidt, Johnson, McAuliffe and Oke

WHEREAS, The students of Tahoma Senior High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States. The students will be representing all of Washington State in national championship competitions; and

WHEREAS, This knowledge will enhance the lives of the students and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will prepare the students to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps a future President; and

WHEREAS, Their dedicated and talented teacher, Lindsey Thaler-Hatch of Tahoma Senior High School, can take pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the eleventh consecutive year, Tahoma Senior High School has won the first place title at the state championship by answering questions using only their knowledge, memory, and reasoning, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C. in April; and

WHEREAS, In 2000, Tahoma Senior High School was fourth in the nation, in 2002 they won the Western Regional Award, and in 2003 the We The People Team won the top Unit Two in the Nation Award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the participants in this program from Tahoma High School's first place team: Annie Ball, Becky Bauer, Justin Beckett, Tim Buban, Dominique Carter, Alex DeLeon, Kyle Drinnon, Stephanie Eckard, Nick Foster, Noel Hanson, Jen Hewett, Brian Jacobson, Josh Kennedy, Devan Larsen, Geoff Morgan, Sheryl Phillips, Josh Ridge, Juliet Rothenberg, Zach Thompson, David Unthank, Sarah Zaleski; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the We The People Team, their teacher Lindsey Thaler-Hatch, and the principal of Tahoma Senior High School Terry Duty, to further show the respect of this body for a job well done and wish them success in their endeavors.

Senators Pflug, Johnson, Pridemore and Delvin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

The motion by Senator Pflug carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:31 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 1, 2005

SB 5014 Prime Sponsor, Fraser: Modifying county treasurer administrative provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5037 Prime Sponsor, Prentice: Providing long-term funding for problem gambling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5037 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5044 Prime Sponsor, Mulliken: Regulating contract interests of an officer of a rural public hospital district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5052 Prime Sponsor, Johnson: Creating the uniform estate tax apportionment act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5052 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5064 Prime Sponsor, Thibaudeau: Studying the use of electronic medical records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 1, 2005

SB 5069 Prime Sponsor, Keiser: Establishing family leave insurance. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5096 Prime Sponsor, Jacobsen: Authorizing the armed forces license plate collection. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5096 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5131 Prime Sponsor, Carrell: Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5133 Prime Sponsor, Brandland: Revising provisions relating to privileged communications between spouses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5149 Prime Sponsor, Kohl-Welles: Requiring the disclosure of gifts made by pharmaceutical manufacturers to persons who prescribe prescription drugs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5169 Prime Sponsor, Hargrove: Authorizing unspent biotoxin testing and monitoring funds to carry over to future biennia. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5186 Prime Sponsor, Franklin: Increasing the physical activity of the citizens of Washington state. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5188 Prime Sponsor, Franklin: Creating the children's environmental health and protection advisory council. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5200 Prime Sponsor, Kastama: Facilitating sealed ocean-going container movement. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5200 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5202 Prime Sponsor, Parlette: Requiring the public employees' benefits board to develop a health savings account option for employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Benson, Brandland, Johnson, Kastama, Kline and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5208 Prime Sponsor, Haugen: Negotiating state patrol officer wages and wage-related matters. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5224 Prime Sponsor, Esser: Clarifying the penalties for indecent liberties. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5224 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser and Hargrove

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5240 Prime Sponsor, Keiser: Authorizing penalties for wage payment violations. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5240 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5247 Prime Sponsor, Morton: Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5248 Prime Sponsor, Kastama: Modifying the scope of care provided by physical therapists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5281 Prime Sponsor, Spanel: Funding the development of an automated system to process real estate excise taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5298 Prime Sponsor, Carrell: Exempting qualified historic property from the state property tax. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5298 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

February 28, 2005

SB 5305 Prime Sponsor, Rasmussen: Prohibiting vaccinating pregnant women and children with mercury-containing vaccines. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Brandland, Franklin, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5316 Prime Sponsor, Jacobsen: Authorizing state parks and recreation commission license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5392 Prime Sponsor, Keiser: Improving the quality of health care through the use of clinical information technologies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5392 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 1, 2005

SB 5393 Prime Sponsor, Kastama: Providing relief for indigent veterans and their families. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5396 Prime Sponsor, Fraser: Expanding the criteria for habitat conservation programs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5396 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Ways & Means.

March 1, 2005

SB 5401 Prime Sponsor, Kohl-Welles: Concerning registration fees for weighing and measuring devices. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5403 Prime Sponsor, Delvin: Limiting the disclosure of birth certificates. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 1, 2005

SB 5410 Prime Sponsor, Benton: Limiting homeowners' associations' restrictions on political yard signs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, McCaslin, Mulliken and Roach

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5413 Prime Sponsor, Rasmussen: Revising mandatory mediation requirements for actions involving health care providers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5416 Prime Sponsor, Kohl-Welles: Modifying the review of tax preferences. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Ways & Means.

March 1, 2005

SB 5423 Prime Sponsor, Haugen: Authorizing creation of thematic collections of special plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5426 Prime Sponsor, Carrell: Providing procedures for decreasing truancy and dropouts. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5431 Prime Sponsor, Spanel: Concerning the management of on-site sewage systems in marine areas. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5449 Prime Sponsor, Poulsen: Providing lien authority to the department of ecology to facilitate the recovery of remedial action costs under the model toxics control act. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5454 Prime Sponsor, Hargrove: Revising trial court funding provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5454 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Ways & Means.

March 1, 2005

SB 5464 Prime Sponsor, Rasmussen: Authorizing nonpartisan sheriffs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5473 Prime Sponsor, Keiser: Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5491 Prime Sponsor, Poulsen: Describing when the department of health may collect a fee for infant screening services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5492 Prime Sponsor, Keiser: Modifying hospital reporting of restrictions on health care practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5493 Prime Sponsor, Kastama: Removing state funding restrictions from the hepatitis C state plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5493 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5510 Prime Sponsor, Spanel: Defining supervisor for public employment purposes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5512 Prime Sponsor, Regala: Permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5514 Prime Sponsor, Keiser: Choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5515 Prime Sponsor, Regala: Prohibiting the sale of products that contain polybrominated diphenyl ethers. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senators Morton and Mulliken

Passed to Committee on Ways & Means.

February 28, 2005

SB 5516 Prime Sponsor, Thibaudeau: Regarding independent prescriptive authority for advanced registered nurse practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5535 Prime Sponsor, Franklin: Modifying optometry licensing requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5535 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Franklin, Johnson, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5536 Prime Sponsor, Parlette: Providing for a JLARC study of the basic health plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5536 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 1, 2005

SB 5550 Prime Sponsor, Hargrove: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5551 Prime Sponsor, Hargrove: Studying the minimum wage. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5552 Prime Sponsor, Kohl-Welles: Requiring school districts to request information from employment applicants' out-of-state employers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5559 Prime Sponsor, Pflug: Revising procedures for amendment of governing documents for homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5572 Prime Sponsor, Rasmussen: Authorizing additional funding for minor league baseball facilities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt and Prentice

MINORITY recommendation: MMR Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

March 2, 2005

SB 5574 Prime Sponsor, Kline: Regulating stun guns. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5575 Prime Sponsor, Kohl-Welles: Permitting a college or university to maintain a diverse student population by considering race, color, ethnicity, or national origin in the admission and transfer process without using quotas, predetermined points, or set asides. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell, Delvin, Mulliken, Pflug and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5580 Prime Sponsor, Regala: Revising marking requirement for disabled persons' parking places. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5580 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5585 Prime Sponsor, Poulsen: Allowing port districts to lease land acquired from a commercial waterway district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5585 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5586 Prime Sponsor, Haugen: Adjusting population thresholds for membership on the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5587 Prime Sponsor, Haugen: Revising the definition of "county engineer." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5588 Prime Sponsor, Haugen: Revising county road project reporting. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5589 Prime Sponsor, Haugen: Providing for proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5594 Prime Sponsor, Kohl-Welles: Regulating stem cell research and human cloning. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5599 Prime Sponsor, Franklin: Providing for a central resource center for the nursing work force. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5599 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5600 Prime Sponsor, Franklin: Encouraging employers to be infant-friendly. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5600 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5605 Prime Sponsor, Thibaudeau: Regulating naturopathic physicians. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5607 Prime Sponsor, Deccio: Regulating health care grievance and appeal processes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5607 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5610 Prime Sponsor, Jacobsen: Promoting salmon recovery on a regionwide basis. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Oke, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Morton and Stevens

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5611 Prime Sponsor, Esser: Changing the interest rate on legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5611 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5616 Prime Sponsor, Parlette: Permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5627 Prime Sponsor, Kline: Addressing the failure to respond to citations and notices of infractions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5628 Prime Sponsor, Keiser: Revising insurance coverage of pharmacy services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Franklin, Kline and Parlette

MINORITY recommendation: MMR Signed by Senators Benson, Johnson and Kastama

Passed to Committee on Ways & Means.

February 28, 2005

SB 5632 Prime Sponsor, Schoesler: Describing educational visits to small agricultural employers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5632 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5635 Prime Sponsor, Schoesler: Clarifying the process for restoration of the right to possess firearms. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5635 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5637 Prime Sponsor, Keiser: Creating the "Health Care Responsibility Act" to expand access to health insurance coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

February 28, 2005

SB 5649 Prime Sponsor, Keiser: Providing for fairness in the informal dispute resolution process. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5650 Prime Sponsor, Thibaudeau: Regulating adult family home staff. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5657 Prime Sponsor, Haugen: Limiting liability for persons working with liquefied petroleum gas. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Do not pass. Signed by Senator Weinstein, Vice Chair

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5665 Prime Sponsor, Parlette: Requiring workers to report accidents. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

March 1, 2005

SB 5679 Prime Sponsor, McCaslin: Providing an alternative manner of dispersing surplus political funds. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5681 Prime Sponsor, Keiser: Exempting recipients of medical assistance under Title 74 RCW from independent review determinations. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5684 Prime Sponsor, Kohl-Welles: Adopting a wage ladder for child care workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser and Prentice

Passed to Committee on Ways & Means.

February 28, 2005

SB 5687 Prime Sponsor, Deccio: Changing the number of residents allowed to reside in an adult family home. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5687 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Johnson and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5698 Prime Sponsor, Franklin: Regarding quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5703 Prime Sponsor, Brandland: Regarding medical assistance and physician recruitment. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Johnson and Parlette

Passed to Committee on Ways & Means.

March 2, 2005

SB 5704 Prime Sponsor, Pridemore: Regarding school district bidding requirements. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Mulliken and Schmidt

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5708 Prime Sponsor, Finkbeiner: Regarding the administration of epinephrine by emergency medical technicians. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5708 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5709 Prime Sponsor, Parlette: Exempting vehicles in inaccessible national recreation areas from license renewal fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5709 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5710 Prime Sponsor, Poulsen: Requiring the removal of mercury components from end-of-life motor vehicles. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senators Morton and Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5714 Prime Sponsor, Keiser: Establishing an early detection breast and cervical cancer screening program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kline and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5717 Prime Sponsor, Rockefeller: Providing a funding formula for skill centers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5720 Prime Sponsor, Keiser: Eliminating employee noncompetition agreements in the broadcasting industry. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5722 Prime Sponsor, Keiser: Concerning small employers and the basic health plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5722 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5724 Prime Sponsor, Kohl-Welles: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Ways & Means.

February 28, 2005

SB 5725 Prime Sponsor, Fraser: Providing for an emergency school repair account. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Benton, Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Ways & Means.

March 1, 2005

SB 5730 Prime Sponsor, Doumit: Reducing the impact of administrative rules on small businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5735 Prime Sponsor, Brown: Revising public disclosure law. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5736 Prime Sponsor, Spanel: Exempting certain private ambulance services from the insurance code. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5736 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Benson

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5748 Prime Sponsor, Kastama: Creating the office of health information and planning. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland and Parlette

Passed to Committee on Ways & Means.

February 28, 2005

SB 5751 Prime Sponsor, Brown: Developing a worksite health promotion program among state agencies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5755 Prime Sponsor, Sheldon: Modifying provisions of the small business incubator program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5756 Prime Sponsor, Sheldon: Providing a property tax exemption for nonprofit organizations that assist small businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5756 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

March 1, 2005

SB 5760 Prime Sponsor, Kline: Changing the sentence for certain persistent offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5772 Prime Sponsor, Kastama: Creating the growth management infrastructure account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5772 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Ways & Means.

March 1, 2005

SB 5773 Prime Sponsor, Fraser: Protecting homeowners who hire contractors to remodel or build their homes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5777 Prime Sponsor, Kohl-Welles: Prohibiting the offshoring of work under state contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5777 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5784 Prime Sponsor, Fraser: Allowing eligible employees to receive remuneration for sick leave at time of separation or dismissal. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 5785 Prime Sponsor, Fairley: Stabilizing the cost of medical malpractice insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton, Brandland, Delvin and Schmidt

Passed to Committee on Ways & Means.

March 2, 2005

SB 5788 Prime Sponsor, Doumit: Improving recycling. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5789 Prime Sponsor, Prentice: Expanding the role of self-insurers in the workers' compensation system. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5801 Prime Sponsor, Poulsen: Requiring a vendor rate study of home care agencies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5802 Prime Sponsor, Kohl-Welles: Requiring pay equity for community and technical college part-time faculty. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5827 Prime Sponsor, Schoesler: Concerning capital projects lists for certain nonprofit organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5832 Prime Sponsor, Jacobsen: Authorizing the "Washington's National Park Fund" special license plate. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5832 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5838 Prime Sponsor, Kastama: Limiting the substitution of preferred drugs in hepatitis C treatment. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5841 Prime Sponsor, Keiser: Providing for the prevention, diagnosis, and treatment of asthma. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5842 Prime Sponsor, Doumit: Using the retrospective rating program to improve worker safety. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5842 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Ways & Means.

February 28, 2005

SB 5846 Prime Sponsor, Parlette: Ordering a study of distribution of unused prescription drugs to low-income persons. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 2, 2005

SB 5849 Prime Sponsor, Kohl-Welles: Requiring cyberbullying to be included in school district harassment prevention policies. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Carrell, Mulliken, Pflug and Schoesler

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5850 Prime Sponsor, Spanel: Clarifying the definition of "sick leave" for family leave. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5855 Prime Sponsor, McAuliffe: Making the superintendent of public instruction a voting member of the state board of education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Vice Chair, Higher Education; Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Benton, Carrell, Delvin and Schoesler

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5878 Prime Sponsor, Prentice: Prohibiting internet gambling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5878 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

March 1, 2005

SB 5884 Prime Sponsor, Kastama: Reorganizing legislative committees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5884 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5886 Prime Sponsor, Keiser: Concerning home and community services' case management responsibilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline, Parlette and Poulsen

MINORITY recommendation: Do not pass. Signed by Senator Benson

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5888 Prime Sponsor, Thibaudeau: Addressing access to individual health insurance coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5888 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Johnson and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5890 Prime Sponsor, Kline: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5895 Prime Sponsor, Fraser: Increasing coordination between the Puget Sound action team and other governmental entities. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5898 Prime Sponsor, Regala: Ordering a public information campaign on postpartum depression. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5907 Prime Sponsor, Haugen: Affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5907 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5909 Prime Sponsor, Deccio: Revising regulation of indoor smoking for the purpose of protecting minors and public health. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Johnson, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5913 Prime Sponsor, Kastama: Regulating tattooing and body piercing. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

March 1, 2005

SB 5923 Prime Sponsor, Kastama: Changing timelines for required comprehensive plan and development regulation updates. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5924 Prime Sponsor, Thibaudeau: Providing for a centralized technology assessment pilot project. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5926 Prime Sponsor, McAuliffe: Modifying provisions in the advanced college tuition payment program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5928 Prime Sponsor, Haugen: Regarding the advisory committee of the office of public defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5951 Prime Sponsor, Rasmussen: Affording certain information held by the horse racing commission the same protection from public inspection as other regulated entities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5951 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5952 Prime Sponsor, Jacobsen: Exempting transport of persons at horse races from licensing. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 28, 2005

SB 5953 Prime Sponsor, Jacobsen: Authorizing horse racing handicapping contests. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5971 Prime Sponsor, McAuliffe: Authorizing a statewide student association. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: MMR Signed by Senators Carrell, Mulliken and Pflug

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5975 Prime Sponsor, Pridemore: Concerning competitive bid requirements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5979 Prime Sponsor, Benson: Prohibiting interference with search and rescue dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5983 Prime Sponsor, Pflug: Regarding professional certification of teachers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5983 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5992 Prime Sponsor, Kohl-Welles: Modifying self-insurer assessments under the second injury fund. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5992 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5994 Prime Sponsor, Prentice: Limiting the number and location of house-banked card rooms. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5994 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5997 Prime Sponsor, Spanel: Regulating out-of-state banks, savings banks, and mutual savings banks branches. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5997 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6001 Prime Sponsor, Zarelli: Regarding training for school administrators and security personnel in the use of force. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein, Vice Chair, Early Learning & K-12

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6005 Prime Sponsor, Rockefeller: Regarding preservation of state publications by the state library services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6010 Prime Sponsor, Fairley: Granting a right of return to employment to state employees who leave employment to serve in the Peace Corps. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6020 Prime Sponsor, Kastama: Allowing the importation of certain prescription drugs from Canadian wholesalers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Benson, Brandland, Deccio and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6022 Prime Sponsor, Prentice: Revising provisions relating to wastewater treatment and conveyance system projects. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6022 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6028 Prime Sponsor, Benson: Adopting the service members' civil relief act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6030 Prime Sponsor, Haugen: Revising the process for review of amendments to comprehensive plans and development regulations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6030 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6033 Prime Sponsor, Doumit: Creating a Washington coastal Dungeness crab pot buoy tag program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 1, 2005

SB 6034 Prime Sponsor, Brown: Establishing criteria for industrial insurance premium rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6036 Prime Sponsor, Berkey: Reviewing state and local permitting processes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

March 1, 2005

SB 6037 Prime Sponsor, Sheldon: Changing provisions relating to limited development of rural areas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6038 Prime Sponsor, Fairley: Regulating medical malpractice rate filings. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: MMR Signed by Senators Benson, Benton, Brandland, Delvin and Schmidt

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6043 Prime Sponsor, Brandland: Addressing breaches of security that compromise personal information. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6043 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6046 Prime Sponsor, Shin: Financing local economic development projects. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6054 Prime Sponsor, Kohl-Welles: Providing worker's compensation parity for agency home care workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Parlette

Passed to Committee on Ways & Means.

March 1, 2005

SB 6057 Prime Sponsor, Fairley: Mandating social card room reporting. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6057 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

March 1, 2005

SB 6059 Prime Sponsor, Berkey: Authorizing state agencies to create sick leave pools for employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6061 Prime Sponsor, Rockefeller: Requiring the disclosure of controlling interest transfers in business organizations for real estate excise tax purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Without recommendation. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Carrell and McCaslin

Passed to Committee on Ways & Means.

March 1, 2005

SB 6064 Prime Sponsor, Benton: Limiting the powers of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6068 Prime Sponsor, Poulsen: Creating an aquatic reserve system. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5628 which was referred to the Committee on Ways & Means and Senate Bill No. 5717, Senate Bill No. 5788, Senate Bill No. 5801, Senate Bill No. 5802, Senate Bill No. 6038 and Senate Bill No. 5983 which were referred to the Committee on Rules.

MOTION

At 7:33 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, March 3, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 2, 2005

2005 REGULAR SESSION

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 3, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Katherine Badger and Justin Wood, presented the Colors. Pastor Leon Meyer of the Calvary Baptist Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

March 2, 2005

SGA 9144 CONNIE NIVA, appointed June 2, 2003, for the term ending September 30, 2008, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9155 HOLLY PARKER JENSEN, appointed June 27, 2002, for the term ending July 1, 2005, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9156 SHERRY W. PARKER, appointed December 19, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Clark Community College District No. 14. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9158 KIM PEERY, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Clark Community College District No. 14. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9163 KAREN L. RADEMAKER SIMPSON, appointed June 23, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9165 KEVIN M. RAYMOND, reappointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9171 MARTHA RICE, appointed August 10, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9177 JAMES K. ROTTLE, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9179 DOUG SAYAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9181 RON SCUTT, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9186 MARTIN F. SMITH, reappointed February 10, 2005, for the term ending November 28, 2008, as Member of the K-20 Educational Network Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9188 DENNIS W. STERNER, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9193 LARRY E. SWIFT, appointed July 1, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9200 NANCY TRUITT PIERCE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Everett Community College District No. 5. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9202 YVONNE ULLAS, appointed July 28, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9207 JOHN D. WARNER, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9208 JOHN WARRING, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9209 FREDERICK WHANG, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Tacoma Community College District No. 22 . Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9212 ELIZABETH A. WILLIS, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9216 BETTY WOODS, appointed October 1, 2004, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9218 JUDY YU, reappointed November 1, 2002, for the term ending September 30, 2008, as Member, Board of Trustees, Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6073 by Senators Kohl-Welles, Pridemore, McAuliffe, Weinstein, Brown, Kline and Jacobsen

AN ACT Relating to making appropriations to institutions of higher education to conduct comprehensive reviews of admission applications; creating new sections; and making appropriations.

Referred to Committee on Ways & Means.

SB 6074 by Senators Kohl-Welles, Thibaudeau, Kline and Jacobsen

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6075 by Senators Roach, Mulliken, Swecker, Hewitt, Carrell, Parlette, Pflug, Johnson, Benson, Honeyford, Morton, Finkbeiner, Stevens and McCaslin

AN ACT Relating to election reform; amending RCW 29A.04.008, 29A.04.570, 29A.08.510, 29A.08.510, 29A.08.605, 29A.08.605, 29A.08.625, 29A.08.820, 29A.08.830, 29A.40.050, 29A.40.110, 29A.40.140, 29A.44.201, 29A.44.330, 29A.44.340, 29A.60.140, 29A.60.210, and 29A.84.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.44 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new chapter to Title 29A RCW; creating new sections; recodifying RCW 29A.40.050; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6076 by Senators Roach, Swecker, Mulliken, Benson, Stevens, McCaslin, Johnson and Honeyford

AN ACT Relating to improving government performance and accountability; amending RCW 43.88.160; adding new sections to chapter 43.09 RCW; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 10:15 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5275, by Senators Fairley, Benton, Regala, Kline, Franklin and Mulliken

Prohibiting the use of consumer credit histories for personal insurance renewal decisions.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Berkey moved that the following amendment by Senators Berkey and Benton be adopted.

On page 2, line 37, after "(h)" insert "Prior credit history" means the credit history obtained by the insurer and used at the issuance or prior renewal of the policy.

(i)

On page 3, after line 3, insert the following:

"(j) "Updated credit history" means the most recent version of any credit history obtained by an insurer since issuance or prior renewal of the policy."

On page 3, beginning on line 14, after "section." strike all material through "prohibited." on line 17, and insert "At renewal, an insurer shall not use a policyholder's updated credit history to determine premium when the updated credit history is less favorable to the policyholder than the prior credit history. Nothing in this section shall be construed to prevent an insurer from using factors other than a policyholder's updated credit score in determining premium increases, or to prevent inclusion of a policyholder's prior credit history in premium decisions at renewal."

On page 4, after line 19, insert the following:

"NEW SECTION. Sec. 2. This act takes effect December 31, 2005."

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Berkey and Benton on page 2, line 37 to Substitute Senate Bill No. 5275.

The motion by Senator Berkey carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "decisions;" strike the remainder of the title and insert "amending RCW 48.18.545; and providing an effective date."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Schoesler and Stevens - 11

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5506, by Senators Kohl-Welles, Fairley, Regala and Thibaudeau

Placing restrictions on the marketing or merchandising of credit cards to students at the state's institutions of higher education.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5506 was substituted for Senate Bill No. 5506 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) Subject to subsection (2) of this section, institutions of higher education shall develop policies regarding the marketing or merchandising of credit cards on institutional property to students, except as provided in newspapers, magazines, or similar publications or within any location of a financial services business regularly doing business on the institution's property.

(b) "Merchandising" means the offering of free merchandise or incentives to students as part of the credit card marketing effort.

(c) "Student" means any student enrolled for one or more credit hours at an institution of higher education.

(2) Institutions of higher education shall each develop official credit card marketing policies. The process of development of these policies must include consideration of student comments. The official credit card marketing policies must, at a minimum, include consideration of and decisions regarding:

(a) The registration of credit card marketers;

(b) Limitations on the times and locations of credit card marketing; and

(c) Prohibitions on material inducements to complete a credit card application unless the student has been provided credit card debt education literature, which includes, but is not limited to, brochures of written or electronic information.

(3)(a) The policies shall include the following elements: A requirement for credit card marketers to inform students about good credit management practices through programs developed in concert with the institution of higher education; and

(b) A requirement to make the official credit card marketing policy available to all students upon their request."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 5506.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "and adding a new section to chapter 28B.10 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5506 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5506.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5506 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1154, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Campbell, Kirby, Jarrett, Green, Kessler, Simpson, Clibborn, Hasegawa, Appleton, Moeller, Kagi, Ormsby, Chase, McCoy, Kilmer, Williams, O'Brien, P. Sullivan, Tom, Morrell, Fromhold, Dunshee, Lantz, McIntire, Sells, Murray, Kenney, Haigh, Darneille, McDermott, Dickerson, Santos and Linville)

Requiring that insurance coverage for mental health services be at parity with medical and surgical services.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by be adopted.

On page 2, line 26, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 2, line 28, after "provide" insert "coverage for"

Beginning on page 2, line 29, beginning with "For" strike all material through "(i)" on page 3, line 22

On page 3, line 37, strike "(ii)" and insert "(b)"

On page 4, beginning on line 4, strike all material through "2002." on line 7

On page 5, line 3, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 5, line 4, after "plans" insert "for groups of more than fifty employees"

On page 5, line 5, after "provide" insert "coverage for"

On page 5, beginning on line 6, beginning with "For" strike all material through "(i)" on line 36

On page 6, line 13, strike "(ii)" and insert "(b)"

On page 6, beginning on line 17, strike all material through "2002." on line 20

On page 7, line 9, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 7, line 9, after "plans" insert "for groups of more than fifty employees"

On page 7, line 10, after "provide" insert "coverage for"

Beginning on page 7, line 11, beginning with "For" strike all material through "(i)" on page 8, line 3

On page 8, line 18, strike "(ii)" and insert "(b)"

On page 8, beginning on line 22, strike all material through "2002." on line 25

On page 9, line 14, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 9, line 14, after "plans" insert "for groups of more than fifty employees"

On page 9, line 16, after "provide" insert "coverage for"

Beginning on page 9, line 17, beginning with "For" strike all material through "(i)" on page 10, line 10

On page 10, line 25, strike "(ii)" and insert "(b)"
On page 10, beginning on line 29, strike all material through "2002." on line 32
Renumber the remaining subsections consecutively and correct any internal references accordingly.
On page 11, line 20, after "(2)" strike "(a)"
On page 11, line 21, strike "January" and insert "July"
Beginning on page 11, line 23, strike all material through "(i)" on page 12, line 15 and insert "(a)"
On page 12, line 30, strike "(ii)" and insert "(b)"
On page 12, beginning on line 34, strike all material through "2002." on line 37
Renumber the remaining subsections consecutively and correct any internal references accordingly.
Senators Parlette and Deccio spoke in favor of adoption of the amendment.
Senators Thibaudeau and Keiser spoke against adoption of the amendment.
Senator Esser demanded a roll call.
The President declared that one-sixth of the members supported the demand and the demand was sustained.
The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 26 to Substitute House Bill No. 1154.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette on page 2, line 26 to Substitute House Bill No. 1154 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau, Deccio, Brown, Parlette, Keiser, Hewitt, Franklin, Regala and Pflug spoke in favor of passage of the bill

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1154.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1154 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benson, Carrell, Esser, Finkbeiner, Honeyford, McCaslin, Morton, Schoesler and Stevens - 9

SUBSTITUTE HOUSE BILL NO. 1154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5179, by Senators Morton, Jacobsen, Sheldon and Stevens

Studying forest health issues.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Doumit and Kline - 2

SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5441, by Senators Weinstein, McAuliffe, Prentice, Kohl-Welles, Eide, Berkey, Poulsen, Keiser, Brown, Fraser, Shin, Haugen, Schmidt, Kline, Rockefeller, Spanel and Rasmussen

Requiring an education and higher education finance study.

MOTION

On motion of Senator Weinstein, Second Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 2, strike lines 15 through 32 and insert the following:

"(2) Members of the steering committee shall be limited to: The governor or the governor's designee, who shall chair the steering committee; two members from the house of representatives with one appointed by each major caucus; two members from the senate with one appointed by each major caucus; and four citizens appointed by the governor, with each citizen chosen from a list of five names submitted by each major caucus of the legislature.

(3) The steering committee shall appoint the chairs and members of the advisory committee on early learning, the advisory committee on K-12, and the advisory committee on higher education."

Senators Zarelli and Johnson spoke in favor of adoption of the amendment.

Senators Weinstein and McAuliffe spoke against

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Pflug, Roach, Brandland spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 15 to Second Substitute Senate Bill No. 5441.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli, on page 2, line 32 to Second Substitute Senate Bill No. 5441 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted:

On page 3, line 21, after "goals;" insert "(c) Information regarding remediation particularly in the subject areas of mathematics, science, and language arts."

On page 3, line 22, strike "(c)" and insert "(d)"

On page 3, line 25, strike "(d)" and insert "(e)"

On page 3, line 27, strike "(e)" and insert "(f)"

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators McAuliffe spoke against adoption of the amendment.

Senators Finkbeiner and Pflug spoke in favor of adoption of the amendment.

Senator Esser withdrew the motion for a roll call.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 3, line 21, to Second Substitute Senate Bill No. 5441.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 3, line 26, strike "and"

On page 3, line 32, after "paraeducators." insert the following:

"(f) Local and regional funding challenges faced by individual school districts throughout the state."

Senators Esser and Weinstein spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 3, line 26 to Second Substitute Senate Bill No. 5441.

The motion by Senator Esser carried and the amendment was adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 5, beginning on line 2, strike all of subsection (5)

Senators Esser and Weinstein spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 5, line 2 to Second Substitute Senate Bill No. 5441.

The motion by Senator Esser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Schoesler and McAuliffe spoke in favor of passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

ROLL CALL

The Secretary called the roll on the motion by Senator Eide, "Shall the main question be now put?" and the motion passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 31

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Schoesler, Stevens, Swecker and Zarelli - 18

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. I need to express some concern about the previous motion. I think there are members that had legitimate amendments. There were complaints about they're taking too much time. I have serious concerns when you only limit one member on our side of the aisle to express an opinion on a bill. There were a number of us that voted for the bill and we were going to make some good statements on the bill. I have concerns when you say we can't offer legitimate amendments and take the time to debate those and entertain those and introduce them. And the concern that only one member on our side of the aisle was able to speak. I think there's concerns about that and we need to express that and that be know publically that you aren't allowing us to express our opinions. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 5828, by Senators Eide, McAuliffe and Kohl-Welles

Regarding digital or online learning.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5828.

MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 12:02 p.m.

AFTERNOON SESSION

The Senate was called to order at 12:02 p.m. by President Owen.

The Senate continued consideration of Substitute Senate Bill No. 5828 on final passage.

Senators Eide and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Stevens was excused.

POINT OF INQUIRY

Senator Morton: "Will Senator Schmidt yield to a question? Senator Schmidt, I was not in committee and not a part of this discussion and dialogue to hear the testimony. I'm interested in the impact that this would have on private schools and on home schooling. Was that adequately addressed in your opinion."

Senator Schmidt: "Thank you very much Senator Morton. Yes it was. We had an amendment in the committee that the home schoolers brought to us that we did adopt in the bill that took care of their concerns so there's clear definition between what is digital learning, learning at home verses what is the regular statutory explained. Home schools so that there wasn't a cross over and a mix up between the two and we did take care of that issue. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. On behalf of the majority party, I'd like to apologize to the minority party. We've had some quick consultation and we believe we were too hasty in cutting off debate on the bill previous to this one. Please understand that we're merely anxious to get more of these bills through the process, both on your side of the aisle and ours, but we realize that this issue of education is a paramount importance to all of us. You had some important points to make. You have helped us improve the bill already and we realize the frustration you've experience by not being able to speak on it's final

passage so I just wanted to let you know that we do recognize that we acted to hastily in making that motion and we want to hear the voice of the minority especially on the education bills which is so important to all of us."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8638

By Senators Shin, Berkey, Jacobsen, Rasmussen, Schoesler, Delvin, Carrell and Eide

WHEREAS, Pathways for Women YWCA is a group of people who strive to assist women who have endured physical, mental, emotional, and financial hardship; and

WHEREAS, Founded in an old house in Edmonds in 1976, prior to being named Pathways for Women YWCA, they were first called the World for Women; and

WHEREAS, A small group of women rooted in South Snohomish County set out to help women find counseling, education, and employment services, improve parenting and relationship skills, and escape domestic violence; and

WHEREAS, This same group of women began its housing programs to serve homeless mothers and families, one of the first of its kind in Snohomish County; and

WHEREAS, In the 1980s they changed their name to Pathways for Women; and

WHEREAS, Pathways for Women made a commitment to provide its own shelter and in 1993 constructed the 18-unit Homeward Bound Shelter in Lynnwood; and

WHEREAS, In 1995, Pathways for Women joined forces with the YWCA, sharing the common goal and mission of helping women reach self-sufficiency; and

WHEREAS, Together, the agency still maintains the Pathways for Women YWCA Homeward Bound Shelter, plus 40 units of off-site transitional housing; offers motel vouchers for families waiting for other housing; and provides homelessness prevention services such as rent and utility assistance; and

WHEREAS, Last year alone, more than 14,000 individuals of many different ethnic and cultural, religious, and economic backgrounds received services from YWCA in Snohomish County; and

WHEREAS, 509 families including 855 children received safe shelter and housing; and

WHEREAS, 688 adults received individualized employment assistance; and

WHEREAS, 1,002 individuals participated in low-cost mental health counseling; and

WHEREAS, 91 children received school supplies and clothes through the School Days program, and 138 families, including 294 children, received food and gifts through the Holiday Adopt-A-Family Program; and

WHEREAS, Pathways for Women YWCA will continue to expand, adding additional units to the existing transitional housing program through the Trinity Way Apartments; and

WHEREAS, Pathways for Women YWCA has continuously made the effort to help improve the lives of those in need and has become a place of trust, comfort, and healing;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and express its appreciation for Pathways for Women YWCA for their 29 years of outstanding achievements and contributions to the citizens of Snohomish County.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 2, 2005

SB 5192 Prime Sponsor, Delvin: Establishing the composition and jurisdiction of city and county disability boards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5193 Prime Sponsor, Pflug: Changing the membership of the executive committee of the select committee on pension policy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5324 Prime Sponsor, Pflug: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5330 Prime Sponsor, Shin: Creating the economic development grants program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5663 Prime Sponsor, Rasmussen: Changing the tax exemptions for machinery and equipment used to reduce agricultural burning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5663 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5866 Prime Sponsor, Delvin: Making an election effecting retirement allowances under the public employees' and teachers' retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2005

SB 5993 Prime Sponsor, Prentice: Providing additional funding for crime victims' compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Hewitt, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SJM 8014 Prime Sponsor, Thibaudeau: Requesting that the privatization of social security be rejected. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

At 12:19 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 4, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 3, 2005

2005 REGULAR SESSION

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 4, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Oke.

The Sergeant at Arms Color Guard consisting of Pages Anna Griffith and Anthony Hogan, presented the Colors. Pastor Robert Luhn of the Nazarene Church of Othello offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 2, 2005

SB 5056 Prime Sponsor, Haugen: Creating the department of archaeology and historic preservation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5056 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5060 Prime Sponsor, Haugen: Regulating automated traffic safety cameras. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5262 Prime Sponsor, Haugen: Providing administrative review before the suspension of driving privileges. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5414 Prime Sponsor, Haugen: Continuing funding of airport maintenance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5414 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Esser

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5420 Prime Sponsor, Regala: Modifying restrictions on children riding motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5497 Prime Sponsor, Delvin: Allowing terminally ill members to remove themselves from their retirement plan. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5729 Prime Sponsor, Rockefeller: Considering prepurchase of multiple ferry fares. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6003 Prime Sponsor, Jacobsen: Modifying the commute trip reduction tax credit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

March 2, 2005

SB 6012 Prime Sponsor, Spanel: Making transportation services an authorized purpose for parking and business improvement areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Children's Administration Performance Report 2004. This report is mandated under RCW 43.20A.870 and RCW 74.13.031.

If you have any questions about the report, please call 360-902-7953.

Sincerely,
Dennis Braddock, Secretary

The Children's Administration Performance Report 2004 is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 3, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SECOND SUBSTITUTE HOUSE BILL NO. 1050,
SUBSTITUTE HOUSE BILL NO. 1058,
HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1847,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 3, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1014,
SUBSTITUTE HOUSE BILL NO. 1154.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1014,
SUBSTITUTE HOUSE BILL NO. 1154.

MESSAGES FROM THE HOUSE

March 3, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1607,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 3, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1110,
HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1137,
HOUSE BILL NO. 1140,
HOUSE BILL NO. 1145,
SUBSTITUTE HOUSE BILL NO. 1147,
HOUSE BILL NO. 1170,
HOUSE BILL NO. 1180,
HOUSE BILL NO. 1184,
HOUSE BILL NO. 1232,
HOUSE BILL NO. 1237,
HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1257,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1297,
HOUSE BILL NO. 1356,
HOUSE BILL NO. 1396,
SUBSTITUTE HOUSE BILL NO. 1398,
HOUSE BILL NO. 1405,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1555,
HOUSE JOINT RESOLUTION NO. 4201,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6077 by Senators Rasmussen, Schoesler, Mulliken and Parlette

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

Referred to Committee on Ways & Means.

SB 6078 by Senators Regala and Kohl-Welles

AN ACT Relating to state expenditure limitations; amending RCW 43.135.03901, 43.135.080, 82.32.470, 43.135.010, 43.135.025, and 43.135.035; reenacting and amending RCW 43.135.035; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6079 by Senators Schmidt, Zarelli, Hewitt and Mulliken

AN ACT Relating to the role of the pension funding council; amending RCW 41.04.281, 41.45.030, 41.45.035, 41.45.060, 41.45.100, and 41.45.120; reenacting and amending RCW 41.45.060; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1050 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Hinkle, Kagi, Dunn, Quall, Clements, Morrell, McIntire, Schual-Berke, Haigh, Simpson, Linville, Santos and Chase)

AN ACT Relating to the creation of a foster care endowed scholarship program; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1058 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille)

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

Referred to Committee on Human Services & Corrections.

HB 1085 by Representatives Linville, Kristiansen and Pettigrew

AN ACT Relating to milk and milk products; amending RCW 15.36.051, 15.36.231, and 15.36.241; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1197 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach and Kirby)

AN ACT Relating to insurance; amending RCW 48.02.180, 48.05.340, 48.11.100, 48.11.140, 48.14.010, 48.14.0201, 48.17.150, 48.18.100, 48.18.103, 48.18.430, 48.21.047, 48.23.010, 48.24.030, 48.29.010, 48.29.020, 48.29.120, 48.29.130, 48.29.170, 48.30.300, 48.30A.045, 48.30A.060, 48.30A.065, 48.31.100, 48.38.030, 48.44.240, 48.66.020, 48.66.045, 48.66.055, 48.66.130, 48.92.120, 48.98.015, 48.110.030, and 48.110.040; adding a new section to chapter 48.66 RCW; and repealing RCW 48.05.360, 48.29.030, 48.29.060, 48.29.070, 48.29.090, 48.29.100, 48.29.110, and 48.34.910.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1528 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Priest, Simpson, Newhouse, Cody, Serben and Schual-Berke)

AN ACT Relating to escrow accounts required of self-funded multiple employer welfare arrangements; amending RCW 48.14.0201 and 48.41.060; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1847 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, McDermott, Jarrett, Miloscia, Nixon, Green, Wallace and Hunt)

AN ACT Relating to the statute law committee; amending RCW 1.08.001, 1.08.003, 1.08.005, 1.08.007, and 1.08.011; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING

SENATE BILL NO. 5348, by Senators Pridemore, Kastama, Fraser and Kline

Authorizing certain PUDs to operate an electrical appliance repair service.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5348 was substituted for Senate Bill No. 5348 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 2, after line 9, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

When a public utility district provides electrical appliance repair services under section 2 of this act, the public utility district shall:

- (1) Charge customers the true and fair cost for the services;
- (2) Keep records documenting the revenues and expenditures for the performance of the services."

Senator Pridemore spoke in favor of adoption of the amendment.

Senator Morton spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, line 9 to Substitute Senate Bill No. 5348.

MOTION

On motion of Senator Hewitt, Senators Oke and Benton were excused.

The motion by Senator Pridemore carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections"

PARLIAMENTARY INQUIRY

Senator Zarelli: "I presented a second amendment on this measure, Mr. President and it's not on the desk yet. I ask that we hold off on rolling this to third reading until we receive that amendment on our desk."

MOTION

On motion of Senator Mulliken, Senator Pflug was excused.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted:

On page 2, line 9, after "territory." insert "However, the public utility district may only repair electrical appliances that are: (1) Used for heating purposes; (2) more than ten years old; and (3) located within or coming from households at or below eighty percent of the median income as most recently determined by the federal department of housing and urban development for the county in which the household is located."

Senator Zarelli spoke in favor of adoption of the amendment.
Senator Pridemore spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.
Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 9, to Substitute Senate Bill No. 5348.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli – 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein – 25

Excused: Senator Oke – 1

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Franklin and Poulsen spoke in favor of passage of the bill.

Senators Morton, Honeyford and Pflug, spoke against passage of the bill.

POINT OF INQUIRY

Senator Benton: "Will the Senator from the 34th rise to a question? Thank you. Senator, can you tell me, does this bill tightly restrict this authority to one PUD district or is it broad authority for all PUD district? I guess that's really what we want to know and that makes a big difference I think. You talk about it not being available for you in King County and that's significant. That's why I asked the question. If the bill really restricts the, you don't know, or you don't want to tell us, one of the two."

Senator Poulsen: "Yes, the bill does restrict this to a program that has to have been in existence for ten years. There is only one program that this bill applies to, it's in Clark County."

POINT OF CLARIFICATION

Senator Brown: "Public utility districts, not tax payers subsidized. There rate payer financed. They formed in order to provide services to folks that were not being provided services. This state would not be what it is today without public power, without public utility districts. It built this state by going the last mile, by extending electricity to folks otherwise not going to get it. I think this somewhat confusing here to keep talking about tax payers this and tax payers that. Public utility districts were formed by the people to provide services for the people and what we're talking about here is one that's been in existence for sixty years. There's really no reason for the Washington State Senate to shut it down."

Senators Mulliken and Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5348.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "I want to congratulate the Senator from the 34th district for using a line that I used back in the early 80's when Senator Jerry Hughes was sitting back there in the corner where Senator Jacobsen sits. After I made a short speech he rose and asked me a lengthy question. I mean a lengthy question. Jerry Hughes was very bright, he was a school teacher. I'm sure that Senator Brown knows him and when he finished up he said, 'Would Senator McCaslin yield to a question?' and I said, 'Mr. President, I yield'. He asked the question and I said 'I said I'd yield, I didn't say I'd answer it.' But I want to compliment the Senator from the 34th for using my line. The only thing is he came up later and explained the question or answered the question to Senator Benton. I didn't do that. I actually didn't know the answer."

SECOND READING

SENATE BILL NO. 5564, by Senators Schmidt, Kastama, Weinstein, Roach, Shin, Rockefeller, Oke and Kohl-Welles

Requiring the secretary of state to prepare a manual of election laws and rules.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Schmidt spoke in favor of passage of the bill.

Senator McCaslin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5564.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5564 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Benton, Brandland, Deccio, Delvin, Hewitt, Honeyford, McCaslin, Morton, Stevens and Zarelli - 10

Excused: Senator Oke - 1

SENATE BILL NO. 5564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5395, by Senators Kastama, Haugen, Roach, Rockefeller, Schmidt, Kohl-Welles, Spanel, Pridemore, Kline, McAuliffe and Franklin

Requiring voting devices to produce paper records.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following amendment by Senator Spanel be adopted.

On page 1, line 9, after the word "all" strike "poll-site based"

On page 1, line 13, after the word "be" insert "human readable without an interface and"

On page 3, line 8, after the words "in the case of" strike "a poll-site based" and insert "an"

Senators Spanel, Kastama and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Spanel and others on page 1, line 9 to Substitute Senate Bill No. 5395.

The motion by Senator Spanel carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 1 of the title, after "requiring", delete the words "poll-site based".

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5744, by Senators Haugen, Berkey, Fairley, Sheldon, McAuliffe, Schmidt, Mulliken and Doumit

Authorizing county-wide mail ballot elections.

The measure was read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. The uniform application of election laws, rules, and procedures is of the paramount importance to the citizens of this state. It is the intent of the legislature to make all voting precincts in each county have the same population, as nearly as is practical. This act therefore applies to all counties, including without limitation counties operating under a home rule charter.

Sec. 2. RCW 29A.16.040 and 2004 c 266 s 10 are each amended to read as follows:

The county legislative authority of each county in the state (~~hereafter formed~~) shall(~~at their first session,~~) divide their respective counties into election precincts and establish the boundaries of the precincts. Within each county, all precincts must have the same number of active registered voters, as nearly as is practical. The county auditor shall thereupon designate the voting place for each such precinct or whether the precinct is a vote by mail precinct.

(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (~~(5))~~ (3) of this section, no precinct boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(2) The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. (~~The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.~~)

(3) ~~Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred active registered voters. The number of poll site ballot counting devices at each polling place is at the discretion of the auditor. The number of devices must be adequate to meet the expected voter turnout.~~

(4) ~~On petition of twenty five or more voters resident more than ten miles from any polling site, the county legislative authority shall establish a separate voting precinct therefor.~~

(~~5))~~ (3) The county auditor shall temporarily adjust precinct boundaries when a city or town annexes unincorporated territory to the city or town, or whenever unincorporated territory is incorporated as a city or town. The adjustment must be made as soon as possible after the approval of the annexation or incorporation. The temporary adjustment must be limited to the minimum changes necessary to accommodate the addition of the territory to the city or town, or to establish the eligible voters within the boundaries of the new city or town, and remains in effect only until precinct boundary modifications reflecting the annexation or incorporation are adopted by the county legislative authority.

(~~6))~~ (4) In determining the number of active registered voters for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted. Nothing in this subsection may be construed as altering the vote tallying requirements of RCW 29A.60.230.

Sec. 3. RCW 29A.16.050 and 2003 c 111 s 405 are each amended to read as follows:

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, a single district of a county legislative authority, and, if applicable, a single city.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; (~~or~~) (b) doing so would substantially impair election administration in the involved area; or (c) doing so would result in an unequal number of active registered voters among the various precincts of that county.

(4) After a change to precinct boundaries is adopted by the county legislative authority, if the change does not follow visible physical features, the county auditor shall send to the secretary of state an electronic or paper copy of the description, a map or maps of the changes, and a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.

(5) Every voting precinct within each county shall be designated by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.

(7) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

Sec. 4. RCW 29A.16.060 and 2003 c 111 s 406 are each amended to read as follows:

~~((At any special election or primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election.))~~ At any general election, the county auditor may combine or unite election boards for the purpose of holding such election, but shall report all election returns by individual precinct."

In line 1 of the title, after "Relating to" strike the remainder of the title and insert "election procedures; amending RCW 29A.16.040, 29A.16.050, 29A.16.060, and 29A.48.010; and creating a new section."

Senators Mulliken and Roach spoke in favor of adoption of the amendment.

Senators Kastama, Sheldon and Schmidt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 1, after line 3 to Senate Bill No. 5744.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Prentice, Schmidt, Spanel and Morton spoke in favor of passage of the bill.

Senators Hargrove, Deccio, Johnson, Schoesler, Roach and Pflug spoke against passage of the bill.

Senator Haugen again spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5744.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Pflug, Roach, Schoesler, Stevens and Zarelli - 16

Excused: Senator Oke - 1

SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Fairley and Hargrove were excused.

SECOND READING

SENATE BILL NO. 5106, by Senators Swecker, Jacobsen, Kastama and Oke

Clarifying authority over hazardous materials inspections.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford and Mulliken - 2

Excused: Senators Fairley, Hargrove and Oke - 3

SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5175, by Senators Shin, Schmidt, Kohl-Welles, Rasmussen, Rockefeller, Eide, Kline, Roach, Berkey, Doumit and McAuliffe

Declaring that international companies investing in Washington are eligible for tax incentives.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5175.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Oke - 2

SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5171, by Senators Carrell, Rockefeller, Rasmussen, Shin, Schoesler, Delvin and McAuliffe

Enhancing school safety through information sharing between schools and juvenile justice and care agencies.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendments by Senator Carrell be taken together, considered as one:

On page 1, line 9, strike "vice-principals" and insert "their designees"

On page 2, line 1, strike "vice-principal" and insert "the principal's designee"
On page 2, line 19, strike "forty-eight" and insert "seventy-two"
On page 2, line 22, strike "vice-principal" and insert "the principal's designee"
On page 2, line 29, strike "vice-principal" and insert "the principal's designee"
On page 2, line 34, strike "vice-principal" and insert "the principal's designee"
On page 3, line 3, strike "vice-principal" and insert "the principal's designee"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell the amendment to Substitute Senate Bill No. 5171 was withdrawn.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Carrell be adopted.
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to ensure the health, safety, and general welfare of Washington's school children, teachers, and school staff. The purpose of this act is to give guidance to principals and their designees regarding their duty to report incidents to law enforcement officials when it is reasonable to suspect that a significant crime has occurred. It is the intent of the legislature to ensure that agents of law enforcement, who are trained investigators, are alerted and called upon to determine whether or not there is probable cause to believe a crime has been committed in serious cases. This act is also intended to reduce potential tort liability that could arise from unreported criminal activity.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) When a principal or the principal's designee of a school has reasonable cause to believe that a person has committed, on school grounds or at an event sponsored by the school, a drug offense or a crime against a person that causes severe injury, that school administrator shall report such incident, or cause a report to be made, to the proper law enforcement agency. The report may be made by telephone, in person, or on paper.

(b) For purposes of this subsection:

(i) "Severe injury" means: Any single act that causes physical trauma of sufficient severity that, if left untreated, could cause death; any sex offense; any single act that causes significant bleeding that, if left untreated, could cause death or serious physical impairment or loss of function; or more than one act, each of which causes significant bleeding that, if left untreated, could cause death or serious physical impairment or loss of function, bone fracture, or unconsciousness; and

(ii) "Crime against a person" has the meaning set out in RCW 9.94A.411.

(c) The report must be made at the first opportunity, but in no case longer than seventy-two hours after there is reasonable cause to believe that a drug offense or severe injury has occurred. The report must include the identity of the accused, if known.

(2) A principal or the principal's designee who violates this act in flagrant disregard or clear abandonment of generally recognized professional standards or who endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting may be subject to orders by the superintendent of public instruction, up to and including reprimand, suspension, or revocation of certification.

(3)(a) A principal or the principal's designee who willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties by knowingly failing to report an offense that must be reported pursuant to this section may be guilty of obstructing a law enforcement officer under RCW 9A.76.020.

(b) A principal or the principal's designee who, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he or she knows has committed a crime or juvenile offense, knowingly fails to report an offense that must be reported pursuant to this section may be guilty of rendering criminal assistance under RCW 9A.76.070, 9A.76.080, and 9A.76.090.

(4) A principal or the principal's designee who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this section shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who committed the acts reported pursuant to this section."

Senator McAuliffe spoke in favor of the adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Carrell to Substitute Senate Bill No. 5171.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Kohl-Welles - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Esser: "I rise for a point of person privilege. Well thank you very much Mr. President. I am so happy this moment has arrived. I have been tingling with anticipation waiting for the maiden floor speech by our new colleague from the 28th district. Actually I couldn't fall asleep last night because I kept wondering what compensation that we would be provided. Something hopefully symbolic of Pierce County and the 28th legislative district. In my mind I kept imagining items like, oh perhaps an empty blister pack or ten of Sudafed capsules which I understand is a very popular product in Pierce County, or a concealed weapons permit for every member on the floor today. Perhaps a coupon good for a weekend at a secure community transitional facility. The possibilities were limitless. All joking aside, Senator Carrell brings a long and distinguished resume to the Senate. He's a retired science teacher from our public schools. He served for a decade in the State House of Representatives and most recently he kept very busy as the chair of Gubernatorial Appointees search committee for former Senator Shirley Winsley. Each of our districts is defined by the job and career opportunities that are available back home and the 28th district is no exception. Just knowing that the local economic development strategy in the 28th centers around the Washington State Hospital, the McNeill Island penitentiary and the special commitment center of McNeill Island tell you a little bit about how special the 28th district is. All joking aside, congratulations to Senator Carrell, it's great to have you here. You'll find that the Senate is a wonderful institution and given your district it sounds like you have plenty of experience with institutions. Welcome."

PERSONAL PRIVILEGE

Senator Carrell: "Well, I know it's all part of the hazing process that newbees have to go through here. As I was contemplating gifts for you, I did think about gifts from perhaps some of the institutions of my district but I thought perhaps it would be a little difficult to transport them down here and deliver them. As I considered it, the other part of my district is very clearly the influence of the military. I have many nights as I drove home last year watch the Striker Brigade as they practice to go to Mosul, Iraq. The military influence is very heavy. We probably have more retired generals, colonels and majors than any other place perhaps in the world in Lakewood and parts of my district. The one thing that really defines our district is the presence of the military in so many different ways. The Washington National Guard, McChord Air Force Base, Fort Lewis, so the one gift that I thought that would be the most meaningful of all would be something that represents that military presence. I am very fortunate in that, about eight years ago, I door belled a man and his wife, he was fresh out of the army and was beginning a business in a small, little, two-bedroom house not far from where I live. Well, he came up with ideas so unique that today that business eight years later is about a 10,000 square foot building just off of I-5 at Ponders Corner. It employees fifty people, it's a multi-million dollar business and one of the items that he had made and, by the way, these products that he designs and manufactures and sells are used by our troops around the world particularly in Afgahastan and Iraq and also by police services around the United States. They're truly unique and he provided for every member of the Striker Brigade this very pouch that you have before you. When I talk to him about it he happened to have fifty-two of them left over. From that then, came the idea to

have these embroidered as you see them today honoring the Striker Brigade which is soon to come back and by the way, tomorrow the 81st is going to be honored by people such as myself at the base and I would certainly urge you, if you'd like to come out and wave flags at exit 122, to honor the troops as they come back to join me and others in doing so. Well, with that thank you ever so much for this unique opportunity and I think you've seen inside your gift a number of items in my district including Intel. There is a treat buried some place in there too. Thank you Mr. President".

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced associates and the principal of Tactical Tailor, Mr. Logan Coffey, who was seated in the gallery.

POINT OF INQUIRY

Senator McCaslin: "Would the good Senator yield to a question? Could you tell me how to turn the computer off?"

Senator Carrell: "The close the hatch."

Senator McCaslin: "I did."

INTRODUCTION OF SPECIAL GUESTS

President Owen: "The President has the great privilege and honor to introduce an old friend of mine and many of years that is in the chamber with us today who served for a number of years from the 34th District, former Representative Georgetown Valle."

SECOND READING

SENATE BILL NO. 5219, by Senators Kastama, Schmidt, Rockefeller and Pridemore

Changing primary dates and associated election procedures.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872) are each reenacted and amended to read as follows:

Primaries for general elections to be held in November must be held on((:

~~(1)) the third Tuesday of the preceding ((September; or~~

~~(2) The seventh Tuesday immediately preceding that general election, whichever occurs first)) August.~~

Sec. 2. RCW 29A.04.321 and 2004 c 271 s 106 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may(~~(, if it deems an emergency to exist,)~~) call a special county election by presenting a resolution to the county auditor (~~(at least forty-five days)~~) prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by RCW (~~(29A.04.311)~~) 29A.04.310; or
- (f) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

~~((4))~~ (5) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3. RCW 29A.04.330 and 2004 c 266 s 6 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- (a) Elections for the recall of any elective public officer;
- (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;
- (c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor (~~(at least forty-five days)~~) prior to the proposed election date, may(~~(, if the county auditor deems an emergency to exist,)~~) call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29A.04.310; or
- (f) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

~~((4))~~ (5) In addition to subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(e) and (f) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4. RCW 29A.24.040 and 2003 c 111 s 604 are each amended to read as follows:

A candidate may file his or her declaration of candidacy for an office by electronic means on a system specifically designed and authorized by a filing officer to accept filings.

(1) Filings that are received electronically must capture all information specified in RCW ~~((29A.24.030))~~ 29A.24.031 (1) through (4).

(2) Electronic filing may begin at 9:00 a.m. the ~~((fourth))~~ third Monday in ~~((July))~~ May and continue through 4:00 p.m. the following Friday.

(3) In case of special filing periods established in this chapter, electronic filings may be accepted beginning at 9:00 a.m. on the first day of the special filing period through 4:00 p.m. the last day of the special filing period.

Sec. 5. RCW 29A.24.050 and 2003 c 111 s 605 are each amended to read as follows:

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer no earlier than the ~~((fourth))~~ third Monday in ~~((July))~~ May and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices.

Sec. 6. RCW 29A.24.171 and 2004 c 271 s 165 are each amended to read as follows:

Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the ~~((sixth))~~ eleventh Tuesday prior to a primary:

(1) A void in candidacy occurs;

(2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

(3) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 7. RCW 29A.24.181 and 2004 c 271 s 166 are each amended to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election; or

(2) A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten-day period immediately following the last day allotted for a candidate to withdraw; or

(3) A vacancy occurs in any nonpartisan office on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 8. RCW 29A.24.191 and 2004 c 271 s 167 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29A.24.181, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the ~~((sixth))~~ eleventh Tuesday prior to an election.

Sec. 9. RCW 29A.24.210 and 2005 c 2 s 10 (Initiative Measure No. 872) are each reenacted and amended to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the ~~((sixth))~~ eleventh Tuesday prior to an election, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by any other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the primary or general election ballot as if filed during the regular filing period.

The procedures for filings for partisan offices where a vacancy occurs under this section or a void in candidacy occurs under RCW ((29A.24.140)) 29A.24.141 must be substantially similar to the procedures for nonpartisan offices under RCW ((29A.24.150)) 29A.24.151 through ((29A.24.170)) 29A.24.171.

Sec. 10. RCW 29A.40.070 and 2004 c 266 s 13 are each amended to read as follows:

(1) Except where a recount or litigation under RCW ((29A.68.010)) 29A.68.011 is pending, the county auditor shall have sufficient absentee ballots available for absentee voters of that county, other than overseas voters and service voters, at least twenty days before any primary, general election, or special election. The county auditor must mail absentee ballots to each voter for whom the county auditor has received a request nineteen days before the primary or election at least eighteen days before the primary or election. For a request for an absentee ballot received after the nineteenth day before the primary or election, the county auditor shall make every effort to mail ballots within one business day, and shall mail the ballots within two business days.

(2) ((The county auditor shall make every effort to mail ballots to overseas and service voters earlier than eighteen days before a primary or election.)) At least thirty days before any primary, general election, or special election, the county auditor shall mail ballots to all overseas and service voters. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) Each county auditor shall certify to the office of the secretary of state the dates the ballots prescribed in subsection (1) of this section were available and mailed.

(4) If absentee ballots will not be available or mailed as prescribed in subsection (1) of this section, the county auditor shall immediately certify to the office of the secretary of state when absentee ballots will be available and mailed. Copies of this certification must be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates.

(5) If absentee ballots were not available or mailed as prescribed in subsection (1) of this section, for a reason other than a recount or litigation, the county auditor, in consultation with the certification and training program of the office of the secretary of state, shall submit a report to the office of the secretary of state outlining why the deadline was missed and what corrective actions will be taken in future elections to ensure that absentee ballots are available and mailed as prescribed in subsection (1) of this section.

(6) Failure to have absentee ballots available and mailed as prescribed in subsection (1) of this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

Sec. 11. RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to read as follows:

The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only:

(1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than ((the thirty ninth day)) sixty days before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least ((thirty five)) fifty-two days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year.

Sec. 12. RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

(1) ((On the tenth day after a special election or primary and on the fifteenth day after a)) Fifteen days after a primary, special election, or general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls ((on the date of the primary or election for which it was issued)), and each absentee ballot ((with)) bearing a postmark on or before the date of the ((primary or)) election ((for which it was issued)) and received on or before the date on which the ((primary or)) election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 13. RCW 29A.64.070 and 2003 c 111 s 1607 are each amended to read as follows:

After the original count, canvass, and certification of results, the votes cast in any single precinct may ((not)) be recounted and the results recertified not more than once for a primary and not more than twice for a special or general election.

Sec. 14. RCW 27.12.355 and 1987 c 138 s 1 are each amended to read as follows:

(1) As provided in this section, a rural county library district, island library district, or intercounty rural library district may withdraw areas from its boundaries, or reannex areas into the library district that previously had been withdrawn from the library district under this section.

(2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of trustees requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the library district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

The authority of an area to be withdrawn from a library district as provided under this section is in addition, and not subject, to the provisions of RCW 27.12.380.

The withdrawal of an area from the boundaries of a library district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the library district existing at the time of the withdrawal.

(3) An area that has been withdrawn from the boundaries of a library district under this section may be reannexed into the library district upon: (a) Adoption of a resolution by the board of trustees proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date (~~(specified in RCW 29.13.020 that occurs forty five or more days after the petitions have been validated)~~) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 15. RCW 27.12.370 and 1982 c 123 s 14 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next special election date (~~(provided in RCW 29.13.010 but not less than forty five days from the date of the declaration of such finding)~~) according to RCW 29A.04.321, and shall cause notice of such election to be given as provided for in RCW (~~29.27.080~~) 29A.52.351.

The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of library district?

YES

NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

Sec. 16. RCW 35.02.086 and 1986 c 234 s 11 are each amended to read as follows:

Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located (~~(, not more than forty five nor less than thirty days)~~) prior to the primary election at which the initial elected officials are nominated, according to RCW 29A.24.050. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration (~~(at any time within five days after the last day allowed for filing declaration of candidacy)~~) according to RCW 29A.24.131. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

Sec. 17. RCW 35.06.070 and 1994 c 81 s 8 are each amended to read as follows:

A ballot proposition authorizing an advancement in classification of a town to a second class city shall be submitted to the voters of the town if either: (1) Petitions proposing the advancement are submitted to the town clerk that have been signed by

voters of the town equal in number to at least ten percent of the voters of the town voting at the last municipal general election; or (2) the town council adopts a resolution proposing the advancement. The clerk shall immediately forward the petitions to the county auditor who shall review the signatures and certify the sufficiency of the petitions.

A ballot proposition authorizing an advancement shall be submitted to the town voters at the next ~~((municipal general)) special election ((occurring forty five or more days after the petitions are submitted))~~ date according to RCW 29A.04.330 if the county auditor certifies the petitions as having sufficient valid signatures. The town shall be advanced to a second class city if the ballot proposition is approved by a simple majority vote, effective when the corporation is actually reorganized and the new officers are elected and qualified. The county auditor shall notify the secretary of state if the advancement of a town to a second class city is approved.

Sec. 18. RCW 35.13.1821 and 1998 c 286 s 2 are each amended to read as follows:

The annexation ordinance provided for in RCW 35.13.182 is subject to referendum for forty-five days after its passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

Sec. 19. RCW 35.61.360 and 1987 c 138 s 2 are each amended to read as follows:

(1) As provided in this section, a metropolitan park district may withdraw areas from its boundaries, or reannex areas into the metropolitan park district that previously had been withdrawn from the metropolitan park district under this section.

(2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the park district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the metropolitan park district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

The withdrawal of an area from the boundaries of a metropolitan park district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the metropolitan park district existing at the time of the withdrawal.

(3) An area that has been withdrawn from the boundaries of a metropolitan park district under this section may be reannexed into the metropolitan park district upon: (a) Adoption of a resolution by the park district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 20. RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each amended to read as follows:

Such annexation ordinance as provided for in RCW 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW ~~((35A.14.060))~~ 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed

in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

Sec. 21. RCW 36.93.030 and 1991 c 363 s 91 are each amended to read as follows:

(1) There is hereby created and established in each county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other county in the following manner:

(a) The county legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the county legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the county legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next ~~((county))~~ primary or ~~((county))~~ general election ~~((which occurs more than forty five days from the date of receipt of the petition))~~ according to RCW 29A.04.321. Notice of the election shall be given as provided in RCW ~~((29.27.080))~~ 29A.52.351 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 22. RCW 42.12.040 and 2005 c 2 s 15 (Initiative Measure No. 872) are each amended to read as follows:

(1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the ~~((sixth))~~ eleventh Tuesday prior to the next general election following the occurrence of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to the general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county that has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected.

Sec. 23. RCW 42.17.080 and 2002 c 75 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election ~~((: PROVIDED, That this report shall not be required following a primary election from:~~

~~((i) A candidate whose name will appear on the subsequent general election ballot; or~~

~~((ii) Any continuing political committee)); and~~

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special ~~((or general))~~ election is held, or for the period beginning on the first day of the fifth month before the date on which the general election is held, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) If a city requires that candidates or committees for city offices file reports with a city agency, the candidate or treasurer so filing need not also file the report with the county auditor or elections officer.

(5) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

(a) For at least two consecutive hours between 8:00 a.m. and 8:00 p.m. on the eighth day immediately before the election, except when it is a legal holiday, in which case on the seventh day immediately before the election, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(9) After January 1, 2002, a report that is filed with the commission electronically need not also be filed with the county auditor or elections officer.

(10) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

Sec. 24. RCW 52.02.080 and 1989 c 63 s 6 are each amended to read as follows:

The election on the formation of the district and to elect the initial fire commissioners shall be conducted by the election officials of the county or counties in which the proposed district is located in accordance with the general election laws of the state. This election shall be held at the next general election date ~~((, as specified under RCW 29.13.020))~~ according to RCW 29A.04.321 and 29A.04.330, that occurs ~~((forty five or more days))~~ after the date of the action by the boundary review board, or county legislative authority or authorities, approving the proposal.

Sec. 25. RCW 52.04.056 and 1989 c 63 s 11 are each amended to read as follows:

(1) As provided in this section, a fire protection district may withdraw areas from its boundaries, or reannex areas into the fire protection district that previously had been withdrawn from the fire protection district under this section.

(2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of fire commissioners requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the fire protection district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

The authority of an area to be withdrawn from a fire protection district as provided under this section is in addition, and not subject, to the provisions of RCW 52.04.101.

The withdrawal of an area from the boundaries of a fire protection district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the fire protection district existing at the time of the withdrawal.

(3) An area that has been withdrawn from the boundaries of a fire protection district under this section may be reannexed into the fire protection district upon: (a) Adoption of a resolution by the board of fire commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within

the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority or authorities, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date (~~(specified in RCW 29.13.020 that occurs forty five or more days after the petitions have been validated)~~) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 26. RCW 52.04.071 and 1984 c 230 s 16 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in the city or town and in the fire protection district at the next date (~~(provided in RCW 29.13.010 but not less than forty five days from the date of the declaration of the finding)~~) according to RCW 29A.04.321, and shall cause notice of the election to be given as provided for in RCW (~~(29.27.080)~~) 29A.52.351.

The election on the annexation of the city or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city or town and the fire protection district are located in accordance with the general election laws of the state. The results thereof shall be canvassed by the canvassing board of the county or counties. No person is entitled to vote at the election unless he or she is a qualified elector in the city or town or unless he or she is a qualified elector within the boundaries of the fire protection district. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of fire protection district?

YES
NO "

If a majority of the persons voting on the proposition in the city or town and a majority of the persons voting on the proposition in the fire protection district vote in favor thereof, the city or town shall be annexed and shall be a part of the fire protection district.

Sec. 27. RCW 53.04.110 and 1998 c 240 s 1 are each amended to read as follows:

Any port district now existing or which may hereafter be organized under the laws of the state of Washington is hereby authorized to change its corporate name under the following conditions and in the following manner:

(1) On presentation (~~(, at least forty five days before any general port election to be held in the port district,)~~) of a petition to the commissioners of any port district now existing or which may hereafter be established under the laws of the state of Washington, signed by at least ten percent of the total number of voters of the port district who voted at the last general port election and asking that the corporate name of the port district be changed, it shall be the duty of the commissioners to submit to the voters of the port district the proposition as to whether the corporate name of the port shall be changed. The proposition shall be submitted at the next general port election according to RCW 29A.04.330.

(2) The petition shall contain the present corporate name of the port district and the corporate name which is proposed to be given to the port district.

(3) On submitting the proposition to the voters of the port district it shall be the duty of the port commissioners to cause to be printed on the official ballot used at the election the following proposition:

"Shall the corporate name, 'Port of ' be

changed to 'Port of 'YES

"Shall the corporate name, 'Port of ' be

changed to 'Port of 'NO"

(4) At the time when the returns of the general election shall be canvassed by the commissioners of the port district, it shall be the duty of the commissioners to canvass the vote upon the proposition so submitted, recording in their record the result of the canvass.

(5) Should a majority of the registered voters of the port district voting at the general port election vote in favor of the proposition it shall be the duty of the port commissioners to certify the fact to the auditor of the county in which the port district shall be situated and to the secretary of state of the state of Washington, under the seal of the port district. On and after the filing of the certificate with the county auditor as aforesaid and with the secretary of state of the state of Washington, the corporate name of the port district shall be changed, and thenceforth the port district shall be known and designated in accordance therewith.

Sec. 28. RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the qualified electors of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility

district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed the petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year (~~occurring forty five days after submission of the proposition to the legislative authority~~) according to RCW 29A.04.330. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

Public Utility District No.

YES

Public Utility District No.

NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by chapter 1, Laws of 1931, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 29. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year (~~occurring forty five days after submission of the proposition to said legislative authority~~) according to RCW 29A.04.330. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes No

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 30. RCW 57.04.050 and 1999 c 153 s 1 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and will benefit the land therein, they shall present a resolution to the county auditor calling for a special election to be held at a date (~~specified under RCW 29A.04.330, that occurs forty five or more days after the resolution is presented~~) according to RCW 29A.04.330, at which a ballot proposition authorizing the district to be created shall be submitted to voters for their approval or rejection. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. The district shall be created if the ballot proposition authorizing the district to be created is approved by a majority of the voters voting on the proposition.

A separate ballot proposition authorizing the district, if created, to impose a single-year excess levy for the preliminary expenses of the district shall be submitted to voters for their approval or rejection at the same special election, if the petition to create the district also proposed that a ballot proposition authorizing an excess levy be submitted to voters for their approval or rejection. The excess levy shall be proposed in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, and may only be submitted to voters for their approval or rejection if the special election is held in February, March, April, or May. The proposition to be effective must be approved in the manner set forth in Article VII, section 2(a) of the state Constitution.

Sec. 31. RCW 70.44.235 and 1987 c 138 s 4 are each amended to read as follows:

(1) As provided in this section, a public hospital district may withdraw areas from its boundaries, or reannex areas into the public hospital district that previously had been withdrawn from the public hospital district under this section.

(2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the hospital district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the public hospital district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution.

The withdrawal of an area from the boundaries of a public hospital district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the public hospital district existing at the time of the withdrawal.

(3) An area that has been withdrawn from the boundaries of a public hospital district under this section may be reannexed into the public hospital district upon: (a) Adoption of a resolution by the hospital district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date (~~specified in RCW 29A.04.330 that occurs forty five or more days after the petitions have been validated~~) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.158 (September primary) and 2004 c 271 s 187;
- (2) RCW 29A.04.311 (Primaries) and 2004 c 271 s 105; and
- (3) RCW 29A.24.211 (Lapse of election when no filing for single positions--Effect) and 2004 c 271 s 116.

NEW SECTION. Sec. 33. This act takes effect January 1, 2006."

On page 1, line 2 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.330, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.40.070, 29A.56.030, 29A.60.190, 29A.64.070, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 42.12.040, 42.17.080,

52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.04.310 and 29A.24.210; repealing RCW 29A.04.158, 29A.04.311, and 29A.24.211; and providing an effective date."

Senator Kastama spoke in favor of adoption of the striking amendment.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 1, beginning on line 3 of the amendment, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872) are each reenacted and amended to read as follows:

Primaries for general elections to be held in November must be held on((:

~~(1)) the ((third)) first Tuesday of the preceding September((:or~~

~~(2) The seventh Tuesday immediately preceding that general election, whichever occurs first))."~~

On page 4, line 36 of the amendment, after "~~(fourth))~~" strike "~~third~~" and insert "second"

On page 5, line 1 of the amendment, after "in" strike "~~(July)) May~~" and insert "July"

On page 5, line 12 of the amendment, strike "~~third~~ Monday in ~~((July)) May~~" and insert "second Monday in July"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schmidt spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5219 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5241, by Senators Fraser, Swecker, Rockefeller, Rasmussen, Sheldon and Oke

Creating additional district court judge positions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5321, by Senators Haugen, Swecker, Jacobsen and Esser

Regulating disclosure of addresses of vehicle owners.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION

8640

By Senators Kohl-Welles, Brown, Jacobsen, Schmidt, Roach, Brandland, Spanel and McAuliffe

WHEREAS, Women of all backgrounds and walks of life, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as volunteers, and have played a critical role in the nurturing of our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Washington state has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women; and

WHEREAS, Washington state had the highest proportion of women legislators of any state legislature between 1995 and 2004, and the highest in the history of the United States at 40.8 percent in 2000; and

WHEREAS, The Washington State Legislature continues to have one of the highest proportion of women legislators in the United States at 33.3 percent currently; and

WHEREAS, Washington state is the first state in the nation to have two female United States senators, Patty Murray and Maria Cantwell, and a female governor, Christine Gregoire, at the same time; and

WHEREAS, Governor Gregoire declared February 7-13, 2005, to be "Girls and Women in Sports Week" in order to promote equality and access for girls and women in sports; and

WHEREAS, The history of girls and women in sports is rich and long, yet there has been little national recognition of the significance of girls' and women's athletic achievements; and

WHEREAS, Girls and women historically have had fewer opportunities to participate in school and professional athletics; and

WHEREAS, Eighty-two percent of executive businesswomen played organized sports after elementary school; and

WHEREAS, Girls who play sports have a more positive body image, higher self-esteem, and experience higher states of psychological well-being than girls who do not play sports; and

WHEREAS, On July 23, 1972, Congress enacted Title IX, which states in part that no person in the United States shall be discriminated against on the basis of sex under any educational program or activity receiving federal funds; and

WHEREAS, In 1972, girls constituted only seven percent of all high school athletes nation-wide. Last year, in 2004, girls composed 41.5 percent of the total high school athletes in the United States; and

WHEREAS, Since the enactment of Title IX, the average number of women's teams offered per school is at an all-time high of 8.34; and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women by promoting the values of teamwork and cooperation. Examples of successful high school teams include: Roosevelt High School, winners of the 2004 WIAA State Basketball Championship; Mead High School, winners of the 2004 WIAA State Volleyball Championship; Bellarmine Prep, winners of the 2004 WIAA State Cross Country, Tennis, and Soccer Championships; Redmond High School, winners of the 2004 WIAA State Gymnastics Championship; Rogers High School, winners of the 2004 WIAA State Swim and Dive Championship; Inglemoor High School, winners of the 2004 WIAA State Softball Championship; and Curtis High School, winners of the 2004 WIAA State Track and Field Championship; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's athletics, including: The University of Washington's softball team, which advanced to their second straight College World Series; the UW volleyball team for making their first ever appearance at the NCAA Division I Final Four; the naming of UW volleyball head coach Jim McLaughlin as the Tachikara/AVCA Division I National Coach of the Year and the naming of Claire Carter as the first four-time All-American in UW history for her accomplishments on the UW tennis team; Eastern Washington University's soccer team for claiming their first Big Sky Conference Regular Season Title and the EWU volleyball team for being named Big Sky Conference Regular Season Champions for the third straight year; Central Washington University's volleyball team, who placed first in the Great Northwest Athletic Conference; Western Washington University's volleyball team, who had a 54-match league winning streak, the fourth longest in NCAA II history; Pacific Lutheran University's volleyball team, the winner of the Northwest Conference Title; Seattle Pacific University's soccer team, the winner of the Great Northwest Athletic Conference, and the SPU basketball team for finishing third in the nation; The Evergreen State College's basketball team who had its best-ever overall record in history and highest finish in the Cascade Conference, the Evergreen women's crew team who competed in the Dad Vail Regatta last spring, the nation's largest collegiate crew event, and Alisha White who was named to the NAIA All-America team for her accomplishments on the Evergreen soccer team; Washington State University's rowing team that finished third at the Pac-10 Championships, and Erin Patterson for being named to the CRCA All-America Second Team, the WSU soccer team for having 17 players earn Pac-10 All Academic Honors, and Kim Welch for being named to the NGCA All-America First Team for her accomplishments on the WSU golf team; and St. Martin's College, whose women's teams were the 2003-2004 Great Northwest Athletics Conference Women's All-Sports Academic Champions; and

WHEREAS, Washington is honored to host the Seattle Storm, the 2004 National Women's Basketball Association Champions, and the first major professional sports team in Seattle to bring home a championship in 25 years; and

WHEREAS, Sue Bird and Lauren Jackson were awarded first team all-WNBA honors, and Betty Lennox was named the WNBA Finals MVP, for their outstanding play; and

WHEREAS, Coach Anne Donovan, already enshrined in the Basketball Hall of Fame, became the first female coach to win a WNBA title, and the first female professional coach to win the Seattle Post-Intelligencer Sports Star of the Year Award; and

WHEREAS, Lauren Jackson, Betty Lennox, Sue Bird, Sheri Sam, Kamila Vodichkova, Alicia Thompson, Janell Burse, Tully Bevilaqua, Simone Edwards, Adia Barnes, Michelle Greco, Head Coach Anne Donovan, and the entire coaching staff have proven to be outstanding role models, both on and off the court, for young women in the state of Washington; and

WHEREAS, Women across the country are underrepresented in leadership positions of coaches, officials, and sports administrators, and there is a demonstrated need for women to serve in these positions to ensure a fair representation of the abilities of women; and

WHEREAS, The current and past accomplishments of women athletes, scholars, and leaders should be recognized and celebrated; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, The United Nations has proclaimed March 8th to be International Women's Day since 1975;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world on March 8th, International Women's Day, and during March, National Women's History Month.

Senators Kohl-Welles and Esser spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.
The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lauren Jackson of the WNBA's Seattle Storm who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Ms. Lauren Jackson to address the Senate.

REMARKS BY LAUREN JACKSON

Lauren Jackson: "Thank you very much. It's a huge honor to be here today and I'm really happy that I got to witness what you guys do. I think it's really important, obviously it's a really important part to know our future especially the kids, that are around and watching from schools and stuff. So I thank you very much. It's an honor to be here so thank you for introducing me and yeah, Go Seattle. Go Washington. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President introduced Wally Walker, President & CEO of Seattle Sonics and Storm; Karen Bryant, Chief of Operating Officer; Valerie O'Neill, Director of Public Relations; and Jamie Carmichael, representing the Eastern Washington University volleyball team, who were all seated in the gallery.

The President announced that Leslie Tuiasosopo, Assistant Coach and players Jessica Veris, Courtney Thompson and Darla Myhra of the University of Washington volleyball team would also be visiting the Senate later in the day.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 7, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 4, 2005

2005 REGULAR SESSION

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 7, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Austin Hill and Ashley Zarelli, presented the Colors. Pastor Robert Christensen of the Olympia-Lacey Church of God offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 3, 2005

SB 5057 Prime Sponsor, Jacobsen: Representing the WUTC on the agency council on coordinated transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5057 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5058 Prime Sponsor, Haugen: Changing the payment date of motor vehicle fuel tax and special fuel tax when paying by electronic funds transfer. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Esser

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5063 Prime Sponsor, Jacobsen: Creating a telework enhancement funding board. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5063 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5121 Prime Sponsor, Keiser: Creating the airport siting council. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5138 Prime Sponsor, Jacobsen: Modifying transportation fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5164 Prime Sponsor, Haugen: Authorizing the department of transportation to impose impact fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5164 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5199 Prime Sponsor, Poulsen: Harmonizing vehicle size limits with federal rules. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5201 Prime Sponsor, Haugen: Authorizing a pilot project for high-occupancy toll lanes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Mulliken

Passed to Committee on Rules for second reading.

March 4, 2005

SB 5510 Prime Sponsor, Spanel: Defining supervisor for public employment purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5775 Prime Sponsor, Mulliken: Providing funds for the maintenance and preservation of small city and town streets. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5775 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5822 Prime Sponsor, Haugen: Recovering costs for motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5822 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Esser

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5856 Prime Sponsor, Brandland: Revising negligence standards regarding the failure to wear safety belts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5856 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Mulliken, Oke and Swecker

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5966 Prime Sponsor, McCaslin: Prohibiting vehicle immobilization. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5969 Prime Sponsor, Swecker: Modifying city and town use of state fuel tax distributions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5977 Prime Sponsor, Oke: Authorizing the "we love our pets" license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 3, 2005

SB 6016 Prime Sponsor, Jacobsen: Providing local transportation funding options. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 4, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

HOUSE BILL NO. 1235,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1304,
SUBSTITUTE HOUSE BILL NO. 1326,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 4, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1007,
HOUSE BILL NO. 1032,
SUBSTITUTE HOUSE BILL NO. 1090,
HOUSE BILL NO. 1112,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1132,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1141,
SUBSTITUTE HOUSE BILL NO. 1158,
SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1695,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1944,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 4, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1051,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 4, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 1003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6080 by Senators Prentice and Stevens

AN ACT Relating to the costs of transporting offender property upon transfer; amending RCW 72.02.045; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6081 by Senators Regala, Esser and Doumit

AN ACT Relating to property tax exemption for church property used to produce church directories; amending RCW 84.36.020; and creating a new section.

Referred to Committee on Ways & Means.

SB 6082 by Senators Benton, Keiser, Zarelli and Kohl-Welles

AN ACT Relating to travel expenses incurred by a worker seeking treatment for a work-related injury; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1100 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Priest, Morrell, Fromhold, Jarrett, Sommers, Ormsby, Appleton, Tom, Anderson, Roberts, P. Sullivan, Lantz, Dickerson, Schual-Berke and Santos)

AN ACT Relating to creating a state financial aid account to ensure that all statewide financial aid is made available; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 1110 by Representatives Eickmeyer, B. Sullivan, Hinkle, Haler and Newhouse

AN ACT Relating to recertification standards for private applicators of pesticides; and amending RCW 17.21.128.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1128 by Representative Nixon

AN ACT Relating to the definition of the term "conviction" in chapter 77.15 RCW; and amending RCW 77.15.050.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1137 by House Committee on Health Care (originally sponsored by Representatives Morrell, Orcutt, Cody, McDonald, Green, Campbell, Clibborn, Schindler, Kagi, Woods, Hunt, Miloscia, Linville, Lantz, Moeller, Williams, Wallace and Kenney)

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

Referred to Committee on Health & Long-Term Care.

HB 1140 by Representatives Bailey, Cody and Wallace

AN ACT Relating to fees for performing independent reviews of health care disputes; and amending RCW 43.70.235.

Referred to Committee on Health & Long-Term Care.

HB 1145 by Representatives Clibborn, Tom, Morrell, Springer, Curtis, Ormsby, Kagi, Eickmeyer, Kenney and Darnelle

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1147 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, O'Brien, Skinner, Woods, Pearson, Simpson, Lovick, Tom and B. Sullivan)

AN ACT Relating to protecting communities from sex offenders through the establishment of community protection zones; amending RCW 9.94A.030, 9.94A.712, and 72.09.340; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

HB 1170 by Representatives Dickerson, Cody, Sommers, Darneille, Schual-Berke, Kenney and Clibborn

AN ACT Relating to basic health plan eligibility of persons studying in the United States under temporary visas; amending RCW 70.47.020; and creating a new section.

Referred to Committee on Health & Long-Term Care.

HB 1180 by Representatives Kilmer, Wallace and Woods

AN ACT Relating to vehicle length and width measurement exclusive devices and specialized equipment; amending RCW 46.44.010 and 46.44.030; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

HB 1184 by Representatives Flannigan, Hinkle, Takko and Shabro

AN ACT Relating to training for newly elected county officers; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Government Operations & Elections.

HB 1232 by Representatives O'Brien, Pearson, Morrell, Lantz, Lovick, Wood, McCune, Wallace and Condotta

AN ACT Relating to clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit; and amending RCW 43.43.112.

Referred to Committee on Transportation.

HB 1237 by Representatives Newhouse, Cody, Clements, Bailey, Roach, Morrell, Lovick, Simpson, Murray, Chase, Kagi and Wallace

AN ACT Relating to specialized commercial vehicles used for patient transportation; amending RCW 18.73.030; and creating a new section.

Referred to Committee on Transportation.

HB 1238 by Representatives Blake, Orcutt, McCoy, Takko and Chase

AN ACT Relating to administering flood control zone districts; amending RCW 86.15.060; adding a new section to chapter 86.15 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1257 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Haler, Upthegrove, O'Brien and Nixon)

AN ACT Relating to motorcycle or motor-driven cycle insurance coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1270 by Representatives Curtis, Simpson, Conway, Hinkle, Upthegrove, Morrell, Moeller, Green, O'Brien, P. Sullivan, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Serben and Strow

AN ACT Relating to suspending a retirement allowance upon reemployment; amending RCW 41.26.500 and 41.26.500; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1297 by Representatives Williams, Priest, Flannigan and Serben

AN ACT Relating to the membership of the commission on judicial conduct; amending RCW 2.64.020; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 1356 by Representatives Pettigrew, Holmquist and Ormsby

AN ACT Relating to local government insurance transactions; amending RCW 48.62.031; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1396 by Representatives Williams, Alexander, Springer, DeBolt, Conway, Wood, McCoy, Condotta and Armstrong

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1398 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Haler, O'Brien, Newhouse, Walsh, Grant, Curtis, McCune, Hankins and Kretz)

AN ACT Relating to theft of livestock; amending RCW 9A.56.080 and 4.24.320; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1405 by Representatives Kretz, Blake, Kristiansen, Sump, B. Sullivan, Holmquist, Buri, Serben, Pearson, Hasegawa, McCune, Grant, P. Sullivan, Campbell, Ahern and Haigh

AN ACT Relating to the advisory committee to the fish and wildlife commission composed of disabled individuals; and amending RCW 77.04.150.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1479 by Representatives Morrell, Campbell, Schual-Berke, Nixon, Cody, Green, Appleton, Clibborn, Simpson and Moeller

AN ACT Relating to independent prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.240; and repealing RCW 18.57.280, 18.71.370, and 18.79.320.

Referred to Committee on Health & Long-Term Care.

HB 1555 by Representatives Wallace, Newhouse, Haigh, Dunn, Takko, Grant, Blake, Quall, Linville, Conway, Orcutt and Kretz

AN ACT Relating to monetary assessments by drainage, diking, flood control, and mosquito control districts; amending RCW 17.28.255; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 1607 by House Committee on Higher Education (originally sponsored by Representatives Strow, Kenney, Walsh, McCoy, Ormsby, Murray, Chase, Dickerson, Hasegawa, Roberts, Santos and Hudgins)

AN ACT Relating to resident tuition rates for American Indian students; and amending RCW 28B.15.0131.

Referred to Committee on Early Learning, K-12 & Higher Education.

HJR 4201 by Representatives Williams, Lovick, Priest, Flannigan and Serben

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTIONS

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 10:44 a.m. by President Owen.

MOTION

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5219 which had been deferred on the previous day.

MOTION

Senator Roach moved that the following amendments by Senator Roach be taken together, considered as one and be adopted.

On page 1, beginning on line 3 of the amendment, strike all of section 1 and insert the following:
"Sec. 1. RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872) are each reenacted and amended to read as follows:

Primaries for general elections to be held in November must be held on(
(1)) the ((third)) first Tuesday of the preceding September((~~or~~
(2) The seventh Tuesday immediately preceding that general election, whichever occurs first))."

On page 4, line 36 of the amendment, after "((fourth))" strike "third" and insert "second"
On page 5, line 1 of the amendment, after "in" strike "((July)) May" and insert "July"
On page 5, line 12 of the amendment, strike "third Monday in ((July)) May" and insert "second Monday in July"
Senator Roach spoke in favor of adoption of the amendment to the striking amendment.
Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendments by Senator Roach on page 1, line 3 and page 4, line 36, to Substitute Senate Bill No. 5219.

MOTION

A division was demanded.
The motion by Senator Roach failed and the amendments were not adopted by a rising voice vote.

MOTION

Senator Schoesler moved that the following amendment to the striking amendment by Senator Schoesler be adopted.

On page 8, after line 37 of the amendment, insert the following:
"Sec. 11. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor (~~no later than the day of the election or primary for which the ballot was issued~~) in accordance with the time requirements of RCW 29A.40.110.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 12. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return identification envelopes for any primary or election may begin on or after the tenth day before the primary or election. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) After opening the return identification envelopes, the county canvassing board or its representative shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner security envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return identification envelope that contains the security envelope and absentee ballot. ~~((They))~~ An absentee ballot may be counted only if the return identification envelope was signed by the date of the primary or election for which it was issued and is in the office of the county auditor before the close of the polls on the day of the primary or election for which it was issued. However, an absentee ballot from an out-of-state, overseas, or service voter may be counted if it was mailed no later than the day of the primary or election for which it was issued. The canvassing board or its representative shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return identification envelope to which the voter has attested determines the validity, as to the ~~((time of voting))~~ date of mailing for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return identification envelope to which the voter has attested determines the validity as to the ~~((time of voting))~~ date of mailing for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

Sec. 13. RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to read as follows:

The voter shall return the ballot to the county auditor in the return identification envelope. ~~((If))~~ Whether mailed or returned otherwise, a ballot must be ~~((postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election))~~ returned in accordance with the time requirements as provided for an absentee ballot under RCW 29A.40.110.

Renumber the sections following consecutively and correct internal references accordingly.

On page 9, after line 29 of the amendment, insert the following:

"Sec. 12. RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to read as follows:

At least every third day after a primary or election and before certification of the election results, except Sundays and legal holidays, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor,

the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that ~~((either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued))~~ was returned in accordance with the time requirements as provided for an absentee ballot under RCW 29A.40.110, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass."

Renumber the sections following consecutively and correct internal references accordingly.

On page 31, line 3 of the title amendment, after "29A.40.070," insert "29A.40.091, 29A.40.110, 29A.48.050," and in line 4 of the title amendment after "29A.56.030," insert "29A.60.160,"

Senators Schoesler and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 8, line 37 to Substitute Senate Bill No. 5219.

MOTION

A division was demanded.

The motion by Senator Schoesler failed and the amendment was not adopted by a rising voice vote.

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 1, on line 3 of the amendment, strike all of section 1 and insert:

Sec. 1. RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872, approved November 2, 2004) are each amended to read as follows:

Primaries for general elections to be held in November must be held on((:

~~(1) The third Tuesday of the preceding September; or~~

~~(2) The seventh Tuesday immediately preceding that general election, whichever occurs first))the Tuesday immediately preceding Labor Day of the same calendar year.~~

Renumber the sections consecutively and correct any internal references accordingly.

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schmidt spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call and the demand was sustained.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Hewitt, Senators Benson and Zarelli were excused.

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Roach on page 1, line 3 to Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon and Stevens - 22

Voting nay: Senators Berkey, Brandland, Brown, Doumit, Eide, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 26

Excused: Senator Zarelli - 1

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5219.

MOTION

A division was demanded.

The motion by Senator Kastama carried and the striking amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.330, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.40.070, 29A.56.030, 29A.60.190, 29A.64.070, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 42.12.040, 42.17.080, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.04.310 and 29A.24.210; repealing RCW 29A.04.158, 29A.04.311, and 29A.24.211; and providing an effective date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "Thank you Mr. President. Last year the voters passed Initiative 872 which essentially had to pass to pass and I'm curious, in this one, if this changes anything dealing with that? Does it require two-thirds vote? First amend initiative, any part of this that is referred to in I-872, such as the primary date?"

PARLIAMENTARY INQUIRY

Senator Kastama: "Thank you Mr. President. I would only comment that the initiative changed the type of primary. It had nothing to do with the actual date of the primary, therefore I would say it's irrelevant but I will certainly stand to your judgment."

POINT OF ORDER

Senator Roach: "Thank you, I wanted to add to the discussion that you're having right now by saying that it does. When you change the primary date it actually significantly changes the primary election. If it's not significantly changing the primary election than I submit we wouldn't be having this particular bill before us in the first place. That also, I believe, would address the issue of the primary election, the issue you're discussing right now with that initiative."

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5219 was deferred and the bill held its place on the second reading calendar.

President Pro Tempore Franklin assumed the chair.

SECOND READING

SENATE BILL NO. 5565, by Senators Schmidt, Kastama, Weinstein, Roach, Keiser, Sheldon, Shin, Rockefeller, Oke and Kohl-Welles

Informing out-of-state, overseas, and service voters of rights and procedures.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Roach and Esser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5565.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 48

Excused: Senator Zarelli - 1

SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5743, by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller

Enhancing voter registration recordkeeping.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5743 was substituted for Senate Bill No. 5743 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Esser be adopted.

On page 5, after line 30, insert the following:

Sec. 7. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing the records of all registered voters within the county. The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW. The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county, to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates. If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.

Sec. 8. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county, to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates."

Renumber the sections following consecutively and correct internal references accordingly.

On page 7, after line 37, insert the following:

"**Sec. 10.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the county auditor shall establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. The county may fulfill its obligations under this section in one of the following ways:

(1) The county auditor may enter into one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor receives change of address information from the United States postal service that indicates that a voter has changed his or her residence address within the county, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address. If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter within the county bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 11. RCW 29A.08.605 and 2004 c 267 s 128 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. This obligation may be fulfilled in one of the following ways:

(1) The secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the use of postal service change-of-address information. If the change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state."

Renumber the sections following consecutively and correct internal references accordingly.

On page 9, line 8, after "(f)" strike everything through "(h)" on line 12, and insert "Provide current and accurate voter registration information using information obtained under RCW 29A.08.125:

(g) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

~~((g))~~ (h) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

~~((h))~~ (i)"

On page 9, line 27, strike all of section 13 and insert the following:

NEW SECTION. Sec. 13. Sections 7 and 10 of this act expire January 1, 2006.

NEW SECTION. Sec. 14. Sections 7 and 10 of this act take effect ninety days after the adjournment of the legislative session in which they are enacted. The remainder of the act takes effect January 1, 2006."

Senators McCaslin and Roach spoke in favor of adoption of the amendment.

Senator Roach demanded a roll call and the demand was sustained.

Senator Kastama spoke in favor of adoption of the amendment.

Senator Roach withdrew her motion for a roll call.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McCaslin and Esser on page 5, after line 30 to Substitute Senate Bill No. 5743.

The motion by Senator McCaslin carried and the amendment was adopted by voice vote.

President Owen assumed the chair.

REMARKS BY THE PRESIDENT

President Owen: "Senator Mulliken, it's been brought to our attention that there were some more perfecting amendments to the substitute which should be taken before your striking amendment is taken. Would you be willing to withdraw your motion to adopt your striking amendment until we deal with those perfecting amendments? With the permission of the Senate, Senator Mulliken withdraws her motion to move the striking amendment."

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 3, line 13, after "and address." insert "The secretary of state or the county auditor shall check on the citizenship of each applicant with the federal Immigration and Naturalization Service, in accordance with 8 U.S.C. 1373."

Senator Roach spoke in favor of adoption of the amendment.

Senator Kastama spoke against adoption of the amendment.

Senator Roach demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 13 to Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach was adopted by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Pridemore, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Stevens and Swecker - 27

Voting nay: Senators Berkey, Brown, Doumit, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Shin, Spanel, Thibaudeau and Weinstein - 21

Excused: Senator Zarelli - 1

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 6, after line 36, insert the following:

"The application form must also provide a box the applicant may check to indicate that he or she is a member of the armed forces."

On page 9, after line 23, insert the following:

"Sec. 12. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide a box the voter may check to indicate that he or she is a member of the armed forces. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed."

Renumber the sections following consecutively and correct internal references accordingly.

Senators Roach and Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 6, line 36 to Substitute Senate Bill No. 5743.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 9, after line 23, insert the following:

"**Sec. 12.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ~~((state))~~ ask and confirm the following:

~~("I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote.")~~

(1) "Are you a United States citizen?"

(2) "Are you at least eighteen years of age?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form and instructions.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce."

Renumber the sections following consecutively and correct internal references accordingly.

Senators Roach and Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 9, after line 23 to Substitute Senate Bill No. 5743.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

Senator Mulliken moved that the following striking amendment by Senator Mulliken be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

In order to vote at any election or primary, whether at a polling place or by absentee or mail ballot, a person must have registered to vote at least thirty days before the election or primary, regardless of the person's status as an absentee, mail ballot, out-of-state, overseas, or service voter.

Sec. 2. RCW 29A.04.103 and 2003 c 111 s 118 are each amended to read as follows:

"Out-of-state voter" means any ~~((elector))~~ registered voter of the state of Washington outside the state but not outside the territorial limits of the United States or the District of Columbia.

Sec. 3. RCW 29A.04.109 and 2003 c 111 s 119 are each amended to read as follows:

"Overseas voter" means any ~~((elector))~~ registered voter of the state of Washington outside the territorial limits of the United States or the District of Columbia.

Sec. 4. RCW 29A.04.163 and 2003 c 111 s 127 are each amended to read as follows:

"Service voter" means any ~~((elector))~~ registered voter of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, is a program participant as defined in RCW 40.24.020, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

Sec. 5. RCW 29A.08.010 and 2003 c 111 s 201 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" or "required information" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes proof that the applicant is a United States citizen, the applicant's name, ~~((complete residence))~~ residential address, date of birth, and a signature attesting to the truth of the information provided on the application. Proof of citizenship is not required if an applicant is transferring his or her voter registration within a county or between counties in this state. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

Sec. 6. RCW 29A.08.010 and 2004 c 267 s 102 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" or "required information" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes proof that the applicant is a United States citizen, the applicant's name, ~~((complete residence))~~ residential address, date of birth, Washington state driver's license number, Washington state identification card, or the last four digits of the applicant's social security number, and a signature attesting to the truth of the information provided on the application~~((, and a check or indication in the box confirming the individual is a United States citizen))~~. If the individual does not have a driver's license, state identification card, or Social Security number the registrant must be issued a unique voter registration number ~~((and))~~ in order to be placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application. Proof of citizenship is not required if an applicant is transferring his or her voter registration within a county or between counties in this state.

Sec. 7. RCW 29A.08.030 and 2004 c 267 s 104 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed ~~((so that the voter may update his or her current residence address))~~ to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 8. RCW 29A.08.107 and 2004 c 267 s 106 are each amended to read as follows:

(1) The secretary of state must review the information provided by each voter registration applicant to ensure that ~~((either))~~ the driver's license number, state identification card number, or the last four digits of the social security number match the information maintained by the Washington department of licensing or the social security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to ~~((resolve the discrepancy))~~ obtain from the applicant a copy of a current photo identification, utility bill, bank statement, paycheck, or government check or another government document that shows the applicant's name and address.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application~~((;))~~ within ~~((thirty))~~ forty-five days, the ~~((secretary of state shall forward the application to the appropriate county auditor for document storage))~~ applicant will not be registered to vote.

(3) Only after the secretary of state has confirmed ~~((that an applicant's driver's license number or the last four digits of the applicant's social security number match existing records with the Washington department of licensing or the social security administration or determined that the applicant does not have either a driver's license number or social security number))~~ the applicant's identity, as required by subsection (1) of this section, may the applicant be placed on the official list of registered voters.

Sec. 9. RCW 29A.08.110 and 2003 c 111 s 206 are each amended to read as follows:

(1) On receipt of an application for voter registration under this chapter, the county auditor shall review the application to determine whether the information supplied is complete. An application that contains proof that the applicant is a United States citizen, the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided on the application is complete. Proof of citizenship is not required if an applicant is transferring his or her voter registration within a county or between counties in this state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable ~~((the auditor shall not~~

~~place~~), the name of the applicant may not be placed on the county voter list. If the applicant provides the required information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) If the information is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. If the applicant has indicated that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

(3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

Sec. 10. RCW 29A.08.110 and 2004 c 267 s 107 are each amended to read as follows:

(1) On receipt of an application for voter registration, the county auditor shall review the application to determine whether the information supplied is complete. An application is considered complete only if it contains proof that the applicant is a United States citizen, the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided and an indication the license information or social security number has been confirmed by the secretary of state. Proof of citizenship is not required if an applicant is transferring his or her voter registration within a county or between counties in this state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable (~~(the auditor shall not place)~~), the name of the applicant may not be placed on the county voter list. If the applicant provides the required verified information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.

(3) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

(4) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.08 RCW to read as follows:

No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, may be disqualified because of a nontraditional address being used as a residence address. Voters using such an address will be registered and assigned to a precinct based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a

nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address.

For the purposes of this section, "nontraditional address" includes shelters, parks, or other identifiable locations that the voter deems to be his or her residence.

Sec. 12. RCW 29A.08.115 and 2004 c 267 s 108 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a ~~((designee))~~ county auditor at least once weekly. The registration date on such forms will be the date they are received by the secretary of state or county auditor.

Sec. 13. RCW 29A.08.140 and 2003 c 111 s 212 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for original registration and transfer ~~((and notice of the special registration and voting procedure provided by RCW 29A.08.145))~~ by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election. ~~((If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.))~~

Sec. 14. RCW 29A.08.140 and 2004 c 267 s 112 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for original registration and transfer ~~((and notice of the special registration and voting procedure provided by RCW 29A.08.145))~~ by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. ~~((If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.))~~

Sec. 15. RCW 29A.08.145 and 2004 c 267 s 113 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote or change his or her registration address in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the ~~((county auditor of the county in which the applicant resides))~~ secretary of state, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 16. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

(1) An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

~~((1))~~ (a) Proof that the applicant is a United States citizen;

(b) The address of the last former registration of the applicant as a voter in the state;

~~((2))~~ (c) The applicant's full name;

~~((3))~~ (d) The applicant's date of birth;

~~((4))~~ (e) The address of the applicant's residence for voting purposes;

~~((5))~~ (f) The mailing address of the applicant if that address is not the same as the address in (e) of this subsection ~~((4) of this section));~~

~~((6))~~ (g) The sex of the applicant;

~~((7))~~ A declaration that the applicant is a citizen of the United States;

~~((8))~~ (h) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's Social Security number;

(i) The applicant's signature; and

~~((9))~~ (j) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The auditor shall not register the applicant until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the auditor shall not register the applicant to vote.

(2) The applicant shall sign and attest to the following declaration:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States. I am not presently denied my civil rights as a result of being convicted of a felony. I will have lived in Washington at this address for thirty days before the next election at which I vote, and I will be at least eighteen years old when I vote."

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."

Sec. 17. RCW 29A.08.220 and 2004 c 267 s 115 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature no more than one time. If an applicant transfers his or her voter registration within a county or between counties of this state, he or she is not required to provide proof of citizenship. These applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

(2) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

Sec. 18. RCW 29A.08.250 and 2004 c 267 s 117 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must ~~((be))~~ provide proof that the applicant is a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship ~~((eligibility))~~ under the Help America Vote Act of 2002 (P.L. 107-252).

Sec. 19. RCW 29A.08.520 and 2003 c 111 s 233 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections and the Washington state patrol shall arrange for a monthly comparison of any lists of known felons maintained by the department of corrections and the Washington state patrol with the statewide voter registration list. If a person is found on the department of corrections felon list or the Washington state patrol felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and immediately cancel the voter registration from the official state voter registration list. The canceling authority shall send notice of the proposed cancellation to the person at his or her last known voter registration address.

(2) Felons who have been granted a certificate of discharge by a court shall provide a certified copy of the certificate of discharge to the department of corrections and the Washington state patrol within thirty days from the day the court grants the certificate, and shall provide a certified copy of their certificate of discharge to the elections officer at the time they register to vote.

Sec. 20. RCW 29A.08.520 and 2004 c 267 s 126 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections and the Washington state patrol shall arrange for a ~~((periodic))~~ monthly comparison of ~~((a))~~ any lists of known felons maintained by the department of corrections and the Washington state patrol with the statewide voter registration list. If a person is found on the department of corrections felon list or the Washington state patrol felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and immediately cancel the voter registration from the official state voter

registration list. The canceling authority shall send notice of the proposed cancellation to the person at his or her last known voter registration address.

(2) Felons who have been granted a certificate of discharge by a court shall provide a certified copy of the certificate of discharge to the department of corrections and the Washington state patrol within thirty days from the day the court grants the certificate, and shall provide a certified copy of their certificate of discharge to the elections officer at the time they register to vote.

NEW SECTION. Sec. 21. A new section is added to chapter 29A.08 RCW to read as follows:

A person may prove that he or she is a United States citizen with an original or copy of any one of the following:

- (1) A United States passport;
- (2) A certified birth certificate issued by the city, county, or state. A certified birth certificate has a registrar's raised, embossed, impressed, or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within one year of birth;
- (3) A consular report of birth abroad or certification of birth;
- (4) A naturalization certificate; or
- (5) A certificate of citizenship.

Sec. 22. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, ~~((and))~~ the department of health, the Washington state patrol, and the office of the administrator for the courts.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

- (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);
- (b) Identify duplicate voter registrations;
- (c) Identify suspected duplicate voters;
- (d) Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data bases to aid in the cancellation of voter registration of felons;
- (e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;
- (f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;
- (g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and
- (h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

NEW SECTION. Sec. 23. A new section is added to chapter 29A.08 RCW to read as follows:

In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health shall arrange for a monthly comparison of any lists of known deaths maintained by the department of health with the statewide voter registration list. If a person is found on the department of health death list and the statewide voter registration list, the secretary of state or county auditor shall immediately cancel the voter registration from the official state voter registration list.

NEW SECTION. Sec. 24. A new section is added to chapter 29A.08 RCW to read as follows:

In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health, the department of social and health services, and the administrator for the courts shall arrange for a monthly comparison of any lists of persons known to have been declared mentally incompetent and unable to vote or placed under the care of a full guardianship due to their mental capacity. If a person is found on the department of health, the department of social and health services, or the administrator for the courts lists and the statewide voter registration list, the secretary of state or county auditor shall immediately cancel the voter registration from the official state voter registration list.

The administrator for the courts shall collect and maintain a list of all judicial determinations of full guardianship under RCW 11.88.010 and other cases where the court has ordered someone unable to vote.

NEW SECTION. Sec. 25. A new section is added to chapter 29A.08 RCW to read as follows:

In addition to any legal obligations of local election officers, the secretary of state in conjunction with local election officers shall make at a minimum a monthly comparison of names on the statewide voter registration list, and if a person is found registered more than once on the statewide voter registration list, the secretary of state or county auditor shall immediately cancel all voter registrations for that voter in excess of one from the official state voter registration list.

Sec. 26. RCW 29A.08.775 and 2004 c 267 s 136 are each amended to read as follows:

Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are ~~((drawn from))~~ the same as the official statewide voter registration list.

Sec. 27. RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

~~((2))~~ (2) If the applicant chooses to register or transfer a registration, the agent shall ~~((state))~~ make the following statement and ask the applicant the following questions:

~~((I would like to remind you that))~~ You must be a United States citizen and at least eighteen years of age in order to vote. Are you a United States citizen? Are you at least eighteen years of age?"

(3) If the applicant responds in the affirmative that he or she is a United States citizen, and that he or she is at least eighteen years of age, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

~~((2))~~ (4) The department shall establish a procedure that substantially meets the requirements of subsections (1) and (2) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

Sec. 28. RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to read as follows:

(1) Except as otherwise provided by law, a registered voter or out-of-state voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day before the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an out-of-state voter, overseas voter, or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter must include the address of the last residence in the state of Washington ~~((and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state))~~. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor.

(5) No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

Sec. 29. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. ~~((For out of state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued.))~~ The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec. 30. A new section is added to chapter 29A.84 RCW to read as follows:

The secretary of state and the appropriate county auditor shall refer all cases of violations of the following statutes that they discover or suspect to have occurred to the local prosecuting attorney: RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655, 29A.84.660, 29A.84.670, and 29A.84.680. The prosecutor to whom the violations were referred shall submit to the secretary of state a list of all such referrals, the basis of the referrals, and the final disposition of the referrals.

Sec. 31. RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant:

- (1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or
- (2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
- (4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law,

he or she is guilty of a ~~((gross misdemeanor punishable to the same extent as a gross misdemeanor that is))~~ class C felony punishable under RCW 9A.20.021.

Sec. 32. RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a ~~((misdemeanor))~~ class C felony punishable under RCW 9A.20.021.

Sec. 33. RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

Any person who votes or attempts to vote more than once at any primary or general or special election is guilty of a ~~((gross misdemeanor, punishable to the same extent as a gross misdemeanor that is))~~ class C felony punishable under RCW 9A.20.021.

Sec. 34. RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s 181 are each reenacted and amended to read as follows:

- (1) It is unlawful for a voter to:
 - (a) Receive a ballot from any person other than the election officer having charge of the ballots;
 - (b) Vote or offer to vote any ballot except one received from the election officer having charge of the ballots;
 - (c) Fail to return to the election officers any ballot received from an election officer.
- (2) A violation of this section is a gross misdemeanor, punishable ~~((by a fine not exceeding one hundred dollars, plus costs of prosecution))~~ under RCW 9A.20.021.

Sec. 35. RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

Trafficking 1 (RCW 9A.40.100(1))

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1
(RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1
(RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(2))

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

Indecent Liberties (with forcible
compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW
9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW
9A.76.115)

IX Assault of a Child 2 (RCW 9A.36.130)

Explosive devices prohibited (RCW
70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the
influence of intoxicating liquor or any
drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW
9A.82.060(1)(b))

Malicious placement of an explosive 2
(RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW

9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2
(RCW 70.74.272(1)(b))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Ammonia (RCW
69.55.020)
V Abandonment of dependent person 1 (RCW
9A.42.060)
Advancing money or property for
extortionate extension of credit (RCW
9A.82.030)
Bail Jumping with class A Felony (RCW
9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW
9A.44.160)
Domestic Violence Court Order Violation
(RCW 10.99.040, 10.99.050, 26.09.300,
26.10.220, 26.26.138, 26.50.110,
26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW
9A.82.020)
Extortionate Means to Collect Extensions of
Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW
9.94.070)
Possession of a Stolen Firearm (RCW
9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW
9A.76.070)
Sexual Misconduct with a Minor 1 (RCW
9A.44.093)
Sexually Violating Human Remains (RCW
9A.44.105)
Stalking (RCW 9A.46.110)
Taking Motor Vehicle Without Permission 1
(RCW 9A.56.070)
IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by
Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance
(RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident
(RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age
Fourteen (subsequent sex offense) (RCW
9A.88.010)

Influencing Outcome of Sporting Event
(RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW
9A.82.050)

Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(b))

Unlawful transaction of health coverage as a
health care service contractor (RCW
48.44.016(3))

Unlawful transaction of health coverage as a
health maintenance organization (RCW
48.46.033(3))

Unlawful transaction of insurance business
(RCW 48.15.023(3))

Unlicensed practice as an insurance
professional (RCW 48.17.063(3))

Use of Proceeds of Criminal Profiteering
(RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the
influence of intoxicating liquor or any
drug, or by the operation or driving of a
vehicle in a reckless manner (RCW

46.61.522)

Willful Failure to Return from Furlough
(RCW 72.66.060)

III Abandonment of dependent person 2 (RCW
9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral
Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW
9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or
threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW
9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW
81.60.070)

Patronizing a Juvenile Prostitute (RCW
9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW
9.40.120)

Possession of Machine Gun or Short-Barreled
Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW
9A.72.120)

Telephone Harassment (subsequent
conviction or threat of death) (RCW
9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Trafficking in Stolen Property 2 (RCW
9A.82.055)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9A.04.020)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Voter Registration Violation by Election Official (RCW 29A.84.110)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Repeat Voting (RCW 29A.84.650)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW

9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2
(RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased
Property (valued at two hundred fifty
dollars or more but less than one
thousand five hundred dollars) (RCW
9A.56.096(5)(b))

Transaction of insurance business beyond
the scope of licensure (RCW
48.17.063(4))

Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)

Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of
Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment
Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal
Identification Device (RCW 9A.56.320)

Unlawful Production of Payment
Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW
9.91.142)

Unlawful Use of Food Stamps (RCW
9.91.144)

Unqualified Voter Registering (RCW
29A.84.140)

Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. Sec. 36. The following acts or parts of acts are each repealed:

(1) RCW 29A.08.145 (Late registration--Special procedure) and 2004 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1;
(2) RCW 29A.08.155 (Payment for maintenance of electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215; and
(3) RCW 29A.08.230 (Oath of applicant) and 2003 c 111 s 218, 1994 c 57 s 12, 1990 c 143 s 8, 1973 1st ex.s. c 21 s 4,
1971 ex.s. c 202 s 10, & 1965 c 9 s 29.07.080.

NEW SECTION. Sec. 37. Sections 5, 9, 13, and 19 of this act expire January 1, 2006.

NEW SECTION. Sec. 38. (1) Sections 5, 9, 16, 17, 18, 21, 27, and 36 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

(2) Sections 6, 10, 14, and 20 of this act take effect January 1, 2006."

In line 1 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010, 29A.08.010, 29A.08.030, 29A.08.107, 29A.08.110, 29A.08.110, 29A.08.115, 29A.08.140, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.220, 29A.08.250, 29A.08.520, 29A.08.520, 29A.08.651, 29A.08.775, 46.20.155, 29A.40.020, 29A.40.091, 29A.84.110, 29A.84.140, and 29A.84.650; reenacting and amending RCW 29A.84.670 and 9.94A.515; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; repealing RCW 29A.08.145, 29A.08.155, and 29A.08.230; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency."

Senators Mulliken, Benton and Carrell spoke in favor of adoption of the striking amendment.
Senators Kastama, Kline and Haugen spoke against adoption of the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Hargrove: The amendment, the individual amendments that we adopted, were they to the striker or were they to the underlying bill."

REMARKS BY THE PRESIDENT

President Owen: "They were to the underlying bill."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Mulliken to Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Mulliken and the striking amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Stevens and Zarelli - 20

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Absent: Senator Roach - 1

There being no objection, the following title amendments were adopted:

In line 2 of the title, after "29A.08.115," insert "29A.08.125, 29A.08.125,"

In line 3 of the title, after "29A.08.520," insert "29A.08.605, 29A.08.605,"

In line 4 of the title, after "29A.08.155;" strike "and" and in line 5 of the title, after "date" insert "; and providing an expiration date"

In line 3 of the title, after "29A.08.651," strike "and 29A.08.775" and insert "29A.08.775, and 29A.40.091"

In line 3 of the title, after "29A.08.651," strike "and 29A.08.775" and insert "29A.08.775, and 46.20.155"

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Jacobsen that amendment No. 45 takes a two-thirds vote because it mends sections enacted by Initiative Number 872, the President finds and rules as follows:

Although the main purpose of I872 was not to affect the date of the primary, it should be noted that Section 8 of I-872, which is now codified at RCW 29A. 04.310, actually does amend the primary dates. Specifically, I-872 breaks out and numbers the primary dates which were previously incorporated into one sentence. While the purpose of the drafters in so doing can be debated, the effect for purposes of this ruling cannot: these dates were differently set forth in the initiative as voted upon at the general election. As a result, amending this section will take two-thirds vote of this body and Senator Jacobson's point is well taken."

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5219 was deferred and the bill held its place on the second reading calendar.

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Weinstein moved adoption of the following resolution:

SENATE RESOLUTION

8630

By Senators Weinstein and Esser

WHEREAS, The Bellevue High School football team and girls' swim team both recently won state championships; and
WHEREAS, The football team's title is a state-record fourth consecutive state 3A title, the first such achievement by a Washington football team in any classification; and

WHEREAS, It is the fourth state title for the girls' swim team; and

WHEREAS, Football coach Butch Goncharoff and his coaching staff have led the team to a 50-2 record in the past four seasons; and

WHEREAS, Both Goncharoff and swim coach Paul Von Destinon concentrate not just on athletic ability, but on instilling a strong work ethic and team spirit among their athletes; and

WHEREAS, Bellevue High School students showed their immense school spirit throughout the season in a positive, respectful way; and

WHEREAS, In addition to high-quality athletic programs, Bellevue High School staff and students also strive for academic excellence, including setting a goal that all students should take at least one advanced level course before graduating; and

WHEREAS, Bellevue High School athletes show a dedication to schoolwork, with 21 members of the football team and nine members of the swim team carrying a cumulative grade point average of 3.5 or higher;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Bellevue High School Wolverines football team and girls' swim team, and their coaching staffs, for a commitment to excellence both on the field and in the classroom; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Bellevue High School football team head coach Butch Goncharoff, girls' swim team coach Paul Von Destinon, and Principal Mike Bacigalupi.

Senators Weinstein and Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

The motion by Senator Weinstein carried and the resolution was adopted by voice vote.

MOTION

At 12:15 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 7, 2005

SB 5037 Prime Sponsor, Prentice: Providing long-term funding for problem gambling. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5037 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5041 Prime Sponsor, McCaslin: Revising deadly weapon and firearm sentence range enhancements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5041 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5064 Prime Sponsor, Thibaudeau: Studying the use of electronic medical records. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5064 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5069 Prime Sponsor, Keiser: Establishing family leave insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5069 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5095 Prime Sponsor, Doumit: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Parlette, Pflug, Rasmussen, Roach, Schoesler and Zarelli

MINORITY recommendation: MMR Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Fairley, Kohl-Welles and Rockefeller

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5101 Prime Sponsor, Poulsen: Providing incentives to support renewable energy. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5101 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5111 Prime Sponsor, Morton: Providing tax incentives for solar energy systems. Revised for 2nd Substitute: Providing tax incentives for solar energy systems. (REVISED FOR PASSED LEGISLATURE: Providing tax incentives for solar energy businesses.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5111 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5136 Prime Sponsor, Doumit: Modifying fire protection district property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5157 Prime Sponsor, Regala: Revising provisions relating to local law enforcement automatic fingerprint identification systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5157 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5202 Prime Sponsor, Parlette: Requiring the public employees' benefits board to develop a health savings account option for employees. Revised for 2nd Substitute: Requiring a study of public employee health plans and health savings account options. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5202 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5213 Prime Sponsor, Brandland: Supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5213 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5226 Prime Sponsor, Jacobsen: Providing for temporary combination fishing licenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5227 Prime Sponsor, Jacobsen: Decriminalizing certain hunter reporting requirements. Revised for 1st Substitute: Concerning wildlife reporting requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5227 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5235 Prime Sponsor, Kohl-Welles: Requiring the department of labor and industries to set child labor law administration fees. Revised for 2nd Substitute: Requiring the department of labor and industries to charge child labor law administration fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5235 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5278 Prime Sponsor, Jacobsen: Establishing the ocean policy review commission. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5278 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5286 Prime Sponsor, Kastama: Restricting postretirement employment for members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5286 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Rasmussen, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Pridemore, Regala and Thibaudeau

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5311 Prime Sponsor, Rasmussen: Creating an autism task force. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5325 Prime Sponsor, Zarelli: Promoting economic development and community revitalization. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5349 Prime Sponsor, Kastama: Creating a dyslexia reading instruction pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5349 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5366 Prime Sponsor, Schoesler: Regulating movement of older mobile homes. Revised for 1st Substitute: Regulating older mobile homes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5366 as recommended by Committee on Financial Institutions, Housing & Consumer Protection be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5370 Prime Sponsor, Brown: Creating the economic development strategic reserve account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5370 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5378 Prime Sponsor, Pridemore: Allowing counties to increase funding for properties acquired through conservation futures. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5385 Prime Sponsor, Jacobsen: Creating the Washington invasive species council. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5385 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5396 Prime Sponsor, Fraser: Expanding the criteria for habitat conservation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5396 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Hewitt, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5405 Prime Sponsor, Jacobsen: Establishing the future of Washington forests review council. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5405 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5411 Prime Sponsor, Pridemore: Authorizing branch campuses to offer lower-division courses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5411 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5419 Prime Sponsor, Fraser: Changing water permit processing provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5419 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5431 Prime Sponsor, Spanel: Concerning the management of on-site sewage systems in marine areas. Revised for 2nd Substitute: Concerning on-site sewage disposal systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5431 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5432 Prime Sponsor, Spanel: Creating the oil spill monitoring and oversight council. Revised for 1st Substitute: Creating the citizens' oil spill advisory council. (REVISED FOR ENGROSSED: Creating the oil spill advisory council.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5432 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5451 Prime Sponsor, Keiser: Modifying the excise taxation of cosmetic medical services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5451 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Rasmussen, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5454 Prime Sponsor, Hargrove: Revising trial court funding provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5454 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: MMR Signed by Senators Roach and Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5471 Prime Sponsor, Thibaudeau: Authorizing a prescription drug purchasing consortium. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5471 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5487 Prime Sponsor, Keiser: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5487 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Pflug, Pridemore, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Rasmussen, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5490 Prime Sponsor, Kastama: Tightening muffler noise standards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5509 Prime Sponsor, Poulsen: Requiring public buildings to be built using high-performance green building standards. Revised for 2nd Substitute: Concerning high-performance building standards. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5509 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 3, 2005

SB 5518 Prime Sponsor, Eide: Increasing certain fees of licensing subagents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5522 Prime Sponsor, Franklin: Purchasing service credit lost due to injury. (REVISED FOR PASSED LEGISLATURE: Extending the ability to purchase service credit lost due to injury.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5544 Prime Sponsor, Spanel: Creating the Washington voluntary accounts program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5544 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5581 Prime Sponsor, Brown: Establishing the life sciences discovery fund. Revised for 2nd Substitute: Establishing the life sciences discovery fund. (REVISED FOR ENGROSSED: Establishing the life sciences discovery fund authority.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5581 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Parlette, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5617 Prime Sponsor, Parlette: Suspending a retirement allowance upon reemployment. Revised for 1st Substitute: Addressing postretirement employment for members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5617 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pflug, Pridemore, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5623 Prime Sponsor, Haugen: Clarifying that sales and use tax does not apply to certain regional transit authority service agreements. Revised for 1st Substitute: Modifying the excise taxation of maintenance service agreements for regional transit authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5623 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5638 Prime Sponsor, McAuliffe: Changing student assessment provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5638 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5651 Prime Sponsor, Fraser: Returning interest earned to the community and technical college capital projects account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5699 Prime Sponsor, Oke: Preventing and controlling aquatic invasive species and algae. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5699 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Hewitt, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5722 Prime Sponsor, Keiser: Concerning small employers and the basic health plan. Revised for 2nd Substitute: Expanding access to insurance coverage through the small business assist program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5722 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5741 Prime Sponsor, Kastama: Modifying provisions on voters' pamphlets. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5741 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5742 Prime Sponsor, Roach: Strengthening review and correction of county election procedures. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5761 Prime Sponsor, Doumit: Concerning forest practices' impacts on family forest landowners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5763 Prime Sponsor, Hargrove: Enacting the omnibus treatment of mental and substance abuse disorders act of 2005. Revised for 2nd Substitute: Creating the omnibus treatment of mental and substance abuse disorders act of 2005. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5763 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5767 Prime Sponsor, McAuliffe: Developing plans to address the housing needs of homeless persons. Revised for 1st Substitute: Developing plans to address the housing needs of homeless persons. (REVISED FOR PASSED LEGISLATURE: Creating a homeless housing task force in each county.) Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendation: MMR Signed by Senators Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5773 Prime Sponsor, Fraser: Protecting homeowners who hire contractors to remodel or build their homes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5773 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5780 Prime Sponsor, Prentice: Making technical improvements to the medicaid nursing home rate setting process. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5782 Prime Sponsor, Shin: Modifying provisions of the linked deposit program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5782 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5785 Prime Sponsor, Fairley: Stabilizing the cost of medical malpractice insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5790 Prime Sponsor, Doumit: Modifying motor vehicle taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5842 Prime Sponsor, Doumit: Using the retrospective rating program to improve worker safety. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5857 Prime Sponsor, Prentice: Authorizing a business and occupation tax deduction for certain nonprofit community health centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5878 Prime Sponsor, Prentice: Prohibiting internet gambling. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5878 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5913 Prime Sponsor, Kastama: Regulating tattooing and body piercing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Hewitt

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5916 Prime Sponsor, Schmidt: Providing tax incentives for clean and alternative fuel vehicles. Revised for 2nd Substitute: Exempting clean alternative fuel vehicles from sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5916 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5940 Prime Sponsor, Thibaudeau: Funding the conservation of the state art collection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5972 Prime Sponsor, Prentice: Modifying the business and occupation tax credit for property tax payments related to the manufacture of commercial airplanes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5972 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 5999 Prime Sponsor, Prentice: Exempting service contracts to administer parking and business improvement areas from excise taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5999 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6000 Prime Sponsor, Zarelli: Providing a sales and use tax exemption for privately produced trout purchased by the department of fish and wildlife. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Rasmussen, Roach, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Rockefeller

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6027 Prime Sponsor, Hewitt: Eliminating obsolete bond retirement accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6033 Prime Sponsor, Doumit: Creating a Washington coastal Dungeness crab pot buoy tag program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Hewitt, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6050 Prime Sponsor, Parlette: Providing financial assistance to cities, towns, and counties. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6050 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Rasmussen, Roach, Rockefeller and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Pflug, Pridemore and Schoesler

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6061 Prime Sponsor, Rockefeller: Requiring the disclosure of controlling interest transfers in business organizations for real estate excise tax purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6073 Prime Sponsor, Kohl-Welles: Making appropriations to conduct reviews of admission applications. Revised for 1st Substitute: Encouraging institutions of higher education to conduct comprehensive reviews of admission applicants. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 7, 2005

SB 6078 Prime Sponsor, Regala: Controlling state expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

At 9:47 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, March 8, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 7, 2005

2005 REGULAR SESSION

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 8, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Pflug, Poulsen, Sheldon and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Kayla Rollinger and Nicole Wind, presented the Colors. Bishop William Skylstad of the Washington State Catholic Conference Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 4, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington Accountability Report, Fiscal Year 2004.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Washington Accountability Report, Fiscal Year 2004 is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 7, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Washington State Barley Commission.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Audit Report, Washington State Barley Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 4, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Financial Statements Audit, Washington State Barley Commission.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Financial Statements Audit, Washington State Barley Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 4, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Accountability Audit Report, Washington State Dry Pea & Lentil Commission.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Accountability Audit Report, Washington State Dry Pea & Lentil Commission is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 30, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Social & Health Services, "Foster Care Assessment Instrument". This report is mandated under Chamber 232, Laws of 2000, Section 4, RCW 74.14A.050.

If you have any questions about the report, please call 360-902-7993.

Sincerely,
Diane Inman

The Social & Health Services, "Foster Care Assessment Instrument" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 28, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Family Policy Council. This report is mandated under 70.190.110 RCW.

If you have any questions about the report, please call 360-902-7880.

Sincerely,
Laura Porter, Staff Director

The Family Policy Council is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALEX BOLTON, appointed July 29, 2004, for the term ending May 31, 2005, as Member, Board of Regents, University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRADY HORENSTEIN, appointed July 21, 2004, for the term ending May 31, 2005, as Member, Board of Regents, Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRYSTAL MANRING, appointed July 22, 2004, for the term ending May 31, 2005, as Member, Board of Trustees, Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHLEEN MOFFITT, appointed July 22, 2004, for the term ending May 31, 2005, as Member, Board of Trustees, Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANTHONY ROSE, appointed October 14, 2004, for the term ending June 30, 2005, as Member of the Higher Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAYA TOMLIN, appointed July 21, 2004, for the term ending May 31, 2005, as Member, Board of Trustees, Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1075,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
SUBSTITUTE HOUSE BILL NO. 1281,
HOUSE BILL NO. 1287,
HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1320,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1382,
SUBSTITUTE HOUSE BILL NO. 1406,
HOUSE BILL NO. 1407,
SUBSTITUTE HOUSE BILL NO. 1708,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1003 by Representatives Hinkle, B. Sullivan, Curtis, Campbell, Blake, Dunn and Condotta

AN ACT Relating to the operation of off-road vehicles on roadways; amending RCW 46.09.010, 46.09.120, and 46.37.010; reenacting and amending RCW 46.16.010; adding new sections to chapter 46.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1007 by Representatives Hunt, Alexander, Sommers, Kenney and Chase

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

Referred to Committee on Ways & Means.

HB 1032 by Representatives Kirby, Roach, Simpson and Schual-Berke

AN ACT Relating to adopting the interstate insurance product regulation compact; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1051 by Representatives Murray and Ericksen; by request of Legislative Ethics Board

AN ACT Relating to ethics complaints; and amending RCW 42.52.425 and 42.52.450.

Referred to Committee on Government Operations & Elections.

SHB 1075 by House Committee on Health Care (originally sponsored by Representatives Kenney, Morrell, Campbell, Cody, Santos, Skinner, Green, Bailey, Schual-Berke and Chase)

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

Referred to Committee on Health & Long-Term Care.

SHB 1090 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Jarrett, Sommers, Bailey, Morris, Strow, Nixon, Kenney, Hasegawa, Lantz, Flannigan, Santos, Murray, Wood, Upthegrove, Dickerson, B. Sullivan, Schual-Berke, Cody, Pettigrew, Conway, Simpson, Woods, McIntire, Kagi, Chase, Tom, Morrell and Kilmer)

AN ACT Relating to transportation system signage using icons and pictograms; adding a new section to chapter 35.95A RCW; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1112 by Representatives Quall, Bailey, Morris, Strow, Kristiansen and Pearson

AN ACT Relating to superior court judges; amending RCW 2.08.063; and creating a new section.

Referred to Committee on Judiciary.

HB 1124 by Representatives Eickmeyer, Buck, Blake, Upthegrove, B. Sullivan, Chase and Dunshee

AN ACT Relating to authorizing the use of signs, banners, or decorations over highways under limited circumstances; amending RCW 47.36.030 and 47.42.020; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1132 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Nixon, Haigh and Shabro)

AN ACT Relating to filing declarations of candidacy; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on Government Operations & Elections.

SHB 1133 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Nixon, Haigh and Shabro)

AN ACT Relating to creating the public records act by recodifying and making technical changes to existing law; amending RCW 2.64.111, 9.41.097, 9.41.129, 10.29.030, 10.29.090, 10.97.080, 10.97.140, 10.98.200, 10.99.090, 13.40.570, 15.19.080, 15.26.295, 15.28.315, 15.44.185, 15.58.060, 15.65.203, 15.66.105, 15.86.110, 15.88.170, 16.67.180, 18.27.120, 18.32.040, 18.39.450, 18.44.031, 18.51.290, 18.64.420, 18.71.0195, 18.71.340, 18.106.320, 18.130.085, 18.130.095, 18.130.110, 18.130.175, 19.28.171, 19.34.240, 19.80.065, 19.230.190, 21.20.855, 21.30.170, 22.09.640, 26.12.170, 26.23.120, 27.53.070, 28A.320.160, 28A.410.095, 28B.85.020, 28C.10.050, 29A.04.225, 29A.60.070, 29A.60.140, 30.04.075, 30.04.230, 30.04.410, 31.12.565, 31.45.030, 31.45.077, 31.45.090, 32.04.220, 32.32.228, 32.32.275, 33.04.110, 34.05.325, 35.02.130, 35.21.228, 35.21.759, 35.102.040, 35A.21.300, 36.01.210, 36.28A.060, 36.57.120, 36.57A.170, 36.70B.220, 36.70C.120, 36.102.200, 39.10.100, 40.07.040, 41.05.026, 41.06.160, 41.06.167, 41.06.450, 41.06.455, 42.17.245, 42.17.251, 42.17.260, 42.17.270, 42.17.305, 42.17.311, 42.17.340, 42.17.341, 42.17.348, 42.48.030, 42.52.050, 42.52.810, 43.06A.050, 43.21L.120, 43.22.434, 43.33A.025, 43.43.856, 43.52.570, 43.52.612, 43.70.050, 43.70.510, 44.05.080, 46.12.380, 46.12.390, 46.20.041, 46.20.118, 47.64.220, 48.02.065, 48.20.530, 48.21.330, 48.30A.060, 48.32A.185, 48.44.470, 48.46.540, 48.62.101, 48.94.010, 48.104.050, 50.13.015, 50.13.030, 50.13.040, 50.13.060, 50.13.080, 50.38.060, 51.36.120, 52.14.100, 69.41.044, 69.41.280, 69.45.090, 70.02.090, 70.38.095, 70.41.150, 70.44.315, 70.45.030, 70.47.150, 70.77.455, 70.95C.220, 70.102.020, 70.120.100, 70.148.060, 70.149.090, 70.168.070, 70.168.090, 70.190.060, 72.09.116, 72.09.225, 73.04.030, 74.09A.020, 74.13.500, 74.13.515, 74.13.525, 74.34.063, 74.39A.200, 74.46.820, 76.09.060, 80.04.095, 81.104.115, 81.112.180, 82.32.410, 84.08.210, 84.40.020, 90.14.068, and 90.80.135; reenacting and amending RCW 66.28.180, 71.05.390, 82.32.330, and 42.17.310; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.250, 42.17.251, 42.17.255, 42.17.258, 42.17.260, 42.17.270, 42.17.280, 42.17.290, 42.17.295, 42.17.300, 42.17.305, 42.17.310, 42.17.311, 42.17.320, 42.17.325, 42.17.330, 42.17.340, 42.17.341, and 42.17.348; repealing RCW 42.17.312, 42.17.313, 42.17.314, 42.17.315, 42.17.316, 42.17.317, 42.17.318, 42.17.319, 42.17.31901, 42.17.31902,

42.17.31903, 42.17.31904, 42.17.31905, 42.17.31906, 42.17.31907, 42.17.31908, 42.17.31909, 42.17.31910, 42.17.31911, 42.17.31912, 42.17.31913, 42.17.31914, 42.17.31915, 42.17.31916, 42.17.31917, 42.17.31918, 42.17.31919, 42.17.31920, and 42.17.31921; and providing an effective date.

Referred to Committee on Government Operations & Elections.

HB 1141 by Representatives Conway, Tom, Wood, Buri, Miloscia, Condotta, Armstrong and Kenney

AN ACT Relating to the Washington real estate research account; amending RCW 18.85.520, 18.85.530, and 18.85.540; and providing expiration dates.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1151 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan)

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SHB 1158 by House Committee on Local Government (originally sponsored by Representatives Takko and Alexander)

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

Referred to Committee on Government Operations & Elections.

SHB 1174 by House Committee on Higher Education (originally sponsored by Representatives McCoy, Campbell, Morrell, Chase, Condotta, Hunt, Appleton, Hudgins, Armstrong, Hinkle, Conway, Lantz, Ormsby, Haigh and Upthegrove)

AN ACT Relating to tuition waivers at institutions of higher education; amending RCW 28B.15.380 and 28B.15.910; adding a new section to chapter 28B.15 RCW; and repealing RCW 28B.10.265, 28B.15.620, 28B.15.625, 28B.15.628, and 28B.15.629.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1179 by House Committee on Transportation (originally sponsored by Representatives Murray, Shabro, Wallace, Woods, Jarrett, Simpson, Springer, Dickerson, Quall, Armstrong, Kenney, Clibborn and McIntire)

AN ACT Relating to high-occupancy toll lanes; amending RCW 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.66 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1214 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake and Upthegrove)

AN ACT Relating to food fish and shellfish commercial licenses; and amending RCW 77.65.010, 77.65.170, 77.65.190, 77.65.210, and 77.65.390.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1235 by Representatives O'Brien, Nixon, Lovick, Ericks, Clements, Shabro, Darneille, Miloscia and Springer

AN ACT Relating to homeless encampment siting consultation between counties, cities, and towns; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1266 by House Committee on Transportation (originally sponsored by Representatives Murray, Woods and Kenney)

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, 46.25.125, and 46.25.090; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 1272 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Linville, Nixon, Hunt, Rodne, Strow, Tom, McDermott, Sommers, Appleton, Simpson, Dickerson, Lovick, Hasegawa, Sells, Cody, Morrell, Chase, Hudgins, B. Sullivan, Schual-Berke, Williams, Lantz, Kilmer, Moeller, Roberts, Upthegrove, McCoy, Hunter, Darneille, Miloscia, Green, O'Brien, P. Sullivan, Anderson, Kenney, Murray, Wallace, Ormsby, Haigh, Kagi and McIntire)

AN ACT Relating to high-performance green buildings; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 1281 by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, Dunn, P. Sullivan, Orcutt, Darneille, Morrell, Campbell, Wallace and Chase)

AN ACT Relating to adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities for reliance on the representation of a person claiming to be responsible for the care of the minor; amending RCW 7.70.065; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 1282 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Tom, Cody, Jarrett, Fromhold, Hankins, Appleton, Haler, Murray, Nixon, Dickerson, Kagi, Hasegawa, Roberts, Springer, DeBolt, Lantz, Chase, Hunter, Upthegrove, Darneille, Moeller, Morrell, Hunt, Simpson, Williams, Green, Wood, Kenney, Wallace, Linville, Ormsby, Kilmer, Haigh, Santos, McIntire and Walsh)

AN ACT Relating to sexual health education; adding a new section to chapter 70.24 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 1286 by Representatives Cody, Simpson, Morrell and Kenney

AN ACT Relating to creating the medical flexible spending account; amending RCW 41.05.011 and 41.05.120; and adding new sections to chapter 41.05 RCW.

Referred to Committee on Ways & Means.

HB 1287 by Representatives Cody, Morrell, Schual-Berke and Moeller

AN ACT Relating to authorizing the health care authority to receive a federal employer subsidy for continuing to provide a pharmacy benefit to retirees; amending RCW 41.05.065 and 41.05.085; adding a new section to chapter 41.05 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1303 by Representatives Appleton, Woods and B. Sullivan

AN ACT Relating to metropolitan park districts; amending RCW 35.61.290, 35.61.300, and 36.69.310; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1304 by House Committee on Judiciary (originally sponsored by Representatives Kessler, O'Brien, Lantz, Tom, Lovick, Pearson, Hunt, Moeller, Kirby, Kristiansen, Hunter, Condotta, Dunshee, Nixon, Springer, Jarrett, Simpson, Kilmer, Upthegrove, Williams, Linville, Kenney and Dickerson)

AN ACT Relating to animal cruelty; amending RCW 16.52.205 and 16.52.207; and prescribing penalties.

Referred to Committee on Judiciary.

SHB 1320 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Conway, Crouse, Simpson, Upthegrove and Chase)

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

Referred to Committee on Ways & Means.

HB 1321 by Representatives Fromhold, Conway, Crouse, Simpson, Morrell, Upthegrove, Linville, Kenney and McDermott

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

Referred to Committee on Ways & Means.

SHB 1326 by House Committee on Appropriations (originally sponsored by Representatives Conway, Crouse, Simpson and Chase)

AN ACT Relating to the public employment of retirees from the teachers' retirement system and the public employees' retirement system; amending RCW 41.32.010, 41.32.055, 41.32.570, 41.40.010, 41.40.010, and 41.40.037; reenacting and amending RCW 41.40.037; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1382 by Representatives Clements, Haigh, Nixon, Chase, Linville, Sump, Anderson and McCoy

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

Referred to Committee on Government Operations & Elections.

SHB 1406 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Buck, B. Sullivan, Orcutt, Takko, Kretz, Alexander, Grant, Shabro, Linville and Skinner)

AN ACT Relating to specialized forest products; amending RCW 76.48.020, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.085, 76.48.094, 76.48.096, 76.48.098, 76.48.100, 76.48.110, and 76.48.140; and adding a new section to chapter 76.48 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1407 by Representatives Grant, Walsh, Linville, Buri and Morrell

AN ACT Relating to providing an expiration date for the tax deduction for certain businesses impacted by the ban on American beef products; amending RCW 82.04.4336; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1695 by Representatives Buri, Kretz, Green, Grant, Newhouse, Blake, DeBolt, Orcutt, Haler, B. Sullivan and Buck

AN ACT Relating to the treatment of the nonresident children of state residents for the purposes of hunting and fishing licenses; and amending RCW 77.08.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1708 by House Committee on Education (originally sponsored by Representatives Lovick, Quall, Dickerson, Cox, Haigh, Kenney, McDermott, O'Brien, Sells, B. Sullivan, Appleton, Simpson, Kagi, Darneille, Morrell, Green, P. Sullivan, Ormsby, McCoy, Chase and Moeller)

AN ACT Relating to dropout prevention; amending RCW 28A.175.010 and 28A.655.030; and adding a new section to chapter 28A.175 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 1832 by Representatives Kretz, Blake, Grant, Holmquist, P. Sullivan, Buri, B. Sullivan, Kristiansen, Serben, Linville, McCune, Orcutt, Sump, Condotta, Cox, Walsh, Clements, Roach, Newhouse, Haler and Pearson

AN ACT Relating to disclosure of cougar incidences; and amending RCW 77.15.245.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1944 by Representatives Hunt and Williams

AN ACT Relating to raffles conducted by state employees; amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1958 by Representatives Buck and B. Sullivan

AN ACT Relating to extending the buyback program for certain limited fisheries that are set to expire at the end of 2005; and amending RCW 77.70.150, 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala, moved that Gubernatorial Appointment No. 9047, David R. Edwards, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF DAVID R. EDWARDS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9047, David R. Edwards as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9047, David R. Edwards as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Sheldon and Spanel - 2

Excused: Senators Pflug and Poulsen - 2

Gubernatorial Appointment No. 9047, David R. Edwards, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

MOTIONS

On motion of Senator Hewitt, Senator Pflug was excused.

On motion of Senator Regala, Senators Rasmussen and Poulsen were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Appointment No. 9054, Stanley Flemming, as a member of The Evergreen State College, be confirmed.

Senators Kohl-Welles and Franklin spoke in favor of the motion.

APPOINTMENT OF STANLEY FLEMMING

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9054, Stanley Flemming as a member of The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9054, Stanley Flemming as a member of The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Sheldon - 1

Gubernatorial Appointment No. 9054, Stanley Flemming, having received the constitutional majority was declared confirmed as a member of The Evergreen State College.

MOTION

At 9:25 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:45 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5159, by Senator Keiser

Developing a schedule of fees for performing independent reviews of health care disputes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 44

Absent: Senators Mulliken, Sheldon, Stevens and Zarelli - 4

Excused: Senator Pflug - 1

SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5355, by Senators Doumit, Zarelli and Jacobsen

Salmon and steelhead recovery

The measure was read the second time.

MOTION

Senator Doumit moved that the following amendment by Senator Doumit be adopted.

On page 4, beginning on line 16, after "(5)" strike all material through "~~(6)~~" on line 17 and insert "The program terminates on July 1, (~~2006~~) 2010.

(6)"

Senators Doumit and Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 4, line 16 to Senate Bill No. 5355.

The motion by Senator Doumit carried and the amendment was adopted by voice vote.

MOTIONS

On motion of Senator Regala, Senator Sheldon was excused.

On motion of Senator Hewitt, Senators Mulliken, Stevens and Zarelli were excused.

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 46

Excused: Senators Sheldon, Stevens and Zarelli - 3

ENGROSSED SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 5433, by Senators Kline, Hargrove and Carrell

Changing the membership of the commission on judicial conduct.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5433.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Sheldon and Thibaudeau - 2

SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5453, by Senators Delvin, Shin, Kline and Brandland

Providing civil immunity for broadcasters participating in the Amber alert.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5453.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Sheldon and Thibaudeau - 2

SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5631, by Senators Regala, Hargrove, Stevens, Brandland, Kline, McAuliffe, Franklin, Prentice, Esser, Delvin and Kohl-Welles

Changing provisions relating to inmate work programs.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5631 was substituted for Senate Bill No. 5631 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Sheldon and Thibaudeau - 2

SUBSTITUTE SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5676, by Senators Poulsen, Kline, Shin, Spanel, Fraser and Kohl-Welles

Requiring oil spill contingency plans to include shellfish beds.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Sheldon and Thibaudeau - 2

SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5146, by Senators Keiser, Parlette, Kastama and Brandland

Allowing quality improvement committee confidentiality.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5146 was substituted for Senate Bill No. 5146 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5146.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Fairley, Sheldon and Thibaudeau - 3

SUBSTITUTE SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5002, by Senators Regala, Swecker, Hargrove, Brandland, Doumit and Shin

Marketing, offering, or selling camping resort contracts.

MOTION

On motion of Senator Regala, Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Regala moved that the following amendment by Senators Regala and Honeyford be adopted.

On page 1, line 17, after "dispositions of" insert "up to three"

On page 2, beginning on line 2 after "inventory." strike all material through "chapter." on line 4 and insert "All other sales of resale camping resort contracts by any person or business requires registration under this chapter."

Senators Regala and Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala and Honeyford on page 1, line 17 to Substitute Senate Bill No. 5002.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Sheldon and Thibaudeau - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5254, by Senators Jacobsen, Rasmussen, Franklin, McAuliffe and Kohl-Welles

Creating the legislative youth advisory council.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Roach and McAuliffe spoke in favor of passage of the bill.

Senator Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5254.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker and Weinstein - 41

Voting nay: Senators Hewitt, Honeyford, Morton, Mulliken, Schoesler, Stevens and Zarelli - 7

Excused: Senator Thibaudeau - 1

SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5221, by Senators Schmidt, Rasmussen, Brandland, Sheldon, Benson, Shin, Spanel, Kastama, Haugen, Schoesler, Fraser, Morton, Roach, Hewitt, Rockefeller, Franklin, McAuliffe, Kohl-Welles, Mulliken, Benton and Oke

Making the joint committee on veterans' and military affairs permanent.

The measure was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schmidt, Roach, Rasmussen and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5127, by Senators Kohl-Welles, Benton, Hargrove, Roach, Prentice, Thibaudeau, Stevens, Fraser and Keiser

Improving services to victims of human trafficking.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Stevens and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5112, by Senators Shin, Schmidt, Rockefeller, Rasmussen, Kline, Sheldon, Keiser, Doumit, Berkey, Kastama, Haugen, McAuliffe, Franklin, Johnson, Kohl-Welles, Benson and Oke

Providing public employment retirement credits and education fee waivers for veterans of the Afghanistan conflict and the Persian Gulf War II.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5267, by Senators Haugen, Esser, Rasmussen, Delvin and McAuliffe

Clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5463, by Senators Doumit and Morton

Allowing small appurtenances on recreational vehicles.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5463 was substituted for Senate Bill No. 5463 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Franklin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Franklin - 1

SUBSTITUTE SENATE BILL NO. 5463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senators Morton, Mulliken, Schoesler, Benson, Delvin, Honeyford, Carrell, McCaslin and Stevens

Eliminating certain fees for hydraulic works inspections.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 41

Voting nay: Senators Fairley, Fraser, Kohl-Welles, McAuliffe, Regala and Thibaudeau - 6

Absent: Senators Roach and Swecker - 2

SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5347, by Senators Keiser and Brandland

Requiring the department of social and health services to defend temporary managers in nursing homes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5360, by Senators Brandland, Sheldon, Fairley, Berkey, Delvin, Benson and Rockefeller

Making the certificate of academic achievement a requirement for running start eligibility. Revised for 1st Substitute: Studying performance and funding of running start students.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 41

Voting nay: Senators Benton, Johnson, McCaslin, Morton, Mulliken, Roach, Swecker and Zarelli - 8

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5319, by Senators Oke, Doumit, Roach, Hargrove, Honeyford, Swecker, Schoesler, Rasmussen, Berkey, Delvin, Morton, Regala, Sheldon, Stevens, Johnson and Mulliken

Concerning animal trapping.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Jacobsen and Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Fairley, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Eide, Esser, Franklin, Fraser, Kohl-Welles, McAuliffe, Poulsen and Prentice - 8

Excused: Senator Pridemore - 1

SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "This bill is successful in signing in law by the Governor, does that mean that the animals in this chamber will no longer be compelled to stay here when we're under the call of the Senate."

REPLY BY THE PRESIDENT

President Owen: "Those decisions are up to you individually."

SECOND READING

SENATE BILL NO. 5307, by Senators Keiser, Eide and Kohl-Welles

Modifying requirements for the operation of amusement rides.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 21

Absent: Senator Rockefeller - 1

SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5272, by Senators Jacobsen, Oke, Doumit and Morton

Reorganizing aquatic lands statutes.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5317, by Senators Benton, Keiser, Benson, Prentice, Roach and Shin

Providing confidentiality to certain insurance commissioner examinations.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Senate Resolution

8612

By Senators Eide, Johnson, Fraser, Rockefeller, Regala and Rasmussen

WHEREAS, Thanks to the tireless efforts of Weyerhaeuser King County Aquatic Center Facility Manager Mike Dunwiddie, volunteer Stephen L. Freeborn, facility staff, volunteers, and sponsors, the Weyerhaeuser King County Aquatic Center in Federal Way, Washington, has become one of the nation's premier facilities of its kind; and

WHEREAS, Since 1990, the Weyerhaeuser King County Aquatic Center has not only hosted world-class athletes from the Puget Sound region and around the world to compete, but has welcomed over 6.5 million visitors who have come to swim, practice, take a class, have a tour, or attend an event; and

WHEREAS, The facility has also provided the venue for two segments for Bill Nye the Science Guy television show, a film documentary on underwater ballet, a Bon Marche' fashion show, and an America's Cup sponsored Indoor Sailing Championship, and has been used as a test site for a single-manned submersible ship; and

WHEREAS, The Weyerhaeuser King County Aquatic Center serves the local community by providing education in swimming and water safety, and promoting a healthy lifestyle through exercise and fitness; and

WHEREAS, The Weyerhaeuser King County Aquatic Center has generated eight million dollars per year for the region's economy; and

WHEREAS, The Weyerhaeuser King County Aquatic Center is home to over 16 clubs in the competition sports of swimming, diving, water polo, synchronized swimming, and masters swimming; and

WHEREAS, The Weyerhaeuser King County Aquatic Center has maintained one of the most active competition schedules of any aquatic center in the country, hosting more than 60 events a year, including the 1990 Goodwill Games, Olympic Trials, Disability Games, and numerous regional, national, and international competitions for athletes of all ages;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate Mike Dunwiddie, Stephen L. Freeborn, and all the individuals who have made the Weyerhaeuser King County Aquatic Center a source of pride for King County and the Puget Sound region and recognize the efforts and dedication of all who have made the facility's numerous achievements possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Dunwiddie, Steve Freeborn, and the Weyerhaeuser King County Aquatic Center.

Senators Eide and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the King County Aquatic Center who were seated in the gallery.

MOTION

At 11:59 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5194, by Senators Franklin, Benton and Keiser

Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by be adopted.

On page 7, line 16, after "~~that the~~" strike "~~fund~~" and insert "net fund balance".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin and Keiser on page 7, line 16 to Senate Bill No. 5194.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

Senator Franklin moved that the following amendment be adopted.

On page 8, line 7, after "operation." insert "If such a loan is related to the account for longshore and harbor workers' compensation act insurance, the association may seek such a loan from the Washington longshore and harbor workers' compensation act insurance assigned risk plan under RCW 48.22.070 or from other interested parties."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Franklin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by on page 8, line 7 to Senate Bill No. 5194.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5117, by Senators Parlette, Roach, Finkbeiner, Deccio and Swecker

Requiring continuing education for land surveyors.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5117.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5327, by Senators Fairley and Kohl-Welles

Creating an office of privacy protection.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Rasmussen spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5415, by Senators Fairley and Kline

Military borrowers

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5415 was substituted for Senate Bill No. 5415 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 1, line 11, after "posting" strike "or the spouse of a military borrower"

On page 1, line 16, after "any military borrower" strike "or the spouse of a military borrower"

On page 2, at the beginning of line 2, after "military borrower" strike "or the spouse of a military borrower,"

Senators Fairley and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, line 11 to Substitute Senate Bill No. 5415.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5415.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5415 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5577, by Senators Fairley, Keiser, Kline, Fraser, Poulsen and Kohl-Welles

Making available relocation assistance payments to tenants.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5577 was substituted for Senate Bill No. 5577 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 2, line 33, after "units and" insert "directly"

On page 2, line 34, after "conditions" strike "arising from" and insert "caused by"

Senators Keiser and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 2, line 33 to Substitute Senate Bill No. 5577.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5692, by Senators Berkey, Benton, Prentice and Keiser

Regulating tax refund anticipation loans.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5692 was substituted for Senate Bill No. 5692 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Hargrove were excused.

SECOND READING

SENATE BILL NO. 5939, by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin

Requiring police reports to be given to victims of identity theft.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5939 was substituted for Senate Bill No. 5939 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Pridemore and Kline were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5939.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5939 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Kline, Pridemore and Rockefeller - 4

SUBSTITUTE SENATE BILL NO. 5939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6043, by Senators Brandland, Fairley, Benson, Keiser, Schmidt, Spanel, Benton, Franklin, Berkey, Kohl-Welles and Rasmussen

Addressing breaches of security that compromise personal information.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6043 was substituted for Senate Bill No. 6043 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6043.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6043 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 6043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5957, by Senators Fairley, Benton and Brown

Changing the terms for the escrow accounts required of self-funded multiple employer welfare arrangements.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Parlette - 1

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5664, by Senators McAuliffe, Eide, Brandland, Regala, Thibaudeau, Stevens, Keiser, Kline and Rasmussen

Improving teachers' skills with regard to children with learning differences.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5664 was substituted for Senate Bill No. 5664 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Johnson was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5664.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5664 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 5664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5190, by Senators Fraser, Schoesler, Rasmussen and Swecker

Concerning adulterated commercial feed.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Esser, Kline, Johnson, Thibaudeau, Roach, Keiser and Fairley

Authorizing jury source lists to be divided by jury assignment area.

The measure was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Stevens - 1

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:07 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 4:15 p.m.
The Senate was called to order at 4:15 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5452, by Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline, Rockefeller, Rasmussen and Kohl-Welles

Prohibiting genetic testing as a condition of life insurance.

MOTION

On motion of Senator Franklin, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following amendment by Senator Franklin be adopted.

On page 2, line 19, after "HIV" delete "Employers may test for the presence of drugs or alcohol, but may not use the results of these tests to gain genetic information."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Franklin spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Mulliken, Senator Oke was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 2, line 19 to Substitute Senate Bill No. 5452.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Johnson was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Benson, Benton, Brandland, Deccio, Delvin, Finkbeiner, Haugen, Honeyford, McCaslin, Morton, Mulliken, Oke, Schmidt, Schoesler and Sheldon - 15

Excused: Senator Johnson - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5039, by Senators Rasmussen, Schoesler and Shin

Regulating the processing of milk and milk products.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5177, by Senators Swecker, Jacobsen, Haugen and Oke

Modifying transportation benefit district provisions.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senators Brown and Hargrove were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Carrell, Deccio, Delvin, Hewitt, Honeyford and Schoesler - 6

Excused: Senators Brown, Hargrove and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5198, by Senators Keiser, Brandland and Berkey

Implementing changes to medicare supplement insurance requirements as mandated by the medicare modernization act of 2003 and other federal requirements.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5198.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Hargrove and Rockefeller - 3

SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5462, by Senators McCaslin and Kastama

Changing the terms for nonlegislative members of the legislative ethics board.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5462.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5462 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Hargrove and Rockefeller - 3

SENATE BILL NO. 5462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5436, by Senators Haugen, Delvin, Eide, Shin and Rasmussen

Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5436 was substituted for Senate Bill No. 5436 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Hargrove and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8010, by Senators Rasmussen, Schoesler, Sheldon, Franklin, Roach, Spanel, Deccio, McAuliffe, Shin, Haugen, Prentice, Fairley, Rockefeller, Mulliken and Morton

Petitioning the United States Department of Agriculture to delay plans to reopen the border to Canadian cattle and beef products.

MOTION

On motion of Senator Rasmussen, Substitute Senate Joint Memorial No. 8010 was substituted for Senate Joint Memorial No. 8010 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Schoesler be adopted.

On page 2, line 21, after "industry;" insert "and

WHEREAS, On February 25, 2005, the United States Department of Agriculture announced the results of the "science-based" decision to adopt the rule to lift the ban on importation of Canadian beef, for which a temporary injunction was immediately issued against the United States Department of Agriculture decision by a federal district court on February 28, 2005, and for which the United States Senate approved on March 3, 2005, Senate Joint Resolution 4 to nullify the United States Department of Agriculture rule; and

WHEREAS, Acceptance by the international community of the United States Department of Agriculture "science-based" decision has not yet been established and therefore the United States Department of Agriculture rule would reopen the United States border to the importation of Canadian beef without also addressing the reopening of foreign markets to United States beef, even though the cause of the bans on United States beef exports was a cow infected with bovine spongiform encephalopathy that originated in Canada;"

Senators Rasmussen and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 21 to Substitute Senate Joint Memorial No. 8010.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Schoesler be adopted.

On page 2, beginning on line 24, after "products" strike all material through "findings" on line 27, and insert "until there is broad international acceptance of the science used by the United States Department of Agriculture by foreign countries that have banned the importation of beef from the United States, as demonstrated by the simultaneous reopening of their markets to the importation of United States beef"

Senators Rasmussen and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 24 to Substitute Senate Joint Memorial No. 8010.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Joint Memorial No. 8010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Schoesler, Shin and Mulliken spoke in favor of passage of the bill.

Senators Jacobsen, Hewitt and Pflug spoke against passage of the bill.

Senator Rasmussen again spoke in favor of passage of the bill.

Senator Honeyford spoke on passage of the bill.

MOTION

On motion of Senator Esser, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Joint Memorial No. 8010.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Memorial No. 8010 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Hewitt, Kohl- Welles, Jacobsen and Pflug - 4

Excused: Senators Benton, Brown and Rockefeller - 3

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senators Kline, Franklin, Shin, Keiser, Weinstein, Poulsen, Thibaudeau, Prentice, Kohl- Welles, Eide, Finkbeiner, Rasmussen and Pridemore

Honoring the Reverend Doctor Martin Luther King, Jr.

The measure was read the second time.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens be adopted.

On page 2, line 22, after "county is" strike "named" and insert, "renamed"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Stevens and Roach spoke in favor of adoption of the amendment.

Senator Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 2, line 22 to Senate Bill No. 5332.

MOTION

Senator Kline demanded a division.

The motion by Senator Stevens carried and the amendment was adopted by a rising vote.

MOTION

Senator Morton moved that the following amendment by Senators Mulliken, Morton and McCaslin be adopted.

On page 2, line 22, after "named" insert "King State"

On page 2, at the end of line 22, insert the following:

"King State has all the rights and privileges of statehood."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Morton spoke in favor of adoption of the amendment.

Senator Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, line 22 to Senate Bill No. 5332.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 2, line 22, after "of" insert "Vice President William Rufus Devane King and"

WITHDRAWAL OF AMENDMENT

On motion of Senator Esser the amendment to Senate Bill No. 5332 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Rockefeller - 2

ENGROSSED SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5044, by Senators Mulliken and Parlette

Regulating contract interests of an officer of a rural public hospital district.

The measure was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Rockefeller - 2

SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5391, by Senators Keiser, Franklin, Brandland, Kastama, Johnson, Kohl-Welles and Kline

Offering a tricare supplemental insurance policy to certain public employees.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Rockefeller - 2

SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5038, by Senators Honeyford, Oke, Kline, Mulliken and Eide

Increasing penalties for failure to yield to emergency vehicles or police vehicles. Revised for 1st Substitute: Increasing penalties for failure to yield to authorized emergency vehicles or police vehicles.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Swecker, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5038.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benton, Deccio and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5501, by Senators Hargrove, Stevens, Delvin, Regala and Shin

Authorizing use of lie detector tests on juvenile court services employment applicants.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Swecker, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5501.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Kohl-Welles - 1

Excused: Senators Benton, Deccio, McCaslin and Rockefeller - 4

SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5814, by Senators Prentice, Swecker, Rasmussen and Kohl-Welles

Authorizing the governor to enter into cigarette tax contracts with additional tribes.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5814 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Zarelli and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5814.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5814 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Rockefeller - 2

SENATE BILL NO. 5814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5084, by Senators McAuliffe, Hargrove, Kohl-Welles, Rasmussen and Regala

Establishing a foster youth postsecondary education and training coordination committee.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5084 was substituted for Senate Bill No. 5084 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 3, beginning on line 28, after "disbursed" strike all material through "grant" on line 29

On page 3, at the beginning of line 31, strike "dispersed" and insert "~~((dispersed))~~ disbursed, except that eligible former foster youth shall be assured receipt of a grant"

Senator Mulliken spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 3, line 28 to Substitute Senate Bill No. 5084.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5084.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Deccio - 1

Excused: Senators Benton and Rockefeller - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Senator McAuliffe gave notice of her intent to move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5084 passed the Senate.

SECOND READING

SENATE BILL NO. 5250, by Senators Pridemore, Kastama, Berkey, Schmidt and Shin

Authorizing the department of general administration to enter into additional job order contracts.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5250 was substituted for Senate Bill No. 5250 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5250.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senators Benton and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5765, by Senators Spanel and Brandland

Concerning Dungeness crab--Puget Sound fishery licenses.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5765 was substituted for Senate Bill No. 5765 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Benton and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McAuliffe, the notice of intent by Senator McAuliffe to reconsider the vote by which Engrossed Substitute Senate Bill No. 5084 passed the Senate was withdrawn.

MOTION

At 6:30 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 9, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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2005 REGULAR SESSION

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 9, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Oke and Rockefeller.

The Sergeant at Arms Color Guard consisting of Pages Sarah Brady and Agnes Shin, presented the Colors. Pastor Dwayne Deskins of the New Life Fellowship Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala, moved that Gubernatorial Appointment No. 9094, Derek Kilmer, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senator Rockefeller was excused.

On motion of Senator Hewitt, Senator Oke was excused

APPOINTMENT OF DEREK KILMER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9094, Derek Kilmer as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9094, Derek Kilmer as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 7; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

McCaslin, Morton, Parlette, Pflug, Prentice, Pridemore, Regala, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Zarelli - 39

Absent: Senators Benson, Doumit, Mulliken, Poulsen, Rasmussen, Swecker and Weinstein - 7

Excused: Senators Oke and Rockefeller - 2

Gubernatorial Appointment No. 9094, Derek Kilmer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

MOTION

On motion of Senator Regala, Senator Rasmussen was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9078, Dorthy Hollingsworth, as a member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6, be confirmed.

Senators Kohl-Welles and Jacobsen spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

REAPPOINTMENT OF DORTHY HOLLINGSWORTH

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9078, Dorthy Hollingsworth as a member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9078, Dorthy Hollingsworth as a member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Oke, Rasmussen, Rockefeller and Swecker - 4

Gubernatorial Reappointment No. 9078, Dorthy Hollingsworth, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Appointment No. 9008, Isabel Bedolla, as a member of the Housing Finance Commission, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF ISABEL BEDLOLLA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9008, Isabel Bedolla as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9008, Isabel Bedolla as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4;

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Oke, Rasmussen, Rockefeller and Swecker - 4

Gubernatorial Appointment No. 9008, Isabel Bedolla, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 5274, by Senators Keiser, Parlette, Franklin, Hewitt, Prentice and Mulliken

Establishing a trainee real estate appraiser classification.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Oke, Rockefeller and Swecker - 3

SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5181, by Senators Rasmussen, Esser, Kastama and Benson

Ensuring proper ownership to vehicle parts used in reconstruction.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5181.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton and Morton - 2

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Shin, Doumit, Rasmussen, Eide, Roach and Berkey

Regarding department of community, trade, and economic development programs.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:41 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:00 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5358, by Senators Keiser and Parlette

Regarding speech-language pathologists and audiologists.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5794, by Senators Prentice, Swecker, Regala, Franklin, Kohl-Welles, McAuliffe and Rasmussen

Authorizing the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians.

The measure was read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 2, beginning on line 29, after "tax of" strike "eleven dollars and seventy-five" and insert "fourteen dollars and twenty-five"

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, line 29 to Senate Bill No. 5794.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Schoesler: "Thank you Mr. President. I respectfully submit to the body that this measure would raise state revenue and therefore pursuant to Initiative 601 require two-thirds vote of this body for passage. Codified and RCW 43.135.035 is very clear.... any action or combination of actions by the legislature that raises revenue.... maybe taken only if approved by a two-thirds vote of each 'house'. Since 1999 you've held, Mr. President, the bills which result in revenue increases fall under this provision and take a two-thirds vote of this body. In 2002, Mr. President, you made a ruling on a similar bill, SB 6591, which dealt with the application of tobacco taxes to persons who purchase tobacco taxes from exempt tribes for resale. You ruled that the measure or took a two-thirds vote for passage noting that the fiscal note for the bill indicated an expected revenue increase of almost \$2.5 million for that biennium. The bill before us would authorize the Governor enter into a contract with the Puyallup tribe and impose a tax of \$11.75 per carton of cigarettes in lieu of state and local taxes. The state will receive 30 percent of this tax. This new tribal tax is actually tied to the state cigarette tax such that if the state rate rises, the tribal rate, and hence the state's revenue, will also increase. The fiscal note for the measure before us indicates that the state is expected to receive \$19.5 million for this biennium. An ongoing revenue in excess of 17 million through at least the 2009-11 biennium. Because this bill raises state revenue I respectfully submit for your consideration, that it will take two-thirds vote of this body for final passage and ask for a ruling thereon."

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, I'm going to hold your point of order until after Senator Prentice has the opportunity to move this bill to third reading and then I'll bring it up immediately."

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Owen: "Senator Schoesler raised the point of order that the Senate Bill No. 5794 would in fact raise revenue that would cause it to require a two-thirds vote of both Houses by the Initiative 601."

PARLIAMENTARY INQUIRY

Senator Prentice: "Thank you Mr. President. This bill is a donation from another government, another severest nation. It is not a tax, the state is not imposing any tax. It's a tribal tax on cigarettes and they are donating the money to the state. I believe that this is not a good argument. Thank you."

MOTION

On motion of Senator Eide, Senate Bill No. 5794 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5354, by Senators Doumit and Zarelli

Revising administration of flood control zone districts.

The measure was read the second time.

MOTION

On motion of Senator Doumit, the rules were suspended, Senate Bill No. 5354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5308, by Senators Kohl-Welles, Hargrove and Oke

Changing provisions relating to mandatory reporting of child abuse or neglect.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Kohl-Welles, Hargrove and Stevens be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.030 and 2003 c 207 s 4 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

~~((e))~~ (d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

~~((f))~~ (e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency

within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Hargrove and Stevens to Substitute Senate Bill No. 5308.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "and amending RCW 26.44.030."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Oke and Rockefeller - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION

8618

By Senators Kastama, Rasmussen, Carrell, Regala, Eide, Roach and Franklin

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "dreams come alive," fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens'

enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2005 marks the seventy-second annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2005 events are ongoing and will culminate with the April 16, 2005, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Cydney Anderson, Emerald Ridge High School; Katherine Barry, Franklin Pierce High School; Megan Bushnell, Orting High School; Jessica Dewitt, Mt. Tahoma High School; Denise Fernandez, Washington High School; Natalie Hanni, Sumner High School; Grace Hanson, Bethel High School; Laura Kelly, Fife High School; Bonney Lozada, Wilson High School; Karly McKee, Eatonville High School; Whitney Miller, Lakes High School; Serena Mitchell, Curtis High School; Vi Nguyen, Lincoln High School; Margaret Nivison, Stadium High School; Natasha Ratliff, Henry Foss High School; Brittany Schneider, Puyallup High School; Megan Slater, Spanaway Lake High School; Caseyliie Talania, Clover Park High School; Chya Thompson, Chief Leschi High School; and Kellie Thompson, Rogers High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers for the past seventy-two years, and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2005 Puyallup Valley Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Regala, Rasmussen, Roach and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Cydney Anderson, the Daffodil Princess, who was seated at the rostrum. With permission of the Senate, business was suspended to allow Princess Cindy Anderson to address the Senate.

REMARKS BY PRINCESS CINDY ANDERSON

Princess Cydney Anderson: "As Mr. President said, I'm Cydney Anderson, I attend Emerald Ridge High School in Puyallup. On behalf of my nineteen other princesses, I would like to thank you very much for having us here today. It's such an honor and especially to Senator Kastama for hosting us today. This festival is in its 74th year and we are very excited. This is our first full court appearance so we're very excited to be all together today. I would like to announce Festival dates and invite you to join us and each and every one of them. The first one will be on Friday, April 1 and which this is our (queens coronation), where one of us will be selected the festival Queen. It is at the Church for all Nations in Tacoma at 7:00 p.m. The following day we will be judging a magnificent mud show at the Pierce County Fair Grounds in Graham, Washington at 10:00 a.m., Next it will be at April 9 in the Proctor District of Tacoma, our Junior Parade and we invite you to come. It's very fun, the little kids love it. The following weekend, April 16 is our Grand Floral Parade which Senator Kastama spoke about and it starts in Tacoma at 10:00 a.m., will continue to Puyallup at 1:00 p.m. We'll go through Sumner at 3:00 p.m. and we will finally end up in Orting at 5:00 p.m. and if your not able to join us we'll be on TV through Puyallup at 1:00 p.m. on Channel 11. And finally Sunday following, which is April 17, is the Marine Regata on Rustyn Way in Tacoma and we'd love for you to join us there as well. Again, thank you very much for having us. This is such an honor and thank you for the kind words that you had for us. Thank you again."

MOTION

At 11:46 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Reappointment No. 9019, Debbie Brookman, as a member of the Investment Board, be confirmed.

Senator Fairley spoke in favor of the motion.

REAPPOINTMENT OF DEBBIE BROOKMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9019, Debbie Brookman as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9019, Debbie Brookman as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 7; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senators Benson, Brown, Doumit, Finkbeiner, Hargrove, McCaslin and Poulsen - 7

Excused: Senators Deccio, Oke and Rockefeller - 3

Gubernatorial Reappointment No. 9019, Debbie Brookman, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9130, Richard McIver, as a member of the Housing Finance Commission, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Esser, Senator Benson were excused.

APPOINTMENT OF RICHARD MCIVER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9130, Richard McIver as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9130, Richard McIver as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 5; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 39

Absent: Senators Doumit, Hargrove, McAuliffe, Poulsen and Zarelli - 5

Excused: Senators Benson, Deccio, McCaslin, Oke and Rockefeller - 5

Gubernatorial Appointment No. 9130, Richard McIver, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

MOTION

On motion of Senator Regala, Senators Poulsen, Hargrove and Doumit were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Reappointment No. 9033, Carol Coar, as a member of the Professional Educator Standards Board, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

APPOINTMENT OF CAROL COAR

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9033, Carol Coar as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9033, Carol Coar as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 43

Absent: Senators Honeyford and Swecker - 2

Excused: Senators Hargrove, Oke, Rockefeller and Zarelli - 4

Gubernatorial Reappointment No. 9033, Carol Coar, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Reappointment No. 9040, Bonita K. Decker, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

REAPPOINTMENT OF BONITA K. DECKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9040, Bonita K. Decker as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9040, Bonita K. Decker as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator McAuliffe - 1

Excused: Senators Honeyford, Oke and Rockefeller - 3

Gubernatorial Reappointment No. 9040, Bonita K. Decker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt, moved that Gubernatorial Appointment No. 9070, Mary Grant Tompkins, as a member of the Board of Trustees, Walla Walla Community College District No. 20, be confirmed.

Senator Hewitt spoke in favor of the motion.

APPOINTMENT OF MARY GRANT TOMPKINS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9070, Mary Grant Tompkins as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9070, Mary Grant Tompkins as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Honeyford, Oke and Rockefeller - 3

Gubernatorial Appointment No. 9070, Mary Grant Tompkins, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

MOTION

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

SECOND READING

SENATE BILL NO. 5406, by Senators Franklin, Parlette and Keiser

Modifying medicare supplemental insurance policy provisions to conform to federal law.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5406 was substituted for Senate Bill No. 5406 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5406.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5406 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Finkbeiner - 1

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5701, by Senators Hewitt and Delvin

Revising provisions relating to regional law libraries.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5701.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5682, by Senators Keiser, Deccio, Rasmussen and Kohl-Welles

Regulating beer and wine sampling.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5682 was substituted for Senate Bill No. 5682 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Keiser and Hewitt spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Would Senator Hewitt yield to a question? I got a very interesting question from one of my constituents. After seeing this bill asked me, and I would like to get an answer from you. Will they, within their retail stores, when they go shopping, and this is taking place, will they be seeing shoppers coming out singing 'Show me the way to go home. I'm drunk and I want to go to bed.'"

Senator Hewitt: "Well since they only sample up to eight ounces, I'm sure they'll still be able to find their way home."

Senator Franklin: "Only 8 ounces."

Senator Hewitt: "Yes."

Senator Franklin: "Thank you, Senator. I felt I had to put the question to you."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5682.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5682 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Pflug, Poulsen, Prentice, Pridemore, Regala, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Fairley, Fraser, Hargrove, Haugen, Johnson, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Rasmussen, Roach, Shin and Swecker - 14

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5150, by Senators Haugen, Swecker and Jacobsen

Changing provisions concerning marine pilot licensing qualifications and procedures.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5150 was substituted for Senate Bill No. 5150 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5150.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5708, by Senators Finkbeiner, Thibaudeau, Keiser, McAuliffe and Kohl-Welles

Regarding the administration of epinephrine by emergency medical technicians.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5708 was substituted for Senate Bill No. 5708 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Finkbeiner, Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5708.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5708 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5636, by Senators Keiser, Benson, Franklin, Parlette, Kline, Thibaudeau and Kastama

Revising provision for imposition of sanctions on health professionals.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5636.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5636 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5558, by Senators Brown, Swecker, Fraser, Keiser, Benson, Brandland, Weinstein, Roach, Rasmussen, McAuliffe, Pridemore, Shin, Rockefeller and Kohl-Welles

Establishing a prescription drug assistance foundation.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Oke, Pridemore and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5497, by Senators Delvin, Hewitt, Honeyford, Schoesler, McCaslin, Deccio, Mulliken, Morton, Roach, Swecker and Pflug

Allowing terminally ill members to remove themselves from their retirement plan.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5442, by Senators Poulsen, Keiser, Pflug, Fraser, Shin, Haugen, Franklin, Parlette, Rasmussen, McAuliffe and Kohl-Welles

Establishing a joint legislative and executive task force on long-term care financing and chronic care management.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5442 was substituted for Senate Bill No. 5442 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5202, by Senators Parlette, Hewitt, Zarelli, Brandland, Schoesler, Delvin, Mulliken, Johnson, Rasmussen, Benton, Roach, Oke, Benson and Stevens

Requiring the public employees' benefits board to develop a health savings account option for employees. Revised for 2nd Substitute: Requiring a study of public employee health plans and health savings account options.

MOTIONS

On motion of Senator Parlette, Second Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Second Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SECOND SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1002,
HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1033,
HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1144,
SUBSTITUTE HOUSE BILL NO. 1208,
ENGROSSED HOUSE BILL NO. 1222,
SUBSTITUTE HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1229,
SUBSTITUTE HOUSE BILL NO. 1230,
HOUSE BILL NO. 1247,
HOUSE BILL NO. 1259,
HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1313,
SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1374,
SUBSTITUTE HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1431,
HOUSE BILL NO. 1439,
SUBSTITUTE HOUSE BILL NO. 1453,
SUBSTITUTE HOUSE BILL NO. 1467,
SUBSTITUTE HOUSE BILL NO. 1491,
SUBSTITUTE HOUSE BILL NO. 1496,
HOUSE BILL NO. 1554,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1587,
HOUSE BILL NO. 1598,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
SUBSTITUTE HOUSE BILL NO. 1791,
HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 2137,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1661,
SUBSTITUTE HOUSE BILL NO. 1689,
HOUSE BILL NO. 1717,
HOUSE BILL NO. 1722,
HOUSE BILL NO. 1759,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1779,
HOUSE BILL NO. 1872,
SUBSTITUTE HOUSE BILL NO. 1934,
HOUSE BILL NO. 1941,
SUBSTITUTE HOUSE BILL NO. 1945,
HOUSE BILL NO. 1986,
HOUSE BILL NO. 2007,
HOUSE BILL NO. 2021,
HOUSE BILL NO. 2028,
HOUSE BILL NO. 2166,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1228,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1447,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1486,
HOUSE BILL NO. 1534,
SUBSTITUTE HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1612,
SUBSTITUTE HOUSE BILL NO. 1652,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1096,
ENGROSSED HOUSE BILL NO. 1246,
HOUSE BILL NO. 1323,
HOUSE BILL NO. 1325,
HOUSE BILL NO. 1327,
HOUSE BILL NO. 1330,
HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1347,
HOUSE BILL NO. 1361,
HOUSE BILL NO. 1364,
HOUSE BILL NO. 1443,
SUBSTITUTE HOUSE BILL NO. 1463,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1475,
HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1512,
HOUSE BILL NO. 1546,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1568,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1608,
HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1699,
HOUSE BILL NO. 1716,
HOUSE BILL NO. 1813,
HOUSE BILL NO. 2101,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1876,
HOUSE BILL NO. 1906,
SUBSTITUTE HOUSE BILL NO. 2061,
HOUSE BILL NO. 2064,
SUBSTITUTE HOUSE BILL NO. 2071,
SUBSTITUTE HOUSE BILL NO. 2073,
HOUSE BILL NO. 2088,
HOUSE BILL NO. 2115,
HOUSE BILL NO. 2170,
HOUSE BILL NO. 2189,
SUBSTITUTE HOUSE BILL NO. 2215,
SUBSTITUTE HOUSE BILL NO. 2223,
HOUSE BILL NO. 2271,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SENATE BILL NO. 5957,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5957

MOTION

On motion of Senator Weinstein, Senator Thibaudeau was excused.

PARLIAMENTARY INQUIRY

Senator Stevens: "You know for two days I've been looking at my watch and I'm being trying to figure why my watch says 3 o'clock and the clock up there is always an hour off. Is it that that clock is not been changed to reflect the correct time or am I off."

REPLY BY THE PRESIDENT

President Owen: "If we had spent one hundred and eighteen million dollars and twenty-five dollars rather than just one-hundred and eighteen million we could have fixed this clock."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Does it always say 4 o'clock or is it just....?"

REMARKS BY THE PRESIDENT

President Owen: "I have no eyes behind my head, I couldn't tell you that. The correct clock is the one on the back wall."

PARLIAMENTARY INQUIRY

Senator Brown: "Could we have the clock fixed before cut-off day?"

PARLIAMENTARY INQUIRY

Senator Roach: "Could we get just, maybe, even two coat hooks in the women's lounge so we can you know? I've been trying for six weeks, I figure \$3.00 a piece plus the tax, 7 bucks"

REMARKS BY THE PRESIDENT

President Owen: "We'll take it up at the Capital Committee on the next meeting."

MOTION

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

SECOND READING

SENATE BILL NO. 5054, by Senators Johnson, Kline and Rockefeller

Regarding patient authorization of disclosure of health care information.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5054 was substituted for Senate Bill No. 5054 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Oke, Rockefeller and Thibaudeau - 3

SUBSTITUTE SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5242, by Senators Doumit, Brandland, Hargrove, Pridemore, Kohl-Welles and Rasmussen

Harmonizing penalties for inmates possessing weapons. Revised for 1st Substitute: Changing penalties for possession of weapons by inmates.

MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 5242 was substituted for Senate Bill No. 5242 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5204, by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin

Modifying the chattel lien process.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5204 was substituted for Senate Bill No. 5204 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Deccio: "Will Senator Brandland yield to a question? You're right, it is a very serious issue and I want to know whether that guy have crept into your county after you left the service or while you were."

Senator Brandland: "I'd like you to know they didn't commit this sort of thing when I was a sheriff there. I'm telling you that right now."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5204.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5974, by Senators Prentice, Hargrove and Haugen; by request of Lieutenant Governor

Providing information to pregnant women about opiate treatment programs.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Oke, Rockefeller and Thibaudeau - 3

SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:28 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 4:42 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Schoesler, moved that Gubernatorial Reappointment No. 9021, Gordon Budke, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Schoesler spoke in favor of the motion.

REAPPOINTMENT OF GORDON BURDKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9021, Gordon Budke as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9021, Gordon Budke as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

Gubernatorial Reappointment No. 9021, Gordon Budke, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Reappointment No. 9124, George Masten, as a member of the Investment Board, be confirmed.

Senator Prentice spoke in favor of the motion.

REAPPOINTMENT OF GEORGE MASTEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9124, George Masten as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9124, George Masten as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

Gubernatorial Reappointment No. 9124, George Masten, having received the constitutional majority was declared confirmed as a member of the Investment Board.

MESSAGE FROM THE GOVERNOR

March 8, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I respectfully request to have the attached list of unconfirmed appointees to the boards and commissions listed, be returned to me for review.

Board Number Names

Utilities & Transportation Commission 1 Marilyn Showalter

Office of Family & Children's Ombudsman 1 Mary Meinig

Higher Education Coordinating Board 4 Jesus Hernandez

Worthy

Michael

Smith

Sam

Simon

Herb

Highline Community College 2 Arun Jhaveri

Chen		Elizabeth
Yakima Valley Community College	5 James Carvo	
Parker		Lisa
Whitefoot		Patricia
Perez		Velma
McDonald		Paul
Bates Technical College	3 Carolyn Lake	
Rumbaugh		Stanley
Grunwald		Michael
Fish & Wildlife Commission	7 Fred Shiosaki	
Chew		Kenneth
Tuck		Robert
Schroeder		J. Peter
Hunter		John
McBrayer		Clyde
Ledgerwood		Holly
Horse Racing Commission	3 Ralph Vacca	
Christenson		Gary
Kruger		Hartley
Lottery Commission	3 Carol Keljo	
Travis		Melinda
Scarbrough		Robert
Public Disclosure Commission	4 Jeannette Wood	
Martin	Jane Noland	Francis
Connelly		Michael
Sentencing Guidelines Commission	15 Howard Phillips	
Brasfield		Mike
Eitzen		Tari
Cantu		Ronald
Nagle		James
		Ellen Fair

Boerner	David
Gall-Martin	Janice
Gain	Brian
Lum	Dean
Nussbaum	Lenell
Delmore	Edward
Wieland	Jenny
Moore	Deborah
Place	Mary
Transportation Commission 4 Dale Stedman	
Ford	Richard
O'Neal	Daniel
Barnes	Edwards
Cascadia Community College 4 Roy Wildinson	
Martino	Michael
Wolfram	Mark
Magladry	Jean
Pollution Control Shorelines Hearings Board 1 David Danner	
University of Washington Board of Regents 4 Jeff Brotman	
Barer	Stan
e Proctor	Constanc
Kiga	Fred

Sincerely,
CHRISTINE O. GREGOIRE

MOTION

Without objection, the motion by Senator Eide that the unconfirmed Gubernatorial Appointments be returned to the Governor for review was approved.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

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

SECOND READING

SENATE BILL NO. 5256, by Senators Hargrove and Stevens

Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5042, by Senator McCaslin

Tolling the statute of limitations for felonies. Revised for 1st Substitute: Tolling the statute of limitations for felony sex offenses.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5042 was substituted for Senate Bill No. 5042 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5582, by Senators Regala, Hargrove, Stevens, Carrell, Franklin, McAuliffe and Kohl-Welles

Clarifying how demographic factors are used with regard to sexually violent predators.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5582.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5582 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SENATE BILL NO. 5582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5502, by Senators Hargrove, Stevens, Delvin and Regala

Revising juvenile sentencing alternatives.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Doumit were excused.

SECOND READING

SENATE BILL NO. 5288, by Senators McAuliffe, Hargrove, Stevens, Regala, Thibaudeau and Carrell

Specifying how custodial interrogations of juveniles may be conducted.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas: 45; Nays: 0; Absent: 0; Excused: 04.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Zarelli

Excused: Senators Brown, Doumit, Oke, Rockefeller

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5309, by Senators Kohl-Welles, Benton and Kline

Revising the definition of "abuse of a supervisory position." Revised for 1st Substitute: Defining sexual misconduct with a minor.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5309 was substituted for Senate Bill No. 5309 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Deccio, Doumit, Oke and Rockefeller - 5

SUBSTITUTE SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:33 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 6:30 p.m.

EVENING SESSION

The Senate was called to order at 6:30 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Reappointment No. 9055, Robert B. Fong, as a member of the Board of Trustees, Whatcom Community College District No. 21 be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Stevens was excused.

REAPPOINTMENT OF ROBERT B. FONG

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9055, Robert B. Fong as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9055, Robert B. Fong as a member of the Board of Trustees, Whatcom Community College District No. 21 and the reappointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 40

Absent: Senators Finkbeiner, Fraser, Keiser, Schoesler and Thibaudeau - 5

Excused: Senators Doumit, Oke, Rockefeller and Stevens - 4

Gubernatorial Reappointment No. 9055, Robert B. Fong, having received the constitutional majority was declared confirmed as a member of the .

MOTION

On motion of Senator Regala, Senators Fraser, Keiser, Thibaudeau and Poulsen were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9027, Sang Chae, as a member of the Board of Trustees, Lake Washington Technical College District No. 26, be confirmed.

Senators McAuliffe, Esser and Shin spoke in favor of the motion.

APPOINTMENT OF SANG CHAE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9027, Sang Chae as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9027, Sang Chae as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote:
Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 41

Excused: Senators Doumit, Finkbeiner, Keiser, Oke, Poulsen, Rockefeller, Stevens and Thibaudeau - 8

Gubernatorial Appointment No. 9027, Sang Chae, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9031, Paul Chiles, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senators McAuliffe and Esser spoke in favor of the motion.

APPOINTMENT OF PAUL CHILES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9031, Paul Chiles as a member of the Board of Trustees, Bellevue Community College District No. 8.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9031, Paul Chiles as a member of the Board of Trustees, Bellevue Community College District No. 8 and the appointment was confirmed by the following vote:
Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 42

Excused: Senators Doumit, Finkbeiner, Keiser, Oke, Rockefeller, Stevens and Thibaudeau - 7

Gubernatorial Appointment No. 9031, Paul Chiles, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue Community College District No. 8.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5957,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6083 by Senators Swecker and Haugen

AN ACT Relating to transportation funding for joint state and local transportation projects; amending RCW 82.36.025, 82.38.030, 46.68.090, and 43.84.092; reenacting and amending RCW 43.84.092; adding new sections to chapter 46.68 RCW; adding a new section to chapter 47.56 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1002 by Representatives Fromhold, Moeller, Murray, Hunter and Jarrett

AN ACT Relating to motor vehicle compression brakes; amending RCW 46.63.110; adding a new section to chapter 46.37 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1008 by Representatives Sommers, Alexander, Hunt, Wallace and Chase

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

Referred to Committee on Ways & Means.

SHB 1033 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Morrell and Simpson)

AN ACT Relating to insurable interests and employer-owned life insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1096 by Representatives Santos, Hasegawa, Conway, Darneille, Chase, McCoy, Hudgins, Schual-Berke and Morrell

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Ways & Means.

HB 1143 by Representatives Green, Nixon, Haigh, McDermott, Hunt and Morrell

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

Referred to Committee on Government Operations & Elections.

SHB 1144 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, McDermott, Morrell and Schual-Berke)

AN ACT Relating to disclosure of and restrictions on campaign funding; amending RCW 42.17.020, 42.17.103, 42.17.110, 42.17.510, and 42.17.530; reenacting and amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.505; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 1208 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representative O'Brien)

AN ACT Relating to forfeited property; and amending RCW 70.105D.020.

Referred to Committee on Water, Energy & Environment.

EHB 1222 by Representatives McDermott, Nixon, Ericks, Buri, Simpson, Shabro, Williams, Dickerson, Sells, Ormsby and Haigh

AN ACT Relating to ballot measure petitions; amending RCW 29A.72.110, 29A.72.120, and 29A.72.130; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 1226 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

AN ACT Relating to campaign contribution limits; amending RCW 42.17.640 and 42.17.700; adding new sections to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1228 by House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Schindler, Clibborn, Upthegrove, Simpson and Chase)

AN ACT Relating to the coordination of water and sewer system utilities; amending RCW 36.55.060; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1229 by House Committee on Local Government (originally sponsored by Representatives Chase, Schindler, Clibborn and Simpson)

AN ACT Relating to annexation of territory of certain cities by water-sewer districts; and adding new sections to chapter 57.24 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1230 by House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Simpson and Schual-Berke)

AN ACT Relating to boards of commissioners of water-sewer districts; amending RCW 57.12.015; and adding a new section to chapter 57.12 RCW.

Referred to Committee on Government Operations & Elections.

EHB 1246 by Representatives Dunshee, Pearson, Lovick, Kristiansen, Morrell, P. Sullivan, Murray, Wallace, Chase and Ormsby

AN ACT Relating to vehicle sound system equipment; adding a new section to chapter 46.37 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1247 by Representatives Morris and Schindler

AN ACT Relating to charging manufactured housing communities for water and sewer connections; and amending RCW 35.91.040, 36.94.140, and 57.08.081.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1259 by Representatives Wallace and Woods

AN ACT Relating to technical corrections to chapter 46.87 RCW; amending RCW 46.87.010, 46.87.020, 46.87.030, 46.87.050, 46.87.070, 46.87.080, 46.87.120, 46.87.130, 46.87.140, and 46.87.190; and repealing RCW 46.87.085, 46.87.170, 46.87.180, and 46.87.901.

Referred to Committee on Transportation.

HB 1294 by Representatives Williams, Lovick, Priest, Flannigan and Serben

AN ACT Relating to hearings for antiharassment protection orders; and amending RCW 10.14.070.

Referred to Committee on Judiciary.

SHB 1313 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives O'Brien, Pearson and Darneille)

AN ACT Relating to a record check of the parks and recreation commission's job applicants, volunteers, and independent contractors; and reenacting and amending RCW 79A.05.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1315 by Representatives Tom, Clibborn, Jarrett, Hunter, Priest, Lantz, Conway, Rodne, Orcutt and Linville

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

Referred to Committee on Ways & Means.

HB 1323 by Representatives Conway, Fromhold, Crouse, Simpson, Linville and Chase

AN ACT Relating to the membership of the executive committee of the select committee on pension policy; and amending RCW 41.04.276.

Referred to Committee on Ways & Means.

HB 1325 by Representatives Conway, Fromhold, Crouse, Simpson, Morrell, Moeller, Sells, Chase and Campbell

AN ACT Relating to interruptive military service credit within the public employees' retirement system, the school employees' retirement system, the teachers' retirement system, the law enforcement officers' and fire fighters' retirement system plan 2, the Washington state patrol retirement system, and the public safety employees' retirement system; amending RCW 41.40.170, 41.40.710, 41.40.805, 41.35.470, 41.35.650, 41.32.260, 41.32.810, 41.32.865, 41.26.520, 43.43.260, and 41.37.260; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1327 by Representatives Alexander, Conway, Crouse, Simpson, Linville and Chase

AN ACT Relating to permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1330 by Representatives Conway, Fromhold, Crouse and Chase

AN ACT Relating to technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter; amending RCW 41.04.270, 41.32.860, 41.34.070, 41.37.010, 41.37.020, 41.37.050, 41.37.250, 41.40.197, and 41.40.850; reenacting RCW 41.45.070; repealing RCW 41.35.050, 41.37.040, 41.40.032, and 41.50.067; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1338 by Representatives O'Brien, Pearson, Darneille, Simpson and Ormsby

AN ACT Relating to adding kidnapping to the statewide registered sex offender web site; and amending RCW 4.24.550.

Referred to Committee on Human Services & Corrections.

SHB 1347 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Williams and Newhouse)

AN ACT Relating to dishonored checks; and adding new sections to chapter 62A.3 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1361 by Representatives Alexander, Simpson, Schindler and Holmquist

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Water, Energy & Environment.

HB 1364 by Representatives Green, Bailey and Cody

AN ACT Relating to indemnifying and defending department of social and health services appointed temporary managers in nursing homes; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1366 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Roberts, McDonald, B. Sullivan, Dickerson, Morrell, Skinner, Appleton, Hinkle, Moeller, Hasegawa, McCune, Sells, Walsh, Ormsby, Kenney, Kagi and McDermott)

AN ACT Relating to video games; and adding a new section to chapter 19.188 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1374 by House Committee on Housing (originally sponsored by Representatives Simpson, Schindler, Miloscia, Sells, Chase and Holmquist)

AN ACT Relating to prohibiting certain restrictions on the location of manufactured homes; amending RCW 35.21.684, 35A.21.312, and 36.01.225; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1430 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood and Condotta)

AN ACT Relating to sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1431 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Condotta, Campbell and Chase)

AN ACT Relating to courses of instruction on beer, wine, and spiritous liquor; and amending RCW 66.24.320 and 66.24.400.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1439 by Representatives Green, Nixon, Haigh, Upthegrove, Chase and Dunn

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on Government Operations & Elections.

HB 1443 by Representatives Appleton and Cody

AN ACT Relating to making medicare supplemental insurance policies administered under chapter 41.05 RCW conform to federal law; amending RCW 41.05.195 and 41.05.197; and repealing RCW 41.05.190.

Referred to Committee on Health & Long-Term Care.

HB 1447 by Representatives Moeller, Jarrett, Morrell, Nixon, Fromhold, Kessler, Lantz, Upthegrove, Appleton, Green, Lovick, Dunshee, Buri, P. Sullivan, Ericks, Pettigrew, Schual-Berke, Simpson, Ormsby, Tom, Sells, Dickerson, McDermott, Wood, Santos, Hasegawa and Kilmer

AN ACT Relating to establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices; amending RCW 29A.52.220, 29A.60.160, and 29A.60.190; adding a new chapter to Title 29A RCW; creating new sections; and providing expiration dates.

Referred to Committee on Government Operations & Elections.

SHB 1453 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ahern, O'Brien, Holmquist, Lovick, Orcutt, Williams, Roach, Pearson, Rodne, Campbell, Strow, McDonald, Serben, Crouse, Haler, Pettigrew, P. Sullivan and Simpson)

AN ACT Relating to the statute of limitations on certain sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SHB 1463 by House Committee on Health Care (originally sponsored by Representatives Green, Rodne, Cody and Moeller)

AN ACT Relating to meningococcal immunization; amending RCW 28A.210.080; providing an effective date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1467 by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Wallace, P. Sullivan, Kagi, Roberts, Simpson, Appleton, Moeller, Green, Ericks, Takko and Chase)

AN ACT Relating to mandatory reporting of abuse or neglect; and amending RCW 26.44.030.

Referred to Committee on Human Services & Corrections.

HB 1469 by Representatives Lovick, Jarrett, Haigh and Armstrong

AN ACT Relating to proceedings for violations of commercial motor vehicle laws, rules, and orders; and amending RCW 46.32.100.

Referred to Committee on Transportation.

ESHB 1475 by Representatives Schual-Berke, Jarrett, Murray, Kessler, Wood, Skinner, Hankins, Woods, Dunshee, Wallace, Dickerson, Upthegrove, Curtis, Lovick and Morrell

AN ACT Relating to child passenger restraint; amending RCW 46.61.687; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 1486 by House Committee on Health Care (originally sponsored by Representatives Conway, Wood and Sells)

AN ACT Relating to health care services; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1491 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Kretz, Upthegrove, Orcutt, Eickmeyer and Buck)

AN ACT Relating to recodification of aquatic lands statutes; amending RCW 79.90.080, 79.90.090, 79.90.100, 79.90.105, 79.90.110, 79.90.120, 79.90.130, 79.90.150, 79.90.160, 79.90.170, 79.90.180, 79.90.190, 79.90.200, 79.90.210, 79.90.215, 79.90.220, 79.90.230, 79.90.240, 79.90.245, 79.90.250, 79.90.260, 79.90.270, 79.90.280, 79.90.290, 79.90.300, 79.90.310, 79.90.320, 79.90.325, 79.90.330, 79.90.340, 79.90.350, 79.90.360, 79.90.370, 79.90.390, 79.90.400, 79.90.410, 79.90.450, 79.90.455, 79.90.456, 79.90.457, 79.90.460, 79.90.470, 79.90.475, 79.90.480, 79.90.485, 79.90.490, 79.90.500, 79.90.505, 79.90.515, 79.90.520, 79.90.535, 79.90.540, 79.90.545, 79.90.550, 79.90.555, 79.90.560, 79.90.565, 79.90.575, 79.90.580, 79.91.010, 79.91.020, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.070, 79.91.080, 79.91.090, 79.91.100, 79.91.110, 79.91.120, 79.91.130, 79.91.140, 79.91.150, 79.91.160, 79.91.170, 79.91.180, 79.91.190, 79.91.200, 79.91.210, 79.92.010, 79.92.020, 79.92.030, 79.92.035, 79.92.060, 79.92.070, 79.92.080, 79.92.090, 79.92.100, 79.92.110, 79.93.010, 79.93.020, 79.93.030, 79.93.040, 79.93.050, 79.93.060, 79.94.020, 79.94.030, 79.94.040, 79.94.050, 79.94.060, 79.94.070, 79.94.080, 79.94.090, 79.94.100, 79.94.110, 79.94.120, 79.94.130, 79.94.140, 79.94.150, 79.94.160, 79.94.170, 79.94.175, 79.94.181, 79.94.185, 79.94.220, 79.94.230, 79.94.240, 79.94.250, 79.94.260, 79.94.270, 79.94.280, 79.94.290, 79.94.300, 79.94.310, 79.94.320, 79.94.330, 79.94.390, 79.94.400, 79.94.410, 79.94.420, 79.94.430, 79.94.440, 79.95.010, 79.95.020, 79.95.030, 79.95.040, 79.95.050, 79.95.060, 79.96.010, 79.96.020, 79.96.030, 79.96.040, 79.96.050, 79.96.060, 79.96.070, 79.96.080, 79.96.085, 79.96.090, 79.96.100, 79.96.110, 79.96.120, 79.96.130, 79.96.210, 79.96.230, 79.96.906, 79.97.010, 79.97.020, 79.97.030, 79.97.050, and 79.97.060; reenacting and amending RCW 79.94.210 and 79.96.220; adding a new section to chapter 43.30 RCW; adding new chapters to Title 79 RCW; creating new sections; recodifying RCW 79.90.450, 79.90.455, 79.90.545, 79.90.546, 79.90.090, 79.90.100, 79.90.120, 79.90.410, 79.90.370, 79.90.245, 79.90.400, 79.94.170, 79.90.460, 79.90.470, 79.90.480, 79.90.485, 79.90.490, 79.90.500, 79.90.505, 79.90.510, 79.90.515, 79.90.520, 79.90.525, 79.90.530, 79.90.535, 79.90.540, 79.90.457, 79.90.580, 79.90.475, 79.90.105, 79.90.550, 79.90.555, 79.90.560, 79.90.565, 79.90.900, 79.90.901, 79.90.902, 79.90.080, 79.91.010, 79.91.020, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.070, 79.91.080, 79.91.090, 79.91.100, 79.91.110, 79.91.120, 79.91.130, 79.91.140, 79.91.150, 79.90.575, 79.91.160, 79.91.170, 79.91.180, 79.91.190, 79.91.200, 79.91.210, 79.91.900, 79.92.010, 79.92.020, 79.92.030, 79.92.035, 79.90.390, 79.92.060, 79.92.070, 79.92.080, 79.92.090, 79.92.100, 79.92.110, 79.92.900, 79.93.010, 79.93.020, 79.93.030, 79.93.040, 79.93.050, 79.93.060, 79.93.900, 79.94.330, 79.94.020, 79.94.030, 79.94.040, 79.90.110, 79.94.050, 79.94.060, 79.94.100, 79.94.110, 79.94.130, 79.94.140, 79.94.150, 79.94.090, 79.94.290, 79.94.270, 79.90.250, 79.90.260, 79.90.270, 79.90.280, 79.90.350, 79.94.080,

79.94.320, 79.90.360, 79.94.070, 79.94.280, 79.94.120, 79.94.300, 79.94.310, 79.94.210, 79.94.260, 79.94.220, 79.94.230, 79.94.240, 79.94.250, 79.90.170, 79.90.180, 79.90.190, 79.90.200, 79.90.210, 79.90.215, 79.90.220, 79.90.230, 79.90.240, 79.94.160, 79.94.175, 79.94.181, 79.94.185, 79.94.390, 79.94.400, 79.94.410, 79.94.420, 79.94.430, 79.94.440, 79.94.450, 79.94.900, 79.95.010, 79.95.020, 79.95.030, 79.95.040, 79.95.050, 79.95.060, 79.90.458, 79.95.900, 79.90.570, 79.96.120, 79.96.130, 79.90.495, 79.96.010, 79.96.020, 79.96.030, 79.96.040, 79.96.050, 79.96.060, 79.96.070, 79.96.140, 79.96.080, 79.96.085, 79.96.906, 79.96.090, 79.96.100, 79.96.110, 79.96.200, 79.96.210, 79.96.220, 79.96.230, 79.96.901, 79.96.902, 79.96.903, 79.96.904, 79.96.905, 79.90.130, 79.90.150, 79.90.160, 79.90.290, 79.90.300, 79.90.310, 79.90.320, 79.90.325, 79.90.330, 79.90.340, 79.97.010, 79.97.020, 79.97.030, 79.97.040, 79.97.050, 79.97.060, and 79.97.900; and repealing RCW 79.90.010, 79.90.015, 79.90.020, 79.90.025, 79.90.030, 79.90.035, 79.90.040, 79.90.045, 79.90.050, 79.90.055, 79.90.060, 79.90.065, 79.90.070, 79.90.380, 79.90.465, 79.93.070, and 79.94.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1496 by House Committee on Judiciary (originally sponsored by Representatives Simpson, Roach, P. Sullivan, Quall, McDermott, Santos, Appleton, McCoy, Hunt, Kenney, Kagi and Blake)

AN ACT Relating to enrollment cards issued by federally recognized Indian tribes; amending RCW 66.16.040 and 70.155.090; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 66.08 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1497 by Representatives Green, Bailey, Cody, Morrell and Kirby

AN ACT Relating to the implementation of changes to medicare supplement insurance requirements as mandated by the medicare modernization act of 2003 and other federal requirements; amending RCW 48.66.020, 48.66.045, 48.66.055, and 48.66.130; adding a new section to chapter 48.66 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1507 by House Committee on Judiciary (originally sponsored by Representatives Cody, Lantz, Priest, Schual-Berke, Darneille, Kirby and Moeller)

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

Referred to Committee on Health & Long-Term Care.

SHB 1512 by House Committee on Health Care (originally sponsored by Representatives Morrell, Clibborn, Moeller, Cody, Green, Appleton, Roberts, Sommers, Blake, Schual-Berke, Flannigan, Sells, Kenney and Kagi)

AN ACT Relating to incentives to improve quality of care in state purchased health care programs; amending RCW 41.05.021 and 41.05.075; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1534 by Representatives Green, Hinkle, Cody, Morrell, Schual-Berke, Skinner, Curtis, Clibborn, Campbell and Kagi

AN ACT Relating to identifying health care providers covered by the retired health care provider liability malpractice insurance program; and amending RCW 43.70.460 and 43.70.470.

Referred to Committee on Health & Long-Term Care.

SHB 1536 by House Committee on Health Care (originally sponsored by Representatives Moeller, Hinkle, Cody, Morrell, Skinner, Campbell, Clibborn, Schual-Berke and Kenney)

AN ACT Relating to providing the secretary of health with authority to administer grants on behalf of the department of health; and amending RCW 43.70.005 and 43.70.040.

Referred to Committee on Health & Long-Term Care.

SHB 1545 by House Committee on Health Care (originally sponsored by Representatives Curtis, Cody, Bailey, Clibborn, Skinner and Schual-Berke)

AN ACT Relating to adult family home services; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 69.06 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1546 by Representatives Clibborn, Bailey, Cody, Skinner, Chase, Campbell, McIntire and Dickerson

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.020 and 18.36A.040; and creating a new section.

Referred to Committee on Health & Long-Term Care.

HB 1554 by Representatives Morrell, Buri, Grant, Holmquist, Newhouse, McDonald, Conway, Blake, Quall, Linville and Miloscia

AN ACT Relating to the definition of "farm and agricultural land" for purposes of current use property taxation; and amending RCW 84.34.020.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1557 by Representatives Conway, Ericks, Kessler, Campbell, Blake, Simpson, Ormsby, Morrell, Chase, P. Sullivan and Kenney

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1560 by House Committee on Higher Education (originally sponsored by Representatives Sells, Campbell, Fromhold, McCoy and Chase)

AN ACT Relating to tuition waivers for community college apprenticeship programs; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 1568 by Representatives Haigh, Hinkle, Wallace, P. Sullivan, Conway, Chase, McCoy and Kenney

AN ACT Relating to activation of the national guard; and amending RCW 38.08.040 and 38.24.010.

Referred to Committee on Government Operations & Elections.

ESHB 1577 by Representatives Lantz, Hankins, Morrell, Jarrett, Moeller, Clibborn, Flannigan, Darneille, Dunshee and Kilmer

AN ACT Relating to capital projects for local nonprofit art, cultural, heritage, youth, and social service organizations; amending RCW 43.63A.125, 43.63A.750, 27.34.330, and 43.63A.135; and repealing 1999 c 295 s 4 (uncodified).

Referred to Committee on Ways & Means.

HB 1587 by Representatives Shabro, Morrell, Roach and Woods

AN ACT Relating to capital facilities at the Rainier school; amending RCW 72.01.140; and repealing RCW 28B.30.820 and 72.01.142.

Referred to Committee on Ways & Means.

HB 1592 by Representatives Strow, Talcott, Kenney, Woods, Darneille, Bailey, Green, Holmquist, Shabro, Moeller, Walsh, Williams, Skinner, Dunshee, Kristiansen, Pearson, Sommers, Dickerson, Conway, Clements, Linville, Haler, Upthegrove, Hasegawa, P. Sullivan, Clibborn, Lovick, Chase, Jarrett, Rodne, Blake, Ericks, Sells, Appleton, McCoy, McDonald, Dunn, DeBolt, Lantz, Santos, Roberts, Hudgins, Ahern, McCune, Alexander, Kretz, Hankins, Haigh, Tom, Kilmer, Schual-Berke, McDermott, Newhouse, Condotta, Kagi and Serben

AN ACT Relating to recording the oral histories of women who contributed to their communities, the state, or the nation during World War II; amending RCW 28A.300.370; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

HB 1598 by Representatives Wood, Wallace, Woods and Skinner

AN ACT Relating to the population thresholds for membership of the county road administration board; and amending RCW 36.78.040.

Referred to Committee on Transportation.

SHB 1608 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Grant, Holmquist, Linville, Buri, Wallace, Newhouse, Hinkle, Walsh, Quall, Kenney, Armstrong, Clements, Kristiansen, P. Sullivan, Blake, Haler, Kessler, Morrell, Chase, Skinner, McDermott and Santos)

AN ACT Relating to the potato commission; amending RCW 15.66.270; adding a new chapter to Title 15 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1612 by Representatives Kilmer, Skinner, Cody, Bailey, Murray, Haigh, Kenney, McDermott and Santos

AN ACT Relating to University of Washington dental school faculty; and amending RCW 18.32.195.

Referred to Committee on Health & Long-Term Care.

HB 1621 by Representative McDonald

AN ACT Relating to acceptable forms of identification for liquor purchases; and amending RCW 66.16.040.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1633 by Representatives Talcott, Hunter, Priest, Anderson, Tom, Haigh, Curtis, Buri, McDonald, Serben, Nixon, Quall, Cox, Schual-Berke, Rodne, Shabro, Hinkle, Alexander, Woods, Miloscia, Haler, Armstrong, Holmquist, Skinner and Clibborn

AN ACT Relating to digital learning programs; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1634 by House Committee on Appropriations (originally sponsored by Representatives Grant, Haler, Walsh, Hankins, Darneille and Haigh)

AN ACT Relating to allowing terminally ill members to remove themselves from their retirement plan; amending RCW 41.40.023, 41.32.010, and 41.35.030; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.35 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1652 by House Committee on Health Care (originally sponsored by Representatives Ericks, Appleton, Simpson, Kilmer, Eickmeyer, Woods, Lovick, Santos and Linville)

AN ACT Relating to authorizing fire protection districts to establish or participate in health clinic services; and amending RCW 52.02.020.

Referred to Committee on Health & Long-Term Care.

SHB 1661 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller, Hasegawa, Appleton, Hunt, Ericks, Chase, Curtis, Lovick, McCune and Cody)

AN ACT Relating to transfer of juvenile proceedings; and amending RCW 13.40.060.

Referred to Committee on Human Services & Corrections.

SHB 1689 by House Committee on Health Care (originally sponsored by Representatives Cody, Moeller, Appleton, Morrell, Clibborn, Green, Kenney, Murray, Schual-Berke and Chase)

AN ACT Relating to dental health services; amending RCW 18.32.030 and 18.32.040; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1694 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives O'Brien, Lovick, Hankins, Ericks, Holmquist, Darneille, Kirby and Moeller)

AN ACT Relating to the release of personal information; and reenacting and amending RCW 42.17.310.

Referred to Committee on Government Operations & Elections.

SHB 1699 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest and Tom)

AN ACT Relating to agreements for the purchase and sale of real estate; amending RCW 64.04.005; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1716 by Representatives Roach and Kirby

AN ACT Relating to underinsured motorist property damage waivers; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1717 by Representatives McDermott and Nixon

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on Judiciary.

HB 1722 by Representatives Grant, Newhouse, Linville, Buri, Clements, Walsh, Haler and Skinner

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2004 c 211 s 2 (uncodified).

Referred to Committee on Agriculture & Rural Economic Development.

HB 1759 by Representatives Appleton, Bailey, Tom, Chase, Takko, McCoy, Skinner, Sells, Darneille, Schual-Berke, Hasegawa, Green, O'Brien, Strow, Eickmeyer, Morris, Moeller, Linville, Cody, Rodne, Morrell, Hudgins, Quall, Williams, Dunn, Campbell and Santos

AN ACT Relating to designating the orca as the state marine mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1765 by House Committee on Commerce & Labor (originally sponsored by Representatives Chase, Newhouse, Eickmeyer, Buri, Appleton, B. Sullivan and Dunn)

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230 and 46.70.011.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1769 by Representatives P. Sullivan, Simpson and Williams

AN ACT Relating to jury source lists in counties with more than one superior court facility; amending RCW 2.36.055; and creating a new section.

Referred to Committee on Judiciary.

HB 1779 by Representatives Schual-Berke, Roach and Morrell

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1791 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Schual-Berke, Kenney, Hankins, Lovick, Morrell, Wood, Kagi, Simpson, McDonald, Eickmeyer, Appleton, O'Brien, Ormsby, DeBolt, Wallace, Upthegrove, Strow, Moeller, Jarrett, Kessler, Miloscia, Murray, Cody, Conway, McCune, Lantz, P. Sullivan, Tom, Ericks, Haigh, McDermott, Hasegawa and Linville)

AN ACT Relating to the developmental disabilities community trust account; amending RCW 43.84.092 and 72.01.140; reenacting and amending RCW 43.84.092; adding new sections to chapter 71A.20 RCW; creating new sections; repealing RCW 28B.30.820 and 72.01.142; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1813 by Representatives Williams, DeBolt, Hunt and Moeller

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Government Operations & Elections.

HB 1837 by Representatives Rodne, Lantz, McDonald, Moeller, Dickerson, Priest, Curtis, Morris, Woods, Shabro, Hasegawa, Kagi and Kenney

AN ACT Relating to child witnesses; and amending RCW 9A.44.150.

Referred to Committee on Judiciary.

HB 1872 by Representatives Ericks, O'Brien, Kretz, P. Sullivan, Buri, Sells and Simpson

AN ACT Relating to ignition interlock devices; amending RCW 46.04.215 and 46.20.750; and prescribing penalties.

Referred to Committee on Judiciary.

SHB 1876 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Green, Haler, Moeller, Darneille, Haigh, Miloscia and Upthegrove)

AN ACT Relating to the voting rights of persons under guardianship; amending RCW 11.88.010 and 11.88.010; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 1906 by Representatives Grant, Haler and Hankins

AN ACT Relating to regional law libraries; and amending RCW 27.24.062 and 27.24.020.

Referred to Committee on Government Operations & Elections.

SHB 1934 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ahern, Dickerson, Santos, O'Brien, Williams, Simpson, Ericks and Chase)

AN ACT Relating to assault of a peace officer with a projectile stun gun; amending RCW 9A.36.031 and 9A.04.110; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1941 by Representatives P. Sullivan, Quall, Talcott, Kenney and McDermott

AN ACT Relating to providing voting rights on the state board of education to the superintendent of public instruction; and amending RCW 28A.305.100.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1945 by House Committee on Commerce & Labor (originally sponsored by Representatives Holmquist, Simpson, Curtis, Condotta, Dunshee and Darneille)

AN ACT Relating to providing assistance in identifying fire sprinkler system components that have been subject to a recall or voluntary replacement program; and amending RCW 18.160.050.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1986 by Representatives Roberts, Buri, Kenney, Cox and Morrell

AN ACT Relating to reviewing and prioritizing tuition waivers; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2007 by Representatives Moeller, Dunn, Fromhold, Wallace and Clibborn

AN ACT Relating to requirements for certified bylaws to be attached to certain petitions in cities and towns; and amending RCW 35.21.005.

Referred to Committee on Government Operations & Elections.

HB 2021 by Representatives Kenney and Cox

AN ACT Relating to the advanced college tuition payment program; amending RCW 28B.95.020, 28B.95.030, 28B.95.090, 28B.95.110, and 6.15.010; and adding a new section to chapter 28B.95 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2028 by Representatives Kagi and Darneille

AN ACT Relating to the advisory committee of the office of public defense; and amending RCW 2.70.030.

Referred to Committee on Judiciary.

SHB 2061 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Moeller and Dickerson)

AN ACT Relating to requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court; and amending RCW 13.04.030 and 13.40.300.

Referred to Committee on Human Services & Corrections.

HB 2064 by Representatives Roberts, McDonald, Darneille, Moeller, Ericks, Lantz, McCune, Dickerson and Kagi

AN ACT Relating to the date of the offense for the purposes of automatic transfer of jurisdiction; and amending RCW 13.04.030.

Referred to Committee on Human Services & Corrections.

SHB 2071 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Cody, P. Sullivan, Kenney and Dunn)

AN ACT Relating to exempting a horse racing license from public inspection; reenacting and amending RCW 42.17.310; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2073 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller and Chase)

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Referred to Committee on Human Services & Corrections.

HB 2088 by Representatives Lantz, Haigh and Simpson

AN ACT Relating to the state fire protection policy board; and amending RCW 43.43.932.

Referred to Committee on Government Operations & Elections.

HB 2101 by Representatives Pearson, Lovick, McDonald and Chase

AN ACT Relating to registration of sex offenders and kidnapping offenders in schools, notification to the school, and dissemination of the information within the school; amending RCW 4.24.550; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Human Services & Corrections.

HB 2115 by Representatives Dickerson, Roach, Simpson, Upthegrove, Ormsby, Chase, Roberts and Darneille

AN ACT Relating to drug use among pregnant women; amending RCW 70.96A.090; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2137 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Walsh, Darneille, Anderson, Chase, Dickerson, Ericks, Roberts, Conway, Linville, Kenney and O'Brien)

AN ACT Relating to funding for crime victims' compensation; adding a new section to 2003 1st sp.s. c 25 (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2166 by Representatives Newhouse, Linville, Kristiansen, Hankins, Grant, Holmquist and Haler

AN ACT Relating to the joint legislative committee on water supply during drought; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

HB 2170 by Representatives Springer, Dunshee, Clibborn and Morrell

AN ACT Relating to including a portion of the real estate excise tax as general state revenue; amending RCW 82.45.180; and creating a new section.

Referred to Committee on Ways & Means.

HB 2189 by Representatives Kagi, Hinkle, Dickerson, Roberts, Darneille, Simpson, Moeller, Morrell and Santos

AN ACT Relating to the safety of child protective services and child welfare services staff; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 2215 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan and Ahern)

AN ACT Relating to background checks; amending RCW 43.43.830, 43.43.832, 43.43.834, 43.43.836, 43.43.838, 43.43.840, and 43.43.845; and repealing RCW 43.43.835.

Referred to Committee on Human Services & Corrections.

SHB 2223 by House Committee on Criminal Justice & Corrections (originally sponsored by Representative O'Brien)

AN ACT Relating to fees charged to law enforcement agencies for certified copies of records concerning sex offenders; and amending RCW 36.18.016.

Referred to Committee on Human Services & Corrections.

HB 2271 by Representatives Miloscia, McDermott, Moeller and Kenney

AN ACT Relating to employment opportunities for people with disabilities; amending RCW 43.19.520, 43.19.530, 43.19.531, 43.19.533, 43.19.1911, 50.40.065, and 50.40.066; and providing expiration dates.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING

SENATE BILL NO. 5719, by Senator Hargrove

Extending the community commitment disposition alternative pilot program.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Stevens and Regala be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.169 and 2003 c 378 s 5 are each amended to read as follows:

~~((Any charter county with a population of not more than seventy thousand shall establish a pilot program to implement the community commitment disposition alternative contained in this section. The pilot project shall be limited to five beds.))~~
Any county or group of cooperating counties within close proximity may establish a program to implement the community commitment disposition alternative under this section. A program established by a county or group of cooperating counties shall be limited to ten beds. A court in a county that has established a program under this section or has entered an agreement with other counties to establish such a program may impose a community commitment disposition alternative as provided in this section.

(1) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, ~~((the))~~ a court ~~((in a county with a pilot program under this section))~~ may impose a community commitment disposition alternative and:

(a) Retain juvenile court jurisdiction over the youth;

(b) Confine the youth in a secure county detention facility ~~((for a period of time not to exceed thirty days)), or another alternative to secure county detention as described in subsection (4) of this section; and~~

(c) Impose a term of postrelease community supervision for up to one year.

~~((If the youth receives a standard range))~~ At the time of the disposition, the court shall set the release date within the standard range. ((The court shall determine the release date prior to expiration of sixty percent of the juvenile's minimum term of confinement.)) The offender shall spend no more than thirty days in secure county detention between the date of the disposition and the initial release date.

(2) The court may impose this community commitment disposition alternative if the court finds the following:

(a) Placement in a local secure county detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;

(b) Placement in the local secure county detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling; or

(c) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

(3) The court shall consider the youth's offense, prior criminal history, security classification, risk level, and treatment needs and history when determining whether the youth is appropriate for the community commitment disposition alternative. If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure county detention while the details of the reintegration program are developed. The program shall include delivery of programs which meet the Washington state institute for public policy's effectiveness standards for juvenile accountability programs.

(4) Upon approval of the treatment and community reintegration plan, the court may order the youth to serve the term of confinement in one ~~((or more))~~ of the following placements or combination of the following placements: Secure county detention, an alternative to secure detention such as electronic home monitoring, county group care, day or evening reporting, or home detention. The court may order the youth to serve time in secure county detention on weekends or intermittently. The court shall set periodic reviews to review the youth's progress in the program. ~~((At least fifty percent))~~ No more than thirty days of the ((term of confinement)) community commitment disposition alternative shall be served in secure county detention, unless the youth violates the conditions of the community commitment program.

(5) If the youth violates the conditions of the community commitment program, the court may impose sanctions under RCW 13.40.200 or modify the terms of the reintegration plan and order the youth to serve ~~((all or a portion))~~ up to thirty days of the remaining confinement term in secure county detention or another alternative to secure county detention as described in subsection (4) of this section. If, in the opinion of the court, the youth's cumulative violations would require more than a total of thirty days of secure detention, the court shall revoke the community commitment disposition alternative and order the disposition's execution, with credit for time served, at a facility operated by the juvenile rehabilitation administration of the department of social and health services. The court shall retain jurisdiction for purposes of community supervision upon release from the facility. Except for a youth transferred to a facility operated by the juvenile rehabilitation administration, time not spent

in secure county detention may be served in one of the alternative placements described in subsection (4) of this section. The court shall consider the youth's risk level in selecting alternative placements.

(6) A county may enter into interlocal agreements with other counties to develop joint community commitment programs or to allow one county to send a youth appropriate for this alternative to another county that has a community commitment program.

(7) Implementation of this alternative is subject to available state funding for the costs of the community commitment program, including costs of detention and community supervision, treatment programs, and administration.

(8) Each county or group of cooperating counties establishing a program to implement the community commitment disposition alternative under this act shall provide an interim report on a program to the Washington association of juvenile court administrators by November 1, 2006, and a final report by May 1, 2007. Each report shall include, but is not limited to, the number of offenders eligible for the program, the number of offenders sentenced to the program, evaluation and treatment costs for each participant, administrative costs, costs of detention, supervision, and other related costs, and whether an offender has reoffended after participation in the program. The Washington association of juvenile court administrators shall submit an interim report ((~~on~~) analyzing the data submitted by each of the ((~~pilot~~)) programs established in this section to the legislature and appropriate committees by December 31, ((2004)) 2006, and submit a final report to the legislature and the appropriate committees by June 30, ((2005)) 2007.

((This section expires July 1, 2005.))

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Stevens and Regala to Substitute Senate Bill No. 5719.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 13.40.169; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5719.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, Oke and Rockefeller - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5666, by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, Delvin, Roach, Rasmussen and Kohl-Welles

Regarding information sharing in child dependency cases.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5666 was substituted for Senate Bill No. 5666 and the substitute bill was placed on the second reading and read the second time.

Senators Stevens and Hargrove spoke in favor of adoption of the substitute.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5666.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, Oke and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5266, by Senators Fairley, Benson, Prentice and Benton

Reserving state authority to regulate customer financial transactions.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5266 was substituted for Senate Bill No. 5266 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 1, line 16, after "A" insert "joint legislative audit and review committee study is created regarding whether a"

On page 2, line 6, after "A" insert "joint legislative audit and review committee study is created regarding whether a"

On page 2, line 13, after "A" insert "joint legislative audit and review committee study is created regarding whether a"

WITHDRAWAL OF AMENDMENT

On motion of Senator Fairley, the amendment to Substitute Senate Bill No. 5266 was withdrawn.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Jacobsen, Kline, Kohl-Welles and Thibaudeau - 4

Absent: Senator Deccio - 1

Excused: Senators Doumit, Oke and Rockefeller - 3

SUBSTITUTE SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5926, by Senators McAuliffe, Schmidt, Pridemore, Kohl-Welles, Rockefeller, Shin and Schoesler

Modifying provisions in the advanced college tuition payment program.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5926.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5926 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, Oke and Rockefeller - 3

SENATE BILL NO. 5926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5811, by Senators Kohl-Welles, Regala and Rasmussen

Encouraging the ethical transfer of technology for the economic benefit of the state.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Honeyford, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Doumit, Oke, Rockefeller and Stevens - 4

SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5087, by Senators Kohl-Welles, Schmidt, Jacobsen, Keiser, Rockefeller, Franklin, Shin, Spanel, McAuliffe and Kline

Community College faculty.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 2, beginning on line 36, strike "August 30, (~~1996~~)" and insert "~~(August 30, 1996)~~ December 1, "

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 2, line 36 to Senate Bill No. 5087.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

Senator Jacobsen spoke against of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5087.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel and Weinstein - 35

Voting nay: Senators Delvin, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Swecker, Thibaudeau and Zarelli - 10

Excused: Senators Doumit, Oke, Rockefeller and Stevens - 4

ENGROSSED SENATE BILL NO. 5087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5470, by Senators Franklin, Thibaudeau, Keiser, Kline, Poulsen, Berkey, Haugen, McAuliffe, Rockefeller, Shin and Kohl-Welles

Allowing the importation of certain prescription drugs from Canadian wholesalers. Revised for 1st Substitute:
Allowing the importation of certain prescription drugs from nondomestic wholesalers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser, Franklin and Parlette be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that as consumers' prescription drug costs continue to rise, people across the state of Washington are seeking opportunities to purchase lower cost prescription drugs from Canada, the United Kingdom, Ireland, and other countries for their personal use. The state has a strong interest in promoting the safe use of prescription drugs by consumers in Washington state. To address this interest, the legislature intends to seek authorization from the federal government to license Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers, thereby providing licensed retail pharmacies the opportunity to purchase prescription drugs from approved wholesalers and pass those savings on to consumers, and providing consumers the opportunity to purchase prescription drugs from a trusted community pharmacist who is aware of all of their prescription drug needs.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

(1) By September 1, 2005, the board shall, in consultation with the department and the health care authority, submit a waiver request to the federal food and drug administration that will authorize the state of Washington to license Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers under RCW 18.64.046, thereby providing retail pharmacies licensed in Washington state the opportunity to purchase prescription drugs from approved wholesalers and pass those savings on to consumers. The waiver shall provide that:

(a) Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers meet the requirements of RCW 18.64.046 and any rules adopted by the board to implement those requirements;

(b) The board must ensure the integrity of the prescription drug products being distributed by:

(i) Requiring that prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers originate only from approved manufacturing locations;

(ii) Routinely testing prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers for safety;

(iii) Establishing safe labeling, tracking, and shipping procedures for prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers; and

(iv) Closely monitoring compliance with RCW 18.64.046 and any rules adopted to implement the waiver;

(c) The prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers must be limited to those for which potential savings to consumers can be demonstrated and those available through purchase by individuals only at licensed retail pharmacies;

(d) To ensure that the program benefits those consumers without insurance coverage for prescription drugs who are most in need of price relief, prescription drug purchases from pharmacies under the waiver will be limited to those not eligible for reimbursement by third party insurance coverage, whether public or private, for the particular drug being purchased; and

(e) Savings associated with purchasing prescription drugs from Canadian, United Kingdom, Irish, and other nondomestic wholesalers will be passed on to consumers.

(2) By December 1, 2005, the board, in consultation with the department and the health care authority, shall submit a detailed implementation plan to the governor and appropriate committees of the legislature that details the mechanisms that the board will use to implement each component of the waiver under subsection (1) of this section.

(3) The board shall adopt rules as necessary to implement this act.

NEW SECTION. Sec. 3. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Senators Keiser, Parlette, Franklin and McCaslin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser, Franklin and Parlette to Substitute Senate Bill No. 5470.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "wholesalers;" strike the remainder of the title and insert "adding a new section to chapter 18.64 RCW; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Franklin and Kastama spoke in favor of passage of the bill.

Senators Thibaudeau and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 40

Voting nay: Senators Delvin, Jacobsen, Kline, Kohl-Welles, Pflug and Thibaudeau - 6

Excused: Senators Oke, Rockefeller and Stevens - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:02 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, March 10, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 9, 2005

2005 REGULAR SESSION

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 10, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brandland, Carrell, Rasmussen, Rockefeller and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Jamie Catron and Laconia Randle, presented the Colors. Pastor Robert Christensen of the Olympia-Lacey Church of God offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mulliken, moved that Gubernatorial Appointment No. 9041, Cecilia DeLuna-Gaeta, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Mulliken spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senator Carrell was excused.

On motion of Senator Regala, Senators Rockefeller, Brown and Rasmussen were excused.

APPOINTMENT OF CECILIA DELUNA-GAETA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9041, Cecilia DeLuna-Gaeta as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9041, Cecilia DeLuna-Gaeta as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brandland and Stevens - 2

Excused: Senators Carrell, Rasmussen and Rockefeller - 3

Gubernatorial Appointment No. 9041, Cecilia DeLuna-Gaeta, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker, moved that Gubernatorial Appointment No. 9042, Franklin Day DeVaul, Jr., as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Brandland, Mulliken, Pflug, Stevens were excused.

APPOINTMENT OF FRANKLIN DAY DEVAUL, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9042, Franklin Day DeVaul, Jr. as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9042, Franklin Day DeVaul, Jr. as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Carrell, Mulliken, Rockefeller and Stevens - 4

Gubernatorial Appointment No. 9042, Franklin Day DeVaul, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Reappointment No. 9058, Joseph Fram, as a member of the Board of Trustees, State School for the Blind, be confirmed.

Senator Pridemore spoke in favor of the motion.

REAPPOINTMENT OF JOSEPH FRAM

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9058, Joseph Fram as a member of the Board of Trustees, State School for the Blind.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9058, Joseph Fram as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Finkbeiner - 1

Excused: Senators Mulliken and Rockefeller - 2

Gubernatorial Reappointment No. 9058, Joseph Fram, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Blind.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9084, Debra Jones, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF DEBRA JONES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9084, Debra Jones as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9084, Debra Jones as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Finkbeiner and Stevens - 2

Excused: Senators Mulliken and Rockefeller - 2

Gubernatorial Appointment No. 9084, Debra Jones, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

REMARKS BY THE PRESIDENT

President Owen: "The President would draw the members attention to the back of the chamber where we now have on display the Washington State flag that was flown over the Washington National Guard Headquarters of the 81st Brigade Combat team at LSA (Logistical Support Area) Anaconda in Balad, Iraq under the command of Brigadier General Oscar Hilman. Members of the 81st are now returning home. It looks very nice back there, they did a great job."

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President, just a note on that. General Hilman, our 81st Brigade commander, arrives home on Tuesday afternoon from Iraq. He's now out processing along with the other soldiers at Fort Lewis and I'm in the process, Mr. President I had not talked with you about this yet, but I had with the leadership on the other side of the aisle, that we're going to try to get in touch with General Hilman and maybe next week he can come down and address us for about five minutes here and just and then also visit both of our caucuses, as he can tell us what happened there and also we can ask questions of him. Just wanted to let you know that. Thank you very much."

MOTION

At 9:28 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:58 a.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Poulsen, moved that Gubernatorial Appointment No. 9029, Nobie Chan, as a member of the Board of Trustees, Seattle, So. Seattle, No. Seattle Community Colleges District No. 6, be confirmed.

Senator Poulsen spoke in favor of the motion.

APPOINTMENT OF NOBIE CHAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9029, Nobie Chan as a member of the Board of Trustees, Seattle, So. Seattle, No. Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9029, Nobie Chan as a member of the Board of Trustees, Seattle, So. Seattle, No. Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senators McAuliffe and Thibaudeau - 2

Excused: Senator Rockefeller - 1

Gubernatorial Appointment No. 9029, Nobie Chan, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, So. Seattle, No. Seattle Community Colleges District No. 6.

MOTION

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

SECOND READING

SENATE BILL NO. 5563, by Senators Franklin, Schmidt, Oke, Rasmussen, Thibaudeau, Kohl-Welles, Pflug, Regala, Parlette, Pridemore, Hargrove, Fraser, Hewitt, Doumit, Spanel, Prentice, Stevens, McAuliffe, Mulliken, Haugen, Berkey, Swecker, Carrell, Fairley, Kline, Keiser, Kastama, Shin, Delvin, Roach, Poulsen, Sheldon, Eide, Johnson and Rockefeller

Including women's contributions in the World War II oral history project.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, McCaslin and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5563.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5707, by Senators Fraser, Eide, McAuliffe, Kohl-Welles, Keiser, Franklin, Kline, Haugen, Spanel and Rasmussen

Creating a women's history consortium.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5707 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5707.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5707 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Swecker - 1

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

SECOND READING

SENATE BILL NO. 5625, by Senators Kohl-Welles, Schoesler, Hewitt, Poulsen, McAuliffe and Delvin

Regarding gender equity reporting.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5625.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5426, by Senators Carrell, Hargrove, Benson and Sheldon

Providing procedures for decreasing truancy and dropouts. Revised for 1st Substitute: Creating a work group to review laws governing school attendance.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5426 was substituted for Senate Bill No. 5426 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, McAuliffe and Carrell be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a need to review current laws and rules that govern school attendance requirements. The legislature is concerned about the attendance of youth in the educational system and the impact truancy and students dropping out of school have on schools and communities.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the administrative office of the courts, shall convene a work group to evaluate the following:

- (a) Review the implementation of the Becca bill and other school attendance measures to determine their consistent application across the state and their conformance with state law;
- (b) The definition of excused and unexcused absences;
- (c) Creating incentives for school districts to improve student attendance; and
- (d) Related data collection requirements on graduation, dropouts, student transfer, and other issues related to student attendance.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

- (a) The office of the superintendent of public instruction;
- (b) The state board of education;
- (c) Teachers;
- (d) School administrators;
- (e) School counselors;
- (f) Truancy officers and truancy board members;
- (g) The administrator for the courts;
- (h) Court judges;
- (i) Prosecuting attorneys;
- (j) The office of attorney general;
- (k) Institutions of higher education;
- (l) Members of the legislature; and
- (m) Other interested education organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group to the governor, the state board of education, and the legislature no later than January 10, 2006.

NEW SECTION. Sec. 3. This act expires January 31, 2006."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, McAuliffe and Carrell to Substitute Senate Bill No. 5426.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "dropouts;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Finkbeiner - 1

Excused: Senator Rockefeller - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5643, by Senators Hargrove, Kline and Brandland

Exempting community notification and release of sex offender information from public disclosure.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5643 was substituted for Senate Bill No. 5643 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5643.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5643 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 5643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION

8642

By Senator Fraser

WHEREAS, Theater programs allow young people to express themselves and develop their creativity, while promoting cultural enrichment in the community, and establishing a lifelong love of the arts; and

WHEREAS, Students of the Olympia High School theater program, with determination and perseverance, work tirelessly each year to perform a worthy tribute to the American musical; and

WHEREAS, In June of 2004, rehearsing night and day under the direction of Kathy Dorgan, this outstanding theater ensemble presented a commendable exhibition of live musical theater; and

WHEREAS, For five nights the young actors thrilled audiences with their extraordinary rendition of the Tony Award-winning Broadway musical "Guys and Dolls"; and

WHEREAS, Seattle's 5th Avenue Theater seeks to preserve and maintain the institution of performing arts, and nurtures and promotes young talent by honoring both students and teachers at their annual awards show; and

WHEREAS, Amidst stiff competition from across Puget Sound, Olympia High School was nominated in eight categories at the 5th Avenue High School Musical Awards, including outstanding group ensemble, chorus, choreography, and costume design; and

WHEREAS, To the delight of more than 1,700 screaming parents, teachers, and friends, these budding thespians swept the competition, winning for most outstanding direction, orchestra, and set design; and

WHEREAS, Having been declared the winner over six other high schools, Olympia High School secured an unforgettable victory--the evening's highest honor--most outstanding overall production of a musical;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate would like to recognize the talent, hard work, and commitment of both students and teachers at Olympia High School who worked so hard to make their production of "Guys and Dolls" a smashing success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Olympia High School.

Senators Fraser and Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by the President Pro Tempore.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Appointment No. 9068, Claire Grace, as a member of the Housing Finance Commission, be confirmed.

Senator Fairley spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Zarelli, Delvin, Benton and Mulliken were excused.

APPOINTMENT OF CLAIRE GRACE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9068, Claire Grace as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9068, Claire Grace as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 41

Absent: Senators Deccio, Finkbeiner, Haugen, Oke and Parlette - 5

Excused: Senators Delvin, Mulliken and Zarelli - 3

Gubernatorial Appointment No. 9068, Claire Grace, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey, moved that Gubernatorial Appointment No. 9096, Dennis Kloida, as a member of the Housing Finance Commission, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senator Haugen was excused.

On motion of Senator Hewitt, Senators Benton and Stevens were excused.

APPOINTMENT OF DENNIS KLOIDA

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9096, Dennis Kloida as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9096, Dennis Kloida as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Delvin, Haugen, Mulliken and Stevens - 4

Gubernatorial Appointment No. 9096, Dennis Kloida, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Regala, moved that Gubernatorial Reappointment No. 9128, Patrick McElligott, as a member of the Investment Board, be confirmed.

Senator Regala spoke in favor of the motion.

REAPPOINTMENT OF PATRICK MCELLIGOTT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9128, Patrick McElligott as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9128, Patrick McElligott as a member of the Investment Board and the reappointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Benton - 1

Excused: Senators Delvin and Stevens - 2

Gubernatorial Reappointment No. 9128, Patrick McElligott, having received the constitutional majority was declared confirmed as a member of the Investment Board.

PERSONAL PRIVILEGE

Senator Rockefeller: "I simply wanted to say to all of the members and staff of the Senate who have been most thoughtful with their expressions of concern and kindness that I am very grateful for that and I'm most grateful to be back here where I have found so many friends and I have discovered that the Senate is a family and it's a pleasure to be part of it and I thank you very much, one and all."

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "Senator, I would like to say we are pleased to have you back and whenever any member of our household is missing we all pray for your return. We are glad to have you back."

MOTION

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

SECOND READING

SENATE BILL NO. 5680, by Senators Roach, Zarelli, Prentice, Fraser, Fairley and Rasmussen

Regarding capital facilities at the Rainier school.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5680 was substituted for Senate Bill No. 5680 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Kohl-Welles were excused.

SECOND READING

SENATE BILL NO. 5983, by Senators Pflug, Schmidt, Esser, Delvin and Benson

Regarding professional certification of teachers.

MOTION

On motion of Senator Benton, Substitute Senate Bill No. 5983 was substituted for Senate Bill No. 5983 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Schmidt, Hargrove, Kohl-Welles and McAuliffe be adopted.

On page 6, after line 14, insert the following:

"Sec. 4. RCW 28A.410.090 and 2004 c 134 s 2 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint alleging physical abuse or sexual misconduct by a certificated school employee filed by a parent or another person, but no complaint has been forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

(4)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

(b) In all cases under this subsection (4), the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be suspended or revoked under this subsection only if findings are made on or after the effective date of this section. For the purposes of this subsection, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011."

Senators Benton, McAuliffe, Kohl-Welles and Hargrove spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton, Schmidt, Hargrove, Kohl-Welles and McAuliffe on page 6, after line 14 to Substitute Senate Bill No. 5983.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "28A.410.210" strike "and 28A.305.130" and insert ", 28A.305.130, and 28A.410.090"

MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Substitute Senate Bill No. 5983 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5983.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5983 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Regala, Senators Brown and Kohl-Welles were excused.
On motion of Senator Mulliken, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 5232, by Senators Oke, Swecker and Jacobsen

Requiring a turkey tag to hunt for turkey.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Hewitt and Kohl-Welles - 3

SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5621, by Senators McAuliffe, Weinstein, Pridemore, Rockefeller, Kohl-Welles and Rasmussen

Requiring the superintendent of public instruction to adopt standards for voluntary certification of preschools.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5621.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5621 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Hewitt - 1

SENATE BILL NO. 5621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mulliken, Senator Honeyford was excused.

SECOND READING

SENATE BILL NO. 5672, by Senators Jacobsen, Esser, Poulsen, Benson and Swecker

Regulating commercial parking businesses.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5672 was substituted for Senate Bill No. 5672 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5672.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5672 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator McAuliffe - 1

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 5672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Fairley, Kohl-Welles, Brown and McAuliffe were excused.

SECOND READING

SENATE BILL NO. 5417, by Senators Weinstein, Esser, Jacobsen, Rasmussen, Kastama, Rockefeller, Shin, Carrell, Regala, Kohl-Welles, Pridemore, Franklin, Keiser, Kline, Sheldon and McAuliffe

Restricting access to motor vehicles for persons arrested for alcohol offenses (John's Law).

The measure was read the second time.

MOTION

Senator Weinstein moved that the following amendment by Senators Hargrove and Weinstein be adopted.

On page 2, line 1, after "redeemed" strike "after twelve hours have expired from the time of arrest and" and insert "by a registered owner of the vehicle other than the arrested driver, after all towing, removal, and storage fees are paid. After twelve hours have expired from the time of arrest, the impounded vehicle may be redeemed"

Senator Weinstein spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Weinstein on page 2, line 1 to Senate Bill No. 5417.

The motion by Senator Weinstein carried and the amendment was adopted by voice vote.

MOTION

On motion of Kline the rules were suspended, Engrossed Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Fairley and Kohl-Welles - 3

ENGROSSED SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Roach moved that the Senate immediately reconsider the vote by which Senate Bill No. 5232 passed the Senate earlier in the day.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach that the Senate immediately reconsider the vote by which Senate Bill No. 5232 passed the Senate.

The motion for reconsideration carried.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5232 on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5232, on reconsideration, and the bill passed by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Carrell, Honeyford, Mulliken, Roach and Stevens - 6

Absent: Senator Pflug - 1

Excused: Senator Brown - 1

SENATE BILL NO. 5232, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5752, by Senators Prentice, Honeyford and Kohl-Welles

Concerning funeral services.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5752 was substituted for Senate Bill No. 5752 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5752 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5752.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5752 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Kohl-Welles - 1

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 5752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

SECOND READING

SENATE BILL NO. 5065, by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles and Keiser

Requiring notice of potential injuries resulting from health care.

MOTION

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Thibaudeau moved that the following amendment by Senator Thibaudeau be adopted.

On page 1, line 6, before "Hospitals" insert "(1)".

On page 1, line 9, after "RCW 7.70.065." insert "Except as provided in subsection (2) of this section,".

On page 1, after line 13, insert "(2) Subject to an in-camera review of the court, a statement or statements of specific acts evidencing fault inadmissible under subsection (1) of this section may be used to impeach a fact witness in a civil or administrative proceeding if it contradicts subsequent testimony on issues of fact made by the witness in the civil or administrative hearing. The party wishing to use the previous statement must first show the court by clear and convincing evidence that the witness, in testimony provided in deposition or at trial in the present proceeding, has contradicted his or her previous statements on an issue of fact material to the present proceeding. In that case, the party may use only the excerpt or

excerpts necessary to demonstrate the contradiction. This section shall not be interpreted as expanding the scope of material that may be used to impeach a witness."

WITHDRAWAL OF AMENDMENT

On motion of Senator Thibaudeau the amendment to Substitute Senate Bill No. 5065 was withdrawn.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau, Keiser and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5065.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Morton - 1

Excused: Senators Brown and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5914, by Senators Parlette and Jacobsen

Concerning the conditioning of grants and loans by the salmon recovery funding board.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5914 was substituted for Senate Bill No. 5914 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5914 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5914.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5914 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Honeyford - 1

Excused: Senators Brown and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5488, by Senators Rasmussen and Schoesler

Concerning the fruit and vegetable district fund.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 4:35 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1379,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1495,

SECOND SUBSTITUTE HOUSE BILL NO. 1516,
SUBSTITUTE HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1606,
SUBSTITUTE HOUSE BILL NO. 1687,
HOUSE BILL NO. 1721,
HOUSE BILL NO. 1739,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1384,
SUBSTITUTE HOUSE BILL NO. 1393,
HOUSE BILL NO. 1428,
HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1478,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1494,
ENGROSSED HOUSE BILL NO. 1561,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1034,
SUBSTITUTE HOUSE BILL NO. 1035,
SUBSTITUTE HOUSE BILL NO. 1159,
HOUSE BILL NO. 1182,
SUBSTITUTE HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1413,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6084 by Senators Honeyford, Mulliken and Hewitt

AN ACT Relating to extent and validity determinations of temporary water rights changes during drought conditions; and amending RCW 43.83B.410.

Referred to Committee on Water, Energy & Environment.

SCR 8409 by Senators Kohl-Welles and Parlette

Creating a joint select committee on workers' compensation.

Referred to Committee on Labor, Commerce, Research & Development.

FIRST READING OF HOUSE BILLS

ESHB 1012 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Simpson, Nixon, Anderson, Morrell, Linville, B. Sullivan and Ormsby)

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1034 by Representatives Kirby, Roach and Simpson

AN ACT Relating to the administrative supervision of financially distressed insurers; amending RCW 48.31.020 and 48.31.115; and adding new sections to chapter 48.31 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1035 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kirby, Roach, Simpson and Schual-Berke)

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and amending RCW 48.02.065.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 1150 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell, Simpson and Murray)

AN ACT Relating to dangerous or potentially dangerous dogs; and amending RCW 16.08.070 and 16.08.100.

Referred to Committee on Judiciary.

E2SHB 1152 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Fromhold, Jarrett, Schual-Berke, Walsh, Quall, B. Sullivan, Grant, Ormsby, Kessler, Simpson, Moeller, Lovick, Roberts, Chase, Williams, P. Sullivan, Tom, Morrell, McIntire, Kenney, Haigh, McDermott, Dickerson, Santos and Linville)

AN ACT Relating to early learning; amending RCW 28B.135.030, 41.04.385, and 74.13.0903; reenacting and amending RCW 74.15.030; adding a new section to chapter 74.15 RCW; creating new sections; repealing RCW 74.13.090 and 74.13.0901; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1159 by House Committee on Judiciary (originally sponsored by Representatives Kirby and Priest)

AN ACT Relating to limiting liability for persons who work with liquefied petroleum gas; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1182 by Representatives Springer, Green and Ormsby

AN ACT Relating to making payments under certain bond authorization acts; and amending RCW 39.53.120, 43.99K.030, and 67.40.060.

Referred to Committee on Ways & Means.

SHB 1185 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Haler, Morris, Tom, Green, Jarrett, Clibborn, Moeller, Upthegrove, Pettigrew, Chase, Flannigan, Cody, Newhouse, Wallace, Hasegawa, Quall, Linville, Simpson, B. Sullivan, Sells, Lantz, Schual-Berke, Appleton, Campbell, Darneille, Dickerson, Armstrong, Kenney, Condotta, Kagi, Ormsby, Hunt, McIntire, Haigh and Kilmer)

AN ACT Relating to use and disclosure of personal wireless numbers; adding a new section to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1189 by House Committee on Local Government (originally sponsored by Representatives Moeller, Bailey, McCoy, Armstrong, Williams, Newhouse, Fromhold, Springer, Ericks, Flannigan, Curtis, Cody, Condotta, Appleton, Hinkle, Morrell, Campbell, Pearson, Chase, Dickerson, Linville, Woods, Kenney, O'Brien, Conway, Lantz, Sells, Kagi, Ormsby, Haigh, Upthegrove, Hasegawa and Kilmer)

AN ACT Relating to veterans' relief; amending RCW 73.08.010, 73.08.070, 73.08.080, and 41.04.007; adding new sections to chapter 73.08 RCW; creating a new section; and repealing RCW 73.08.030, 73.08.040, 73.08.050, and 73.08.060.

Referred to Committee on Government Operations & Elections.

HB 1211 by Representatives Blake, B. Sullivan, Buck, Kretz, Eickmeyer and Armstrong

AN ACT Relating to deer and elk hunting; and amending RCW 77.32.450.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1345 by House Committee on Appropriations (originally sponsored by Representatives Hasegawa, Kenney, Takko, Sells, Jarrett, Roberts, Ericks, Haler, Williams, Moeller, Appleton, Morrell, McCoy, Dunn, Kagi, McDermott, Santos and Chase)

AN ACT Relating to eligibility for state financial aid for part-time students; amending RCW 28B.92.080; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1379 by House Committee on Appropriations (originally sponsored by Representatives Grant, Armstrong, Springer, Hinkle, Fromhold, Walsh, Upthegrove, Bailey, Clibborn, Chase and Simpson)

AN ACT Relating to the liquor control board fully implementing a retail business plan; amending RCW 66.08.060; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; and repealing RCW 66.16.080.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1384 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Haler, B. Sullivan, Morris, Crouse, P. Sullivan, Chase and Hudgins)

AN ACT Relating to construction and operation of renewable energy projects by joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1393 by House Committee on Housing (originally sponsored by Representatives Buri, Grant, Cox, B. Sullivan, Condotta, Dunshee and Chase)

AN ACT Relating to movement of mobile homes; and amending RCW 46.44.170, 43.22.340, 43.22.432, and 46.12.290.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 1401 by House Committee on Local Government (originally sponsored by Representatives Simpson, Hankins, O'Brien, Ormsby and Chase)

AN ACT Relating to fire safety; adding new sections to chapter 19.27 RCW; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1413 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Hunt, Nixon, Linville, Anderson, Sells, Tom, Appleton, Eickmeyer, B. Sullivan, Ericks, Chase, Lantz, Flannigan, Green, Ormsby, Upthegrove, Blake, O'Brien, Priest, Morrell, Clibborn, Kagi, Williams, Moeller, McCoy, Miloscia, Campbell and Simpson)

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140, and 77.12.203; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1428 by Representatives Condotta, Pettigrew, Dunn, Linville and Chase

AN ACT Relating to the Washington economic development finance authority; amending RCW 43.163.210; and reenacting and amending RCW 43.163.130.

Referred to Committee on International Trade & Economic Development.

HB 1432 by Representatives Fromhold, Conway, Cox, Haigh, Campbell, Strow, Hunt, Ormsby, Moeller, Morrell, O'Brien, Chase and Hasegawa

AN ACT Relating to avoiding fragmentation in bargaining units for classified school employees; and amending RCW 41.56.060.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1462 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville, Buri, Pettigrew and Chase)

AN ACT Relating to funding conservation districts; amending RCW 89.08.410; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1478 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney, P. Sullivan, Nixon and Chase)

AN ACT Relating to securing vehicle loads on public highways; amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 1494 by House Committee on Health Care (originally sponsored by Representatives Morrell, Clibborn, Green, Kessler, Cody, Appleton, Darneille, Williams, Campbell, Lovick, Simpson, Hunt, Chase, Wood, Sells, Roberts, Kenney, McIntire, Hasegawa, Santos, Moeller and Schual-Berke)

AN ACT Relating to improving the delivery of health care services for school-aged children; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1495 by House Committee on Education (originally sponsored by Representatives McCoy, Roach, Simpson, P. Sullivan, McDermott, Santos, Appleton, Darneille, Williams, Hunt, Haigh, Chase, Sells, Conway, Kenney, Kagi, Moeller, Ormsby and Blake)

AN ACT Relating to teaching Washington's tribal history, culture, and government in the common schools; amending RCW 28A.230.090; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 1516 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Tom, Kagi, Hankins, Haler, Cody, Priest, Campbell, Kessler, Dunshee, Clibborn, Wallace, Dickerson, Linville, Fromhold, Hunter, Green, Morrell, Darneille, McDermott, Simpson, Chase, O'Brien, Sells, Roberts, Kilmer, Moeller and Ormsby)

AN ACT Relating to increasing access to health services for children through the "kids get care" service delivery model; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

EHB 1561 by Representatives Appleton, Roach, Santos, Kirby, Schual-Berke, Condotta, Williams and Chase

AN ACT Relating to prohibiting discrimination in life insurance based on lawful travel destinations; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1569 by House Committee on Health Care (originally sponsored by Representatives Morrell, Clibborn, Skinner, Schual-Berke, Green, Moeller, Cody, Curtis, Condotta, Chase, O'Brien and Kenney)

AN ACT Relating to quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans; amending RCW 18.20.390, 4.24.250, 43.70.510, and 70.41.200; reenacting and amending RCW 42.17.310; adding a new section to chapter 74.42 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1606 by House Committee on Health Care (originally sponsored by Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke)

AN ACT Relating to fairness in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1687 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Talcott, O'Brien, Ericks, Lovick, Tom, Roberts, Appleton, Kagi, Hunter and Chase)

AN ACT Relating to firearms; amending RCW 9.41.040 and 9.41.047; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1721 by Representatives Hunter, Orcutt and McIntire

AN ACT Relating to simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state; amending RCW 82.14.030, 82.14.040, and 82.14.060; reenacting and amending RCW 82.14.050; adding a new section to chapter 82.14 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1739 by Representative Ericksen

AN ACT Relating to registration of vintage snowmobiles; amending RCW 46.10.010, 46.10.020, and 46.10.040; and creating a new section.

Referred to Committee on Transportation.

E2SHB 1888 by House Committee on Appropriations (originally sponsored by Representatives Nixon, Morris, Hunter, B. Sullivan, Simpson, Ormsby, Morrell, Haler, Clibborn, Ericks, Williams, Darneille, Dunn, Dickerson, P. Sullivan, Green and Hudgins)

AN ACT Relating to electronic mail fraud; amending RCW 19.190.010; adding new sections to chapter 19.190 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1384 which was referred to the Committee on Government Operations & Elections.

MOTION

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

SECOND READING

SENATE BILL NO. 5056, by Senators Haugen, Swecker, Prentice, Kastama, Fairley, Honeyford, Zarelli, Hewitt, Berkey, Fraser, Thibaudeau, Jacobsen, McAuliffe, Rasmussen, Kline and Rockefeller

Creating the department of archaeology and historic preservation.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5056 was substituted for Senate Bill No. 5056 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5056.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Benton and Morton - 2

SECOND SUBSTITUTE SENATE BILL NO. 5056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Zarelli: "Thank you Mr. President. Ladies and gentlemen of the Senate, if I could have your quick attention for a minute I would appreciate it. I wanted to share a couple of things. I have the privilege this week of having my daughter, the youngest of the Zarelli daughters, paging with the Senate this week. I wanted to share a couple of things with you. You know the beauty of the job that we've been blessed with is a couple of things. First of all we get to come up here and debate things, talk about things and we do that because we've been blessed by enough people to have sent us here. The second thing we get to do is what I'm doing right now, Mr. President, and that's take the opportunity, the mike, that all of us politicians love. In doing that, taking our special privilege, usually what we're able to do is share a little bit of us, share a little bit of our heart and that's why we do it and I think that's just as important to us being able to work together, is to get to know each other. And so what I want to share with you and my daughter's probably not liking me much right now because she'd really prefer to be somewhere else and I'm going to talk about her a little bit. What I want to share with you, is about a young lady, who at very young age came to our home, at two months old, and through a process went away and then came back as we adopted her several years ago. This young lady has been through a lot in her life. It's a lot of the things that we sit up here and debate regularly about children and what's in the best interest of children. Well, we've had that experience through foster parenting and as adoptive parents. The point I want to share with you is that these kids can overcome a lot because our daughter has had a lot put in front of her and has been able, with a lot of hard work and God's blessing, to overcome a whole lot in her life and that's why she's here with us today. So in front of all of you and in front of her, I just wanted to tell her that her mother and I are extremely proud of her for what she's overcome in her life and I wanted to do that in front of you all here today. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 5471, by Senators Thibaudeau, Keiser, Fraser, Berkey, Poulsen, Kline, Franklin, Brown, Haugen, McAuliffe, Rockefeller and Kohl-Welles

Authorizing a prescription drug purchasing consortium.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5471 was substituted for Senate Bill No. 5471 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau and Keiser spoke in favor of passage of the bill.

Senators Parlette and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5471.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5471 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

SUBSTITUTE SENATE BILL NO. 5471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "I just wanted acknowledge the sneeze in the back. I felt the concussion here and the judges gave you a 9.5 rating."

SECOND READING

SENATE BILL NO. 5763, by Senators Hargrove, Stevens, Regala, Brandland, Thibaudeau, Carrell, Brown, Keiser, Fairley, McAuliffe, Rasmussen, Kline, Kohl-Welles and Franklin

Mental disorder treatment.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted: Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature finds that persons with mental disorders, chemical dependency disorders, or co-occurring mental and substance abuse disorders are disproportionately more likely to be confined in a correctional institution, become homeless, become involved with child protective services or involved in a dependency proceeding, or lose those state and federal benefits to which they may be entitled as a result of their disorders. The legislature finds that prior state policy of addressing mental health and chemical dependency in isolation from each other has not been cost-effective and has often resulted in longer-term, more costly treatment that may be less effective over time. The legislature finds that a substantial number of persons have co-occurring mental and substance abuse disorders and that identification and integrated treatment of co-occurring disorders is critical to successful outcomes and recovery. Consequently, the legislature intends to:

- (1) Establish a process for determining which persons with mental disorders and substance abuse disorders have co-occurring disorders;
- (2) Reduce the gap between available chemical dependency treatment and the documented need for treatment;
- (3) Improve treatment outcomes by shifting treatment, where possible, to evidence-based, research-based, and consensus-based treatment practices and by removing barriers to the use of those practices;
- (4) Expand the authority for and use of therapeutic courts including drug courts, mental health courts, and therapeutic courts for dependency proceedings;
- (5) Improve access to treatment for persons who are not enrolled in medicaid by improving and creating consistency in the application processes, and by minimizing the numbers of eligible confined persons who leave confinement without medical assistance;
- (6) Improve access to inpatient treatment by creating expanded services facilities for persons needing intensive treatment in a secure setting who do not need inpatient care, but are unable to access treatment under current licensing restrictions in other settings;
- (7) Establish secure detoxification centers for persons involuntarily detained as gravely disabled or presenting a likelihood of serious harm due to chemical dependency and authorize combined crisis responders for both mental disorders and chemical dependency disorders on a pilot basis and study the outcomes;
- (8) Following the receipt of outcomes from the pilot programs in subsection (7) of this section, implement a single, comprehensive, involuntary treatment act with a unified set of standards, rights, obligations, and procedures for adults and children with mental disorders, chemical dependency disorders, and co-occurring disorders;
- (9) Slow or stop the loss of inpatient and intensive residential beds and children's long-term inpatient placements and refine the balance of state hospital and community inpatient and residential beds;
- (10) Improve cross-system collaboration including collaboration with first responders and hospital emergency rooms, schools, primary care, developmental disabilities, law enforcement and corrections, and federally funded and licensed programs; and
- (11) Amend existing state law to address organizational and structural barriers to effective use of state funds for treating persons with mental and substance abuse disorders, minimize internal inconsistencies, clarify policy and requirements, and maximize the opportunity for effective and cost-effective outcomes.

NEW SECTION. Sec. 102. (1) The department of social and health services shall explore and report to the appropriate committees of the legislature by December 1, 2005, on the feasibility, costs, benefits, and time frame to access federal medicaid funds for mental health and substance abuse treatment under the following provisions:

- (a) The optional clinic provisions;
 - (b) Children's mental health treatment or co-occurring disorders treatment under the early periodic screening, diagnosis, and treatment provisions;
 - (c) Targeted case management, including a plan for coordination of various case management opportunities under medicaid.
- (2) The department shall provide the appropriate committees of the legislature with a clear and concise explanation of the reasons for reducing state hospital capacity and the differences in costs and benefits of treatment in state and community hospital treatment.

(3) The department may not reduce the capacity of either state hospital until at least an equal number of skilled nursing, residential, expanded services facility, or supported housing placements are available in the community to the persons displaced by the capacity reduction. The department shall retain sufficient capacity at the state hospital to address the cyclical need for hospitalization for persons moved to the community under a bed reduction program. For purposes of this section, "sufficient" means not less than one hospital bed for every ten beds created in the community unless the department can demonstrate conclusively to the legislature that a lesser ratio is sufficient.

Mental Health Treatment

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 701 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and regional support networks who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under section 701 of this act.

Sec. 104. RCW 71.05.020 and 2000 c 94 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "County designated mental health professional" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapter 70.96A RCW and sections 202 through 216 of this act or chapter 70.-- RCW (sections 302 through 374 of this act);

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter or under chapter 70.-- RCW (sections 302 through 374 of this act);

(11) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((10))~~ (12) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

~~((11))~~ (13) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

~~((12))~~ (14) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((13))~~ (15) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((14))~~ (16) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((15))~~ (17) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct;

~~((16))~~ (18) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

~~((17))~~ (19) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for ~~((an individual))~~ a person with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

- (g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((18))~~ (20) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((19))~~ (21) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by ~~((an individual))~~ a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by ~~((an individual))~~ a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by ~~((an individual))~~ a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

- (b) The ~~((individual))~~ person has threatened the physical safety of another and has a history of one or more violent acts;

~~((20))~~ (22) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on ~~((an individual's))~~ a person's cognitive or volitional functions;

~~((21))~~ (23) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((22))~~ (24) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((23))~~ (25) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((24))~~ (26) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((25))~~ (27) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional. "Psychiatric nurse" also means any other registered nurse who has at least three years of such experience.

(28) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((26))~~ (29) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((27))~~ (30) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill ~~((+)),~~ if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((28))~~ (31) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(32) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((29))~~ (33) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((30))~~ (34) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((31))~~ (35) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((32))~~ (36) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(37) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 105. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (~~(17)~~, ~~and~~) (18), ~~and~~ (19) of this section.

(13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

(14) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(15) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (16) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (17) "Secretary" means the secretary of social and health services.

~~((17))~~ (18) "Seriously disturbed person" means a person who:

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

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

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

(d) Exhibits suicidal preoccupation or attempts; or

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

~~((18))~~ (19) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

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

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

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

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

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

(ii) Changes in custodial adult;

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

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (20) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (21) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

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

Sec. 106. RCW 10.77.010 and 2004 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) "County designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(6) "Department" means the state department of social and health services.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(18) Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((19))~~ (20) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((20))~~ (21) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((21))~~ (22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 107. RCW 71.05.360 and 1997 c 112 s 30 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her

under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.97 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the county designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;
(d) To have visitors at reasonable times;
(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.370 (as recodified by this act) or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert information, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 108. RCW 71.05.215 and 1997 c 112 s 16 are each amended to read as follows:

(1) A person (~~found to be~~) who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) ~~((The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:~~

~~(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.~~

~~(b) For short term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication.~~

~~(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.370(7), the right to periodic review of the decision to medicate by the medical director or designee.~~

~~(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.~~

~~(e) Documentation in the medical record of the physician's attempt to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.)~~ The physician must attempt to obtain the informed consent of an involuntary committed person prior to administration of antipsychotic medication and document the attempt to obtain consent in the person's medical record with the reasons that antipsychotic medication is necessary. If the physician determines that the patient is not able to provide informed consent, the physician may obtain informed consent from a person who is named as an agent in the patient's mental health advance directive executed pursuant to chapter 71.32 RCW, provided that the agent otherwise has authority under the directive to consent to the proposed medication.

(3) When a person is detained pursuant to RCW 71.05.150, or detained for involuntary treatment not to exceed fourteen days pursuant to RCW 71.05.240, the person may refuse antipsychotic medications unless there is an additional concurring medical opinion following an examination of the person that the medications are necessary pursuant to subsection (1) of this section. Medications administered under this subsection may not continue beyond the hearing conducted pursuant to RCW 71.05.320(1) and the petitioner shall notify the court of administration of involuntary medications under this subsection and provide the court with an opinion regarding whether continued involuntary administration of antipsychotic medication is medically necessary.

(4) If a person involuntarily committed under RCW 71.05.320(1) for up to ninety days, or for less restrictive alternative treatment not to exceed ninety days pursuant to RCW 71.05.240 refuses antipsychotic medications, the medications may not be administered unless the person has first had a hearing by a panel composed of a physician and two other persons. The two persons shall be selected from among the following: A physician, advanced registered nurse practitioner, psychologist,

psychiatric nurse, physician's assistant, and the medical director of the facility. Recognizing that some facilities will not have three staff members of the required expertise who are not directly involved in the person's treatment, the panel shall be composed to the greatest extent possible of treatment providers who are not directly involved in the person's treatment at the time of the hearing.

(5) If a majority of the panel, including a psychiatrist if one is on the panel or another physician in the absence of a psychiatrist, determines that there is clear, cogent, and convincing evidence demonstrating that treatment with antipsychotic medications is medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication in the best interest of that person, the person may be medicated, subject to the provisions of subsections (6) through (8) of this section.

(6) Medication ordered pursuant to a decision of the panel may only be continued beyond seven days on an involuntary basis if the panel conducts a second hearing on the written record and a majority of the panel determines that there continues to be clear, cogent, and convincing evidence demonstrating that treatment with antipsychotic medications continues to be medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication in the best interest of that person.

(a) Following the second hearing, involuntary medication with antipsychotic medication may be continued if the treating psychiatrist certifies, not less than every fourteen days, that the medication continues to be medically appropriate and failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication in the best interest of that person.

(b) No administrative order for involuntary medication may be continued beyond one hundred eighty days, or the next commitment proceeding in the superior court, whichever comes first.

(7) The committed person may appeal the panel's decision to the medical director within twenty-four hours, excluding weekends and holidays, and the medical director must decide the appeal within twenty-four hours of receipt.

(8) The committed person may seek judicial review of the medical director's decision at the next commitment proceeding or by means of an extraordinary writ.

(9) Minutes of the hearing shall be kept and a copy shall be provided to the committed person.

(10) With regard to the involuntary medication hearing, the committed person has the right:

(a) To notice at least twenty-four hours in advance of the hearing that includes the intent to convene the hearing, the tentative diagnosis and the factual basis for the diagnosis, and why the staff believes that medication is necessary;

(b) Not to be medicated between the delivery of the notice and the hearing;

(c) To attend the hearing;

(d) To present evidence, including witnesses, and to cross-examine witnesses, including staff;

(e) To the assistance of a lay assistant, who is not involved in the case and who understands psychiatric issues;

(f) To receive a copy of the minutes of the hearing; and

(g) To appeal the panel's decision to the medical director.

(11) Antipsychotic medications may be administered in an emergency without the consent of the person pursuant to the provisions of RCW 71.05.370(3)(b) (as recodified by this act).

Sec. 109. RCW 71.05.370 and 1997 c 112 s 31 are each amended to read as follows:

~~((Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:~~

~~(1) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;~~

~~(2) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;~~

~~(3) To have access to individual storage space for his or her private use;~~

~~(4) To have visitors at reasonable times;~~

~~(5) To have reasonable access to a telephone, both to make and receive confidential calls;~~

~~(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;~~

~~(7) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(2) or the performance of electroconvulsant therapy or surgery, except emergency life saving surgery, unless ordered by a court of competent jurisdiction)) (1) A court of competent jurisdiction may order that a person involuntarily detained, or committed for inpatient treatment and evaluation or to treatment in a less restrictive alternative pursuant to this chapter be administered antipsychotic medications or the performance of electroconvulsant therapy or surgery pursuant to the following standards and procedures:~~

~~(a) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered by the court unless the petitioning party proves by clear, cogent, and convincing evidence that ((there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have~~

~~not been successful, or are not likely to be effective))~~ treatment with antipsychotic medications is medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication or electroconvulsive therapy in the best interest of the person.

(b) The court shall make specific findings of fact concerning: (i) The existence of ~~((one or more compelling state interests))~~ the likelihood of serious harm or substantial deterioration or substantially prolonging the length of involuntary commitment; (ii) the necessity and effectiveness of the treatment; ~~((and))~~ (iii) the person's desires regarding the proposed treatment; and (iv) the best interests of the person.

(c) If the ~~((patient))~~ person is unable to make a rational and informed decision about consenting to or refusing the proposed ~~((treatment))~~ electroconvulsive therapy, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

~~((e))~~ (d) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this ~~((subsection))~~ section. The person has the right:

- (i) To be represented by an attorney;
- (ii) To present evidence;
- (iii) To cross-examine witnesses;
- (iv) To have the rules of evidence enforced;
- (v) To remain silent;
- (vi) To view and copy all petitions and reports in the court file; and
- (vii) To be given reasonable notice and an opportunity to prepare for the hearing.

(e) The court may appoint a psychiatrist, psychologist within their scope of practice, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, psychologist within their scope of practice, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

~~((f))~~ (f) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

~~((g))~~ (2) Any person detained for a period of greater than ninety days pursuant to RCW 71.05.320~~((2))~~, who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in ~~((RCW 71.05.370(7)))~~ subsection (1) of this section.

~~((h))~~ (3) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order:

(a) Pursuant to RCW 71.05.215~~((2))~~; or

(b) Under the following circumstances:

- (i) A person presents an imminent likelihood of serious harm;
- (ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and
- (iii) In the opinion of the physician with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to (b) of this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

~~((8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;~~

~~((9) Not to have))~~ (4) No court has the authority to order psychosurgery performed on ((him or her)) any person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter under any circumstances.

(5) A petition for involuntary medication may be joined with a petition for involuntary treatment.

NEW SECTION. Sec. 110. RCW 71.05.370 is recodified as a new section in chapter 71.05 RCW to be codified in proximity to RCW 71.05.215.

Sec. 111. RCW 71.05.390 and 2004 c 166 s 6, 2004 c 157 s 5, and 2004 c 33 s 2 are each reenacted and amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the ~~((patient))~~ person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a county designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing (~~(outpatient)~~) services to the operator of a (~~(care)~~) facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation under RCW 71.05.150, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

~~((a))~~ (i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

~~((b))~~ (ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

~~((c))~~ (iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

~~((4))~~ (iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

~~((4))~~ (v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

~~(14) ((To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.))~~ Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(18) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial ~~((4))~~, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 112. RCW 71.05.420 and 1990 c 3 s 113 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390 ~~((through 71.05.410))~~, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 113. RCW 71.05.620 and 1989 c 205 s 12 are each amended to read as follows:

~~((1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:~~

- ~~(a) The name of the individual, agency, or organization to which the disclosure is to be made;~~
- ~~(b) The name of the individual whose treatment record is being disclosed;~~
- ~~(c) The purpose or need for the disclosure;~~
- ~~(d) The specific type of information to be disclosed;~~
- ~~(e) The time period during which the consent is effective;~~
- ~~(f) The date on which the consent is signed; and~~
- ~~(g) The signature of the individual or person legally authorized to give consent for the individual.~~

~~(2)) The files and records of court proceedings under this chapter and chapters ((71.05)) 70.96A, 71.34, 70.-- (sections 202 through 216 of this act), and 70.-- (sections 302 through 374 of this act) RCW shall be closed but shall be accessible to any ~~((individual))~~ person who is the subject of a petition and to the ~~((individual's))~~ person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.~~

Sec. 114. RCW 71.05.630 and 2000 c 75 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential~~((Treatment records))~~ and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of ~~((an individual))~~ a person may be released without informed written consent in the following circumstances:

(a) To ~~((an individual))~~ a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the ~~((individual))~~ person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to ~~((individuals))~~ persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of ~~((individuals))~~ persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the ~~((individual))~~ person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive ~~((an individual))~~ a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the ~~((individual))~~ person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of ~~((an individual))~~ a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.225, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When ~~((an individual))~~ a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the ~~((individual's))~~ person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the ~~((individual's))~~ person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental ~~((illness))~~ disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission,

placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for ~~((alcoholism or drug))~~ chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 115. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the ~~((individual))~~ person.

(2) Following discharge, the ~~((individual))~~ person shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all ~~((individuals))~~ persons shall be informed by resource management services of their rights as provided in RCW ~~((71.05.640))~~ 71.05.390 and 71.05.620 through 71.05.690.

Sec. 116. RCW 71.05.660 and 1989 c 205 s 16 are each amended to read as follows:

Nothing in this chapter ~~((205, Laws of 1989))~~ or chapter 70.96A, 71.05, 71.34, 70.-- (sections 202 through 216 of this act), or 70.--(sections 302 through 374 of this act) RCW shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 117. A new section is added to chapter 71.05 RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 70.96A RCW.

PART II PILOT PROGRAMS

NEW SECTION. Sec. 201. Sections 202 through 216 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "County-designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(10) "County-designated mental health professional" means a mental health professional appointed by the county or the regional support network to perform the duties in chapter 71.05 RCW.

(11) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(12) "Department" means the department of social and health services.

(13) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(23) "Judicial commitment" means a commitment by a court under this chapter.

(24) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(25) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(26) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(28) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(29) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(31) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(32) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional. "Psychiatric nurse" also means any other registered nurse who has three years of such experience.

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(35) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(36) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(38) "Secretary" means the secretary of the department or the secretary's designee.

(39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(40) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 203. (1) The secretary, in consultation with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to section 220 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a county-designated mental health professional under chapter 71.05 RCW and a county-designated chemical dependency specialist under chapter 70.96A RCW by establishing a new county-designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

NEW SECTION. Sec. 204. To qualify as a county-designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

NEW SECTION. Sec. 205. In addition to the provisions of this chapter, a designated crisis responder has all the powers and duties of a county-designated mental health professional as well as the powers and duties of a designated chemical dependency specialist under RCW 70.96A.120.

NEW SECTION. Sec. 206. (1)(a) When a county-designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the county-designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the county-designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(b)(i)(A) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents as a result of a mental disorder, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; or

(B) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that a person presents as a result of a chemical dependency, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a secure detoxification facility or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period.

(ii) The order issued under this subsection (1)(b) shall state the address of the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider to which the person is to report; whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis; and that if the person named in the order fails to appear at the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider at or before the date and time stated in the order, the person may be involuntarily taken into custody for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) The county-designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the county-designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The county-designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. The person shall be permitted to remain in his or her home or other place of his or her choosing before the time of evaluation and shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person ordered to appear does appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider may admit the person as required by subsection (3) of this section or may provide treatment on an outpatient basis. If the person ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider shall immediately notify the county-designated crisis responder who may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. Should the county-designated crisis responder notify a peace officer authorizing the officer to take a person into custody under this subsection, the county-designated crisis responder shall file with the court a copy of the authorization and a notice of detention. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) If a county-designated crisis responder receives information alleging that a person, as the result of:

(a) A mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the county-designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in this chapter; or

(b) Chemical dependency, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the county-designated crisis responder may take the person, or cause by oral or

written order the person to be taken into emergency custody in a secure detoxification facility for not more than seventy-two hours as described in this chapter.

(3) If the county-designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with this chapter. The facility shall notify in writing the court and the county-designated crisis responder of the date and time of the initial detention of each person involuntarily detained so that a probable cause hearing will be held no later than seventy-two hours after detention.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause the person to be taken into custody and immediately delivered to an evaluation and treatment facility, secure detoxification facility, other certified chemical dependency treatment provider only pursuant to subsections (1)(d) and (2) of this section.

(5) Nothing in this chapter limits the power of a peace officer to take a person into custody and immediately deliver the person to the emergency department of a local hospital or to a detoxification facility.

NEW SECTION. Sec. 207. (1) A person or public or private entity employing a person is not civilly or criminally liable for performing duties under this chapter if the duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

NEW SECTION. Sec. 208. If the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider admits the person, it may detain the person for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance. The computation of the seventy-two hour period excludes Saturdays, Sundays, and holidays.

NEW SECTION. Sec. 209. Whenever any person is detained for evaluation and treatment for a mental disorder under section 206 of this act, chapter 71.05 RCW applies.

NEW SECTION. Sec. 210. (1) A person detained for seventy-two hour evaluation and treatment under section 206 of this act or RCW 70.96A.120 may be detained for not more than fourteen additional days of involuntary chemical dependency treatment if there are beds available at the secure detoxification facility and the following conditions are met:

(a) The professional person in charge of the agency or facility or the person's designee providing evaluation and treatment services in a secure detoxification facility has assessed the person's condition and finds that the condition is caused by chemical dependency and either results in a likelihood of serious harm or in the detained person being gravely disabled, and the professional person or his or her designee is prepared to testify those conditions are met;

(b) The person has been advised of the need for voluntary treatment and the professional person in charge of the agency or facility or his or her designee has evidence that he or she has not in good faith volunteered for treatment; and

(c) The professional person in charge of the agency or facility or the person's designee has filed a petition for fourteen-day involuntary detention with the superior court, district court, or other court permitted by court rule. The petition must be signed by the chemical dependency professional who has examined the person.

(2) The petition under subsection (1)(c) of this section shall be accompanied by a certificate of a licensed physician who has examined the person, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(3) The petition shall state facts that support the finding that the person, as a result of chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that there are no less restrictive alternatives to detention in the best interest of the person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate.

(4) A copy of the petition shall be served on the detained person, his or her attorney, and his or her guardian or conservator, if any, before the probable cause hearing.

(5)(a) The court shall inform the person whose commitment is sought of his or her right to contest the petition, be represented by counsel at every stage of any proceedings relating to his or her commitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall appoint a reasonably available licensed physician designated by the person.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that the person, as the result of chemical dependency, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of such

person or others, the court shall order that the person be detained for involuntary chemical dependency treatment not to exceed fourteen days in a secure detoxification facility.

NEW SECTION. Sec. 211. If a person is detained for additional treatment beyond fourteen days under section 210 of this act, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.

NEW SECTION. Sec. 212. The prosecuting attorney of the county in which an action under this chapter is taken must represent the petitioner in judicial proceedings under this chapter for the involuntary chemical dependency treatment of a person, including any judicial proceeding where the person sought to be treated for chemical dependency challenges the action.

NEW SECTION. Sec. 213. (1) Every person involuntarily detained or committed under this chapter as a result of a mental disorder is entitled to all the rights set forth in this chapter and in chapter 71.05 RCW, and retains all rights not denied him or her under this chapter or chapter 71.05 RCW.

(2) Every person involuntarily detained or committed under this chapter as a result of a chemical dependency is entitled to all the rights set forth in this chapter and chapter 70.96A RCW, and retains all rights not denied him or her under this chapter or chapter 70.96A RCW.

NEW SECTION. Sec. 214. (1) When a county designated crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the county designated crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the county designated crisis responder of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a county designated crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the county designated crisis responder detains a person under this chapter, the county designated crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or county designated crisis responder to provide offender supervision.

NEW SECTION. Sec. 215. The secretary may adopt rules to implement this chapter.

NEW SECTION. Sec. 216. The provisions of RCW 71.05.550 apply to this chapter.

NEW SECTION. Sec. 217. (1) The Washington state institute for public policy shall evaluate the pilot programs and make a preliminary report to appropriate committees of the legislature by December 1, 2007, and a final report by September 30, 2008.

(2) The evaluation of the pilot programs shall include:

(a) Whether the county designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

Sec. 218. RCW 71.05.550 and 1973 1st ex.s. c 142 s 60 are each amended to read as follows:

The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter ~~and chapter 70.-- RCW (sections 202 through 216 of this act)~~, and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all increased costs, if any, to the counties resulting from their administration of the provisions of chapter 142, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 219. Sections 202 through 216 of this act expire March 1, 2008.

NEW SECTION. Sec. 220. A new section is added to chapter 70.96A RCW to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to section 203 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under section 701 of this act;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires June 30, 2008.

NEW SECTION. Sec. 221. A new section is added to chapter 71.05 RCW to read as follows:

The department shall, in cooperation with the Washington state institute for public policy, develop a pilot program to evaluate the effectiveness of clubhouse psychiatric rehabilitation programs. A clubhouse program means a program in which consumers of mental health services are involved in the design, development, and operation of the program and where a primary goal of the program is the employment of the members of the program. The pilot project shall provide support and evaluation of existing and established clubhouse programs. Clubhouse programs shall be evaluated on at least the following criteria:

(1) Number of members in independent, supported, or transitional employment, the stability of that employment, and the income to members as a result of employment;

(2) Reductions in hospitalizations of members, and in the length of stay in inpatient facilities when hospitalization is necessary;

(3) Reductions in crisis interventions, including arrests, incarcerations, sobering or detoxification, evaluations for involuntary treatment, and emergency room admissions; and

(4) Increases in independence and stability of member's housing.

The Washington state institute for public policy shall report to the appropriate committees of the legislature by December 1, 2007.

PART III OMNIBUS INVOLUNTARY TREATMENT ACT

NEW SECTION. Sec. 301. Sections 302 through 374 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 302. The legislature finds that mental disorders and the abuse of alcohol and other drugs have become a serious threat to the health of the citizens of the state of Washington and that the use of psychoactive chemicals is a prime factor in the current AIDS epidemic. The legislature also finds that some persons with mental disorders and substance abuse disorders have little or no insight into their condition and are unable or unwilling to seek treatment voluntarily. The legislature further finds that it is not always evident at the time of commitment that a person has co-occurring mental and substance abuse disorders but that treatment of the disabilities in isolation can lead to inappropriate or conflicting treatment plans that can substantially reduce the opportunity for the person to recover from his or her disorders. Therefore, a unified involuntary treatment act is necessary.

The provisions of this chapter are intended by the legislature:

(1) To establish a single involuntary treatment act with a uniform set of standards and procedures for persons with mental and substance abuse disorders;

(2) To adequately assess whether a person presents a likelihood of serious harm or a grave disability due to his or her disorder, including an assessment of any prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation in his or her mental or substance abuse disorder. The consideration of prior mental history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health or safety;

- (3) To prevent inappropriate, indefinite commitment of mentally disordered and chemically dependent persons and to eliminate legal disabilities that arise from such commitment where possible;
- (4) To provide prompt evaluation and timely and appropriate treatment of persons with serious mental and substance abuse disorders;
- (5) To safeguard individual rights;
- (6) To provide continuity of care for persons with serious mental and substance abuse disorders, so that the procedures and services authorized in this chapter are integrated with those in chapter 71.24 RCW to the maximum extent possible to provide a continuum of care founded on evidence-based practices that support recovery, promote independent living, encourage persons to participate in education and employment to the maximum extent that they are able, reduce criminal involvement, and reduce family violence and cycles of child abuse and neglect leading to long-term use of the child welfare system;
- (7) To encourage the integrated use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures;
- (8) To encourage, whenever appropriate, that services be provided within the community;
- (9) To promote the use of less restrictive alternatives to inpatient commitments for persons with disorders that can be controlled or stabilized in a less restrictive alternative. Within the guidelines stated in *In Re LaBelle* 107 Wn.2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the person to or maintain satisfactory functioning; and
- (10) To protect the public safety.

Definitions

NEW SECTION. Sec. 303. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.
- (2) "Alcoholic" means a person who suffers from the disease of alcoholism.
- (3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.
- (5) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.
- (6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.
- (7) "Certified facility" means a facility certified by the department for detention or commitment under this chapter and includes, but is not limited to, an evaluation and treatment center, a psychiatric hospital, a secure detoxification facility, and an expanded services facility that has been certified for detention or commitment.
- (8) "Chemical dependency" means:
 - (a) Alcoholism;
 - (b) Drug addiction; or
 - (c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.
- (9) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.
- (10) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.
- (11) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.
- (12) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.
- (13) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.
- (14) "Department" means the department of social and health services.
- (15) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in this chapter and chapter 70.96A RCW.
- (16) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.
- (17) "Designated mental health professional" means a mental health professional appointed by the county or the regional support network to perform the duties in chapter 71.05 RCW.

(18) "Designated responder" means a designated crisis responder, if there is one, otherwise a designated mental health professional or a designated chemical dependency specialist, as appropriate.

(19) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(21) "Developmental disability" means that condition defined in RCW 71A.10.020.

(22) "Director" means the person administering the division of alcohol and substance abuse or the mental health division within the department.

(23) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Drug addict" means a person who suffers from the disease of drug addiction.

(25) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(26) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(27) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(28) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(29) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(30) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(31) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(32) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(33) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(34) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(35) "Judicial commitment" means a commitment by a court under this chapter.

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(37) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(38) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the worsening of chemical dependency conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(39) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(40) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(41) "Minor" means a person less than eighteen years of age.

(42) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

(43) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(44) "Person" means an individual, including a minor.

(45) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(46) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(47) "Professional person" means a mental health professional or a chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined in rules adopted by the secretary.

(48) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has, in addition, at least two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional, or any other registered nurse who has at least three years of such experience.

(49) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(50) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(51) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(52) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(53) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(54) "Resource management services" has the meaning given in chapter 71.24 RCW.

(55) "Secretary" means the secretary of the department or the secretary's designee.

(56) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(57) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(58) "Treatment" means the broad range of emergency, detoxification, residential, inpatient and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to persons with mental and substance abuse disorders, and their families.

(59) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

(60) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(61) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

General Provisions

NEW SECTION. Sec. 304. Persons suffering from a mental disorder, chemical dependency disorder, or both may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, or chapter 10.77 or 71.09 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

NEW SECTION. Sec. 305. Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

NEW SECTION. Sec. 306. Pursuant to the interlocal cooperation act, chapter 39.34 RCW, the department may enter into agreements to accomplish the purposes of this chapter.

NEW SECTION. Sec. 307. All facilities, plans, or programs receiving financial assistance under RCW 70.96A.040 are subject to the provisions of RCW 70.96A.045 and 70.96A.047.

NEW SECTION. Sec. 308. To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

- (1) Psychiatrist, psychologist, psychiatric nurse, or social worker;
- (2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and, who have in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;
- (3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;
- (4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or
- (5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

NEW SECTION. Sec. 309. The prosecuting attorney of the county in which an action under this chapter is taken must represent the petitioner in judicial proceedings under this chapter for the involuntary chemical dependency treatment of a person, including any judicial proceeding where the person sought to be treated for chemical dependency challenges the action.

Department Responsibilities

NEW SECTION. Sec. 310. The department shall have the responsibility to determine whether all rights of persons recognized and guaranteed by the provisions of this chapter and the Constitutions of the state of Washington and the United States are, in fact, protected and effectively secured. To this end, the department shall assign appropriate staff who shall from time to time as may be necessary have authority to examine records, inspect facilities, attend proceedings, and do whatever is necessary to monitor, evaluate, and assure adherence to such rights. Such persons shall also recommend such additional safeguards or procedures as may be appropriate to secure individual rights set forth in this chapter and as guaranteed by the state and federal Constitutions.

NEW SECTION. Sec. 311. The department shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for certification and other action relevant to facilities.

NEW SECTION. Sec. 312. The provisions of chapter 420, Laws of 1989 shall apply equally to persons in the custody of the department on May 13, 1989, who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary shall cause such persons to be evaluated to ascertain if such persons are developmentally disabled for placement in a program specifically reserved for the treatment and training of persons with developmental disabilities.

NEW SECTION. Sec. 313. By December 1, 2006, the department shall provide the appropriate committees of the legislature with a report identifying the types of facilities that will be certified for detention or commitment under this chapter including the locations and capacity of existing facilities and facilities under development, by type of facility, in a manner that indicates the geographic distribution of the available capacity.

NEW SECTION. Sec. 314. The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the designated responders are specifically trained in adolescent chemical dependency and mental health issues, commitment laws, and the criteria for commitment.

Initial Detention

NEW SECTION. Sec. 315. (1)(a) When a designated responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both:

- (i) Presents a likelihood of serious harm; or

(ii) Is gravely disabled;

the designated responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a certified facility.

(b)(i) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents, as a result of a mental disorder, chemical dependency disorder, or both, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a certified facility for not more than a seventy-two hour evaluation and treatment period.

(ii) The order shall state the address of the certified facility to which the person is to report and whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis and that if the person named in the order fails to appear at the certified facility at or before the date and time stated in the order, such person may be involuntarily taken into custody for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) The designated responder shall then serve or cause to be served on such person, and his or her personal representative, guardian, or conservator, if any, a copy of the order to appear together with a notice of rights and a petition for initial detention. After service on the person, the designated responder shall file the return of service in court and provide copies of all papers in the court file to the certified facility and the designated attorney. The designated responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the certified facility. The person shall be permitted to remain in his or her home or other place of his or her choosing prior to the time of evaluation and shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person ordered to appear does appear on or before the date and time specified, the evaluation and treatment facility may admit such person as required by section 317 of this act or may provide treatment on an outpatient basis. If the person ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the designated responder who may notify a peace officer to take such person or cause such person to be taken into custody and placed in a certified facility. Should the designated responder notify a peace officer authorizing him or her to take a person into custody under the provisions of this subsection, he or she shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on the person, and his or her personal representative, guardian, or conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) When a designated responder receives information alleging that a person, as the result of a mental disorder, chemical dependency disorder, or both, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated responder may take the person or cause, by oral or written order the person to be taken into emergency custody in a certified facility for not more than seventy-two hours as described in section 318 of this act.

(3) A peace officer may take the person or cause the person to be taken into custody and placed in a certified facility pursuant to subsection (1)(d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and immediately delivered to a certified facility or the emergency department of a local hospital:

(a) Only pursuant to subsections (1)(d) and (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder, chemical dependency disorder, or both and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(5) Persons delivered to certified facilities by peace officers pursuant to subsection (4)(b) of this section may be held by the facility for a period of up to twelve hours: PROVIDED, That they are examined by a mental health professional or chemical dependency professional within three hours of their arrival. Within twelve hours of their arrival, the designated responder must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

NEW SECTION. Sec. 316. Any facility receiving a person pursuant to section 315 of this act shall require a petition for initial detention stating the circumstances under which the person's condition was made known and stating that such officer or person has evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in a certified facility pursuant to section 315 of this act, on the next judicial day following the initial detention, the designated responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

NEW SECTION. Sec. 317. Whenever the designated responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with section 337 of this act. The facility shall notify in writing the court and the designated responder of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

NEW SECTION. Sec. 318. If the certified facility admits the person, it may detain him or her for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance as set forth in section 317 of this act. The computation of such seventy-two hour period shall exclude Saturdays, Sundays and holidays.

NEW SECTION. Sec. 319. If the person is not approved for admission by a facility providing seventy-two hour evaluation and treatment, and the person has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the person has been arrested, the certified facility shall detain the person for not more than eight hours at the request of the peace officer in order to enable a peace officer to return to the facility and take the person back into custody.

NEW SECTION. Sec. 320. When a designated responder detains a person to a certified facility under this chapter, he or she shall make every effort to detain the person to the certified facility that is most appropriate to the person's condition.

NEW SECTION. Sec. 321. The legislature intends that, when evaluating a person who is identified under RCW 72.09.370(7), the professional person at the evaluation and treatment facility shall, when appropriate after consideration of the person's mental condition and relevant public safety concerns, file a petition for a ninety-day less restrictive alternative in lieu of a petition for a fourteen-day commitment.

NEW SECTION. Sec. 322. (1) When a designated responder is notified by a jail that a defendant or offender who was subject to a discharge review under section 339 of this act is to be released to the community, the designated responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated responder and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated responder detains a person under this chapter, the designated responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated responder to provide offender supervision.

NEW SECTION. Sec. 323. (1) If a person is referred to a designated responder under RCW 10.77.090(1)(d)(iii)(A), the designated responder shall examine the person within forty-eight hours. If the designated responder determines it is not appropriate to detain the person or petition for a ninety-day less restrictive alternative under section 324(4) of this act, that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated responder and determine whether an order should be entered requiring the person to be evaluated at a certified facility. No person referred to a certified facility may be held at the facility longer than seventy-two hours.

(2) If a person is placed in an evaluation and treatment facility under RCW 10.77.090(1)(d)(iii)(B), a professional person shall evaluate the person for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.090(1)(d)(iii)(B), the professional person shall file a petition or, if the recommendation of the professional person is to release the person, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the person, the court may order the person detained at a certified facility for not more than a seventy-two hour evaluation and treatment period and direct the person to appear at a surety hearing before that court within seventy-two hours, or the court may release the person but direct the person to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the certified facility that performed the evaluation under this subsection or order

the respondent to be in outpatient treatment. If a petition is filed but the person fails to appear in court for the surety hearing, the court shall order that a mental health professional, a chemical dependency professional, or peace officer shall take such person or cause such person to be taken into custody and placed in a certified facility to be brought before the court the next judicial day after detention. Upon the person's first appearance in court after a petition has been filed, proceedings under sections 330 and 331 of this act shall commence. For a person subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown. Such a continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to section 359 (8) and (9) of this act.

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a designated responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the person does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the person, if in custody, shall be released.

(4) The person shall have the rights specified in section 359 (8) and (9) of this act.

Detention and Commitment (14 Day)

NEW SECTION. Sec. 324. A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder, chemical dependency disorder, or both, and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated responder has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional or chemical dependency professional, as appropriate, who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that the person, as a result of mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of the person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that the person, as a result of mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her personal representative, guardian, or conservator, if any, if the person is a minor, his or her parent, and if the person is under the supervision of the department of corrections, the department of corrections prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to section 325 of this act; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in section 328 of this act; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

NEW SECTION. Sec. 325. If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in section 318 of this act. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in section 337 of this act or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that the person, as the result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm, or is gravely

disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department. If the court finds that the person, as the result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed ninety days.

The court shall specifically state to the person and give the person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, the person will have the right to a full hearing or jury trial as required by section 330 of this act. The court shall also provide written notice that, where required under chapter 9.41 RCW, the person is barred from the possession of firearms.

NEW SECTION. Sec. 326. (1) Involuntary intensive treatment ordered at the time of the probable cause hearing shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in charge of the facility or his or her professional designee, (a) the person no longer constitutes a likelihood of serious harm, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom section 327 of this act is applicable.

Detention and Commitment (90/180 Day)

NEW SECTION. Sec. 327. At the expiration of the fourteen-day period of intensive treatment, a person may be confined for further treatment pursuant to section 331 of this act if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder, chemical dependency disorder, or both presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder, chemical dependency disorder, or both, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090 (4), and has committed acts constituting a felony, and as a result of a mental disorder or co-occurring mental and chemical dependency disorders, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime; or

(4) Such person is gravely disabled.

NEW SECTION. Sec. 328. (1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in section 327 of this act.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional or chemical dependency specialist, as appropriate. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.090(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated responder may directly file a petition for one hundred eighty day treatment under section 327(3) of this act. No petition for initial detention or fourteen day detention is required before such a petition may be filed.

NEW SECTION. Sec. 329. The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated responder. The designated responder shall immediately notify the person detained, his or her attorney, if any, his or her personal representative, guardian, or conservator, if any, where the person is a minor, his or her guardian, the department of corrections where the person is under its supervision, and the prosecuting attorney, and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in section 303 of this act to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(4), then the appointed professional person under this section shall be a developmental disabilities professional.

The court shall also set a date for a full hearing on the petition as provided in section 330 of this act.

NEW SECTION. Sec. 330. The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to section 359 (8) and (9) of this act.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

NEW SECTION. Sec. 331. (1)(a) If the court or jury finds that grounds set forth in section 327 of this act have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified by the department to provide treatment to persons committed under this chapter for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified by the department to provide treatment to persons committed under this chapter.

(b) If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(4), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified by the department to provide treatment to persons committed under this chapter. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons.

(c) If the committed person meets the admission requirements under section 505 of this act, the court may remand the person to an enhanced services facility.

(d) The department may limit admissions to these specialized programs in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional, designated chemical dependency specialist, or developmental disabilities professional may order the person apprehended under the terms and conditions of section 336 of this act.

If the court or jury finds that grounds set forth in section 327 of this act have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified by the department to provide treatment to persons committed under this chapter or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in section 327(3) of this act are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(2) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, chemical dependency disorder, or both, or as the result of a developmental disability, presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, chemical dependency disorder, or both, or as the result of a developmental disability, a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder, chemical dependency disorder, or both, or as the result of a developmental disability, presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and

heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this subsection. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(3) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

NEW SECTION. Sec. 332. (1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and composed of children's mental health specialists, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility shall submit a report to the department's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

Detention and Commitment (CDMHP/CDCDS Responsibility)

NEW SECTION. Sec. 333. Whenever a designated responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information and records regarding:

(1) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(2) History of one or more violent acts;

(3) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(4) Prior commitments under this chapter or chapter 70.96A, 71.05, or 71.34 RCW.

In addition, when conducting an evaluation for offenders identified under RCW 72.09.370, the designated responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

NEW SECTION. Sec. 334. The department shall develop statewide protocols to be utilized by professional persons, and designated responders in administration of this chapter and chapter 10.77 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, a mental disorder, chemical dependency disorder, or both, and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 2008. The department shall develop and update the protocols in consultation with representatives of designated responders, local government, law enforcement, county and city prosecutors, public defenders, the department of corrections, and groups concerned with mental and chemical dependency disorders. The protocols shall be submitted to the governor and legislature upon adoption by the department.

Modifications and Reviews

NEW SECTION. Sec. 335. In any proceeding under this chapter to modify a commitment order of a person committed to inpatient treatment under grounds set forth in section 327(3) or 331(2)(c) of this act in which the requested relief includes treatment less restrictive than detention, the prosecuting attorney shall be entitled to intervene. The party initiating the motion to modify the commitment order shall serve the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed with written notice and copies of the initiating papers.

NEW SECTION. Sec. 336. (1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment

prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the person, and if the person is a minor, the person's parent, the designated responder in the county in which the patient is to receive outpatient treatment, the department of corrections if the person is under supervision by the department of corrections, and the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the committed person and, if the person is a minor, his or her parent, the attorney, if any, and personal representative, guardian, or conservator of the committed person, the department of corrections if the person is under its supervision, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3)(a) If the hospital or facility designated to provide outpatient care, the designated responder, or the secretary determines that:

- (i) A conditionally released person is failing to adhere to the terms and conditions of his or her release;
- (ii) Substantial deterioration in a conditionally released person's functioning has occurred;
- (iii) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or
- (iv) The person poses a likelihood of serious harm.

Upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the designated responder or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in a certified facility in or near the county in which he or she is receiving outpatient treatment.

(b) The hospital or facility designated to provide outpatient treatment shall notify the secretary or designated responder when a conditionally released person fails to adhere to terms and conditions of his or her conditional release or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm. The designated responder or secretary shall order the person apprehended and temporarily detained in a certified facility in or near the county in which he or she is receiving outpatient treatment. When the person is under the supervision of the department of corrections the designated responder shall also notify the department of corrections.

(c) A person detained under this subsection (3) shall be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been conditionally released. The designated responder or the secretary may modify or rescind such order at any time prior to commencement of the court hearing.

(d) The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the designated responder or the secretary shall file his or her petition and order of apprehension and detention with the court and serve them upon the person detained, and if the person is a minor, his or her parent, his or her attorney, personal representative, guardian, or conservator, if any, and the department of corrections, where the person is under its supervision, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be: (i) Whether the conditionally released person did or did not adhere to the terms and conditions of his or her conditional release; (ii) that substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm;

and, if any of the conditions listed in this subsection (3)(d) have occurred, whether the terms of conditional release should be modified or the person should be returned to the facility.

(e) Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person, his or her counsel, his or her personal representative, guardian, or conservator, if any, and, where the person is a minor, his or her parent, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the designated responder or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than five days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual period authorized in the original court order.

Treatment Provider Responsibilities

NEW SECTION. Sec. 337. Each person involuntarily detained and accepted or admitted at a certified facility shall, within twenty-four hours of his or her admission or acceptance at the facility, be examined and evaluated by a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW or an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional or chemical dependency professional, as appropriate, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to section 325, 330, 331, 336, 360, or 361 of this act, the person may refuse psychiatric medications, but may not refuse: (1) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (2) emergency lifesaving treatment, and the person shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm or is gravely disabled. A person who has been detained for seventy-two hours shall, no later than the end of such period, be released unless referred for further care on a voluntary basis or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in an alternate facility, then the person shall be referred to that facility.

A certified facility admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated responder and where the person is a minor, his or her parent, and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

NEW SECTION. Sec. 338. At the time a person is involuntarily admitted to a certified facility, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the person detained. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and where the person is a minor, his or her parent. It shall, in addition, be open to inspection to the person's attorney, guardian, or conservator, if any, and any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this section, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without the consent of the person or order of the court.

NEW SECTION. Sec. 339. (1) When a state hospital admits a person for evaluation or treatment under this chapter, the state hospital shall consult with the appropriate corrections and chemical dependency personnel and the appropriate forensic staff at the state hospital to conduct a discharge review to determine whether the person presents a likelihood of serious harm and whether the person is appropriate for release to a less restrictive alternative, if the person has a history of one or more violent acts and:

- (a) Has been transferred from a correctional facility; or
- (b) Is or has been under the authority of the department of corrections or the indeterminate sentence review board.

(2) When a state hospital returns a person who was reviewed under subsection (1) of this section to a correctional facility, the hospital shall notify the correctional facility that the person was subject to a discharge review pursuant to this section.

NEW SECTION. Sec. 340. Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his or her professional designee, from permitting a person detained for intensive treatment to leave the facility for prescribed periods during the term of the person's detention, under such conditions as may be appropriate.

NEW SECTION. Sec. 341. No indigent patient shall be conditionally released or discharged from involuntary treatment without suitable clothing, and the superintendent of a state hospital shall furnish the same, together with such sum of money as he or she deems necessary for the immediate welfare of the patient. Such sum of money shall be the same as the amount required by RCW 72.02.100 to be provided to persons in need being released from correctional institutions. As funds are available, the secretary may provide payment to indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so.

NEW SECTION. Sec. 342. A certified facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one certified facility to another if transfer is medically advisable.

NEW SECTION. Sec. 343. (1) Before a person committed under grounds set forth in section 327(3) of this act is released because a new petition for involuntary treatment has not been filed under section 331(2) of this act, the superintendent, professional person, or designated responder responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in section 327(3) of this act is permitted temporarily to leave a treatment facility pursuant to section 340 of this act for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The notice shall be provided at least forty-five days before the anticipated leave and shall describe the conditions under which the leave is to occur.

(b) The provisions of section 344(2) of this act apply to proposed leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under section 344(2) of this act.

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the leave date in the event the leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical transfers.

(6) The notice provisions of this section are in addition to those provided in section 345 of this act.

NEW SECTION. Sec. 344. (1) Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him or her prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm.

Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person prior to the expiration of the period of commitment, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment.

(2) Before a person committed under grounds set forth in section 327(3) or 331(2)(c) of this act is released under this section, the superintendent or professional person in charge shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the release date. Notice shall be provided at least thirty days before the release date. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county in which the person is being involuntarily treated for a hearing to determine whether the person is to be released. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the committed person and his or her attorney, personal representative, guardian, or conservator, if any, the department of corrections if the person is under its supervision, and where the person is a minor, his or her parent. The court shall conduct a hearing on the petition within ten days of filing the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the committed person shall be released or shall be returned for involuntary treatment subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

NEW SECTION. Sec. 345. (1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under section 343(2) of this act, or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under section 327(3) or 331(2)(c) of this act following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

- (i) The chief of police of the city, if any, in which the person will reside;
- (ii) The sheriff of the county in which the person will reside; and
- (iii) The department of corrections, if the person is under its supervision.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under section 327(3) or 331(2)(c) of this act following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under section 327(3) or 331(2)(c) of this act or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under section 327(3) or 331(2)(c) of this act following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city, the sheriff of the county in which the person resided immediately before the person's arrest, and the department of corrections if the person is subject to its supervision. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under section 327(3) or 331(2)(c) of this act or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to section 363(18) of this act. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

NEW SECTION. Sec. 346. In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public, concerning a specific person committed under section 327(3) or 331(2)(c) of this act following dismissal of a sex offense as defined in RCW 9.94A.030.

Attorneys and Courts

NEW SECTION. Sec. 347. Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he or she is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such legal services; (2) if such person is indigent pursuant to such standards, the costs of such services shall be borne by the county in which the proceeding is held, subject however to the responsibility for costs provided in section 331(2) of this act.

NEW SECTION. Sec. 348. In any judicial proceeding for involuntary commitment or detention, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the persons or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention: PROVIDED, That the attorney general shall represent and provide legal services and advice to state hospitals with regard to all provisions of and proceedings under this chapter except in proceedings initiated by hospitals seeking fourteen day detention.

NEW SECTION. Sec. 349. When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health and chemical dependency treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 350. In each county the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

(1) One or more attorneys to act as involuntary treatment commissioners; and

(2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the involuntary treatment commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Involuntary treatment commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as an involuntary treatment commissioner may also be appointed to any other commissioner position authorized by law.

NEW SECTION. Sec. 351. The judges of the superior court of the county by majority vote may authorize involuntary treatment commissioners, appointed pursuant to RCW 71.05.135, to perform any or all of the following duties:

(1) Receive all applications, petitions, and proceedings filed in the superior court for the purpose of disposing of them pursuant to this chapter;

(2) Investigate the facts upon which to base warrants, subpoenas, orders to directions in actions, or proceedings filed pursuant to this chapter;

(3) For the purpose of this chapter, exercise all powers and perform all the duties of a court commissioner appointed pursuant to RCW 2.24.010;

(4) Hold hearings in proceedings under this chapter and make written reports of all proceedings under this chapter which shall become a part of the record of superior court;

(5) Provide such supervision in connection with the exercise of its jurisdiction as may be ordered by the presiding judge; and

(6) Cause the orders and findings to be entered in the same manner as orders and findings are entered in cases in the superior court.

NEW SECTION. Sec. 352. A record of all applications, petitions, and proceedings under this chapter shall be maintained by the county clerk in which the application, petition, or proceeding was initiated.

NEW SECTION. Sec. 353. In any judicial proceeding in which a professional person has made a recommendation regarding whether a person should be committed for treatment under this chapter, and the court does not follow the recommendation, the court shall enter findings that state with particularity its reasoning, including a finding whether the state met its burden of proof in showing whether the person presents a likelihood of serious harm or grave disability.

NEW SECTION. Sec. 354. In making a determination of whether there is a likelihood of serious harm in a hearing conducted under section 325 or 331 of this act, the court shall give great weight to any evidence before the court regarding whether the person has: (1) A recent history of one or more violent acts; or (2) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this section "recent" refers to the period of time not exceeding three years prior to the current hearing.

NEW SECTION. Sec. 355. In determining whether an inpatient or less restrictive alternative commitment under the process provided in section 327 or 331 of this act is appropriate, great weight shall be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (1) Repeated hospitalizations; or (2) repeated peace officer interventions resulting in juvenile offenses, criminal charges, diversion programs, or jail admissions. Such evidence may be used to provide a factual basis for concluding that the person would not receive, if released, such care as is essential for his or her health or safety.

NEW SECTION. Sec. 356. The supreme court of the state of Washington shall adopt such rules as it shall deem necessary with respect to the court procedures and proceedings provided for by this chapter.

NEW SECTION. Sec. 357. (1) When making a decision under this chapter whether to require a less restrictive alternative treatment, the court shall consider whether it is appropriate to include or exclude time spent in confinement when determining whether the person has committed a recent overt act.

(2) When determining whether an offender is a danger to himself or herself or others under this chapter, a court shall give great weight to any evidence submitted to the court regarding an offender's recent history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement.

NEW SECTION. Sec. 358. The venue for proceedings under this section is the county in which person to be committed resides or is present.

Individual Rights and Medications

NEW SECTION. Sec. 359. (1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, chapter 70.96A, 71.05, or 71.34 RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.97 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder, chemical dependency disorder, or both, shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if the person is a minor, his or her parent, or if possible, a responsible member of his or her immediate family, his or her personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the certified facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or that the person is gravely disabled;

(b) That the person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional or chemical dependency professional, as appropriate, has designated pursuant to this chapter;

(c) That the person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) That the person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) That the person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under section 315 (2), (3), or (4)(b) of this act, no later than twelve hours after such person is admitted to the certified facility the personnel of the certified facility or the designated responder shall serve on such person and if the person is a minor, the person's parent, a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to section 331 of this act, or the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under section 361 of this act;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed, and if the person is a minor, his or her parent shall be informed, of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert information, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) The court shall inform the person whose commitment or recommitment is sought and, if the person is a minor, his or her parent, of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

NEW SECTION. Sec. 360. (1) A person who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The physician must attempt to obtain the informed consent of an involuntary committed person prior to administration of antipsychotic medication and document the attempt to obtain consent in the person's medical record with the reasons that antipsychotic medication is necessary. If the physician determines that the patient is not able to provide informed consent, the physician may obtain informed consent from a person who is named as an agent in the patient's mental health advance directive executed pursuant to chapter 71.32 RCW, provided that the agent otherwise has authority under the directive to consent to the proposed medication.

(3) When a person is detained pursuant to section 315 of this act, or detained for involuntary treatment not to exceed fourteen days pursuant to section 324 of this act, the person may refuse antipsychotic medications unless there is an additional concurring medical opinion following an examination of the person that the medications are necessary pursuant to subsection (1) of this section. Medications administered under this subsection may not continue beyond the hearing conducted pursuant to section 331 of this act and the petitioner shall notify the court of administration of involuntary medications under this subsection and provide the court with an opinion regarding whether continued involuntary administration of antipsychotic medication is medically necessary.

(4) If a person involuntarily committed pursuant to section 331(1) of this act for up to ninety days, or for less restrictive alternative treatment not to exceed ninety days pursuant to section 324 of this act, refuses antipsychotic medications, the medications may not be administered unless the person has first had a hearing by a panel composed of a physician and two other persons. The two persons shall be selected from among the following: A physician, advanced registered nurse practitioner, psychologist, psychiatric nurse, physician's assistant, and the medical director of the facility. Recognizing that some facilities will not have three staff members of the required expertise who are not directly involved in the person's treatment, the panel shall be composed to the greatest extent possible of treatment providers who are not directly involved in the person's treatment at the time of the hearing.

(5) If a majority of the panel, including a psychiatrist if one is on the panel or another physician in the absence of a psychiatrist, determines that there is clear, cogent, and convincing evidence demonstrating that treatment with antipsychotic medications is medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment

than medication in the best interest of that person, the person may be medicated, subject to the provisions of subsections (6) through (8) of this section.

(6) Medication ordered pursuant to a decision of the panel may only be continued beyond seven days on an involuntary basis if the panel conducts a second hearing on the written record and a majority of the panel determines that there continues to be clear, cogent, and convincing evidence demonstrating that treatment with antipsychotic medications continues to be medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication in the best interest of that person.

(a) Following the second hearing, involuntary medication with antipsychotic medication may be continued if the treating psychiatrist certifies, not less than every fourteen days, that the medication continues to be medically appropriate and failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication in the best interest of that person.

(b) No administrative order for involuntary medication may be continued beyond one hundred eighty days, or the next commitment proceeding in the superior court, whichever comes first.

(7) The committed person may appeal the panel's decision to the medical director within twenty-four hours excluding weekends and holidays and the medical director must decide the appeal within twenty-four hours of receipt.

(8) The committed person may seek judicial review of the medical director's decision at the next commitment proceeding or by means of an extraordinary writ.

(9) Minutes of the hearing shall be kept and a copy shall be provided to the committed person.

(10) With regard to the involuntary medication hearing, the committed person has the right:

(a) To notice at least twenty-four hours in advance of the hearing that includes the intent to convene the hearing, the tentative diagnosis and the factual basis for the diagnosis, and why the staff believes that medication is necessary;

(b) Not to be medicated between the delivery of the notice and the hearing;

(c) To attend the hearing;

(d) To present evidence, including witnesses, and to cross-examine witnesses, including staff;

(e) To the assistance of a lay assistant, who is not involved in the case and who understands psychiatric issues;

(f) To receive a copy of the minutes of the hearing; and

(g) To appeal the panel's decision to the medical director.

(11) Antipsychotic medications may be administered in an emergency without the consent of the person pursuant to section 361 of this act.

NEW SECTION. Sec. 361. (1) A court of competent jurisdiction may order that a person involuntarily detained, or committed for inpatient treatment and evaluation or to treatment in a less restrictive alternative pursuant to this chapter be administered antipsychotic medications or the performance of electroconvulsant therapy or surgery pursuant to the following standards and procedures:

(a) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered by the court unless the petitioning party proves by clear, cogent, and convincing evidence that treatment with antipsychotic medications is medically appropriate, that failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment, and that there is no less intrusive course of treatment than medication or electroconvulsive therapy in the best interest of the person.

(b) The court shall make specific findings of fact concerning: (i) The existence of the likelihood of serious harm or substantial deterioration or substantially prolonging the length of involuntary commitment; (ii) the necessity and effectiveness of the treatment; (iii) the person's desires regarding the proposed treatment; and (iv) the best interests of the person.

(c) If the person is unable to make a rational and informed decision about consenting to or refusing the proposed electroconvulsive therapy, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(d) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this section. The person has the right:

(i) To be represented by an attorney;

(ii) To present evidence;

(iii) To cross-examine witnesses;

(iv) To have the rules of evidence enforced;

(v) To remain silent;

(vi) To view and copy all petitions and reports in the court file; and

(vii) To be given reasonable notice and an opportunity to prepare for the hearing.

(e) The court may appoint a psychiatrist, psychologist within their scope of practice, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, psychologist within their scope of practice, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

(f) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

(2) Any person detained for a period of greater than ninety days pursuant to section 331 of this act, who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in subsection (1) of this section.

(3) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order:

(a) Pursuant to section 360 of this act; or

(b) Under the following circumstances:

(i) A person presents an imminent likelihood of serious harm;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to (b) of this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held.

(4) No court has the authority to order psychosurgery performed on any person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter under any circumstances.

(5) A petition for involuntary medication may be joined with a petition for involuntary treatment.

Financial Responsibility

NEW SECTION. Sec. 362. (1)(a) In addition to the responsibility provided for by RCW 43.20B.330, any person, or his or her estate, or his or her spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department shall be responsible for the cost of such care and treatment.

(b) In the event that a person is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the person or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained.

(c) The department shall, pursuant to chapter 34.05 RCW, adopt standards as to:

(i) Inability to pay in whole or in part;

(ii) A definition of substantial hardship; and

(iii) Appropriate payment schedules. Such standards shall be applicable to all county mental health administrative boards.

(d) Financial responsibility with respect to department services and facilities shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

(2) If the person has not paid or is unable to pay for treatment or payment would result in a substantial hardship on the person or his or her family, the program is entitled to any payment:

(a) Received by the person or to which he or she may be entitled because of the services rendered; and

(b) From any public or private source available to the program because of the treatment provided to the person.

(3) The department shall not refuse admission for diagnosis, evaluation, guidance, or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services.

(4)(a) The department may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the department for such services or programs. The department may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the department.

(b) The department is authorized to allocate appropriated funds in the manner that it determines best meets the purposes of this chapter. Nothing in this chapter shall be construed to entitle any person to services authorized in this chapter, or to require the department or its contractors to reallocate funds in order to ensure that services are available to any eligible person upon demand.

Confidentiality

NEW SECTION. Sec. 363. Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her guardian, or if the person is a minor, his or her parent, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a designated responder;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a care facility in which the patient resides.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a patient's next of kin, attorney, personal representative, guardian, or conservator, if any:

- (i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;
- (ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary of the department of social and health services.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a designated responder is requested by a representative of a law enforcement agency, including a police officer, sheriff, a municipal attorney, or prosecuting attorney to undertake an investigation under section 315 of this act, the designated responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to section 345 of this act and RCW 4.24.550, regarding persons committed under this chapter under sections 327(3) and 331(2)(c) of this act after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to

disclosure is not necessary and the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under sections 335, 336(1)(b), and 344(2) of this act. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in section 345 of this act for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under sections 327(3) and 331(2)(c) of this act after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a patient, his or her parent if the patient is a minor, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(18) When a person would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the person or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the person or the professional person in charge of the facility, or his or her professional designee.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to sections 327(3) and 331(2)(c) of this act on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 364. Except as provided in section 345 of this act, when any disclosure of information or records is made as authorized by sections 363 through 368 of this act, or pursuant to RCW 71.05.390 or 70.96A.150, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

NEW SECTION. Sec. 365. The files and records of court proceedings under this chapter, chapters 71.05, 70.96A, 71.34, and 70.-- (sections 202 through 216 of this act) RCW shall be closed but shall be accessible to any person who is the subject of a petition and to the person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

NEW SECTION. Sec. 366. (1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under this chapter or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of section 363(7) of this act, to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.225, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental or chemical dependency disorders, or both, or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 367. (1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the person.

(2) Following discharge, the person shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all persons shall be informed by resource management services of their rights as provided in sections 363 through 368 of this act.

NEW SECTION. Sec. 368. Nothing in this chapter, chapter 70.96A, 71.05, 71.34, or 70.-- (sections 202 through 216 of this act) RCW shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

Liability

NEW SECTION. Sec. 369. (1) Neither the state nor any officer of a public or private agency; superintendent, professional person in charge or his or her professional designee, or attending staff of any such agency; public official performing functions necessary to the administration of this chapter; peace officer; designated responder; a unit of local government; or certified facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: **PROVIDED**, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under this chapter or chapter 70.96A, 71.05, 71.34, or 70.--(sections 202 through 216 of this act), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

NEW SECTION. Sec. 370. Except as provided in RCW 4.24.550, any person may bring an action against a person who has willfully released confidential information or records concerning him or her in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he or she prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

NEW SECTION. Sec. 371. Any person making or filing an application alleging that a person should be involuntarily detained, certified, committed, treated, or evaluated pursuant to this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

NEW SECTION. Sec. 372. Any person who knowingly, willfully, or through gross negligence violates the provisions of this chapter by detaining a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages.

NEW SECTION. Sec. 373. Any person who requests or obtains confidential information pursuant to sections 363 through 368 of this act under false pretenses shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 374. The provisions of RCW 71.05.025, 71.05.530, and 71.05.550 apply to this chapter.

PART IV TREATMENT GAP

NEW SECTION. Sec. 401. A new section is added to chapter 70.96A RCW to read as follows:

(1) The division of alcohol and substance abuse shall increase its capacity to serve adults who meet chemical dependency treatment criteria and who are enrolled in medicaid as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(2) The division of alcohol and substance abuse shall increase its capacity to serve minors who have passed their twelfth birthday and who are not yet eighteen, who are under two hundred percent of the federal poverty level as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(3) For purposes of this section, "calculated need" means the percentage of the population under two hundred percent of the federal poverty level in need of chemical dependency services as determined in the 2003 Washington state needs assessment study.

NEW SECTION. Sec. 402. A new section is added to chapter 70.96A RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 701 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, are subject to contractual penalties established under section 701 of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, as those terms are defined in section 703 of this act, and shall expand capacity in underserved regions of the state.

NEW SECTION. Sec. 404. A new section is added to chapter 70.96A RCW to read as follows:

(1) The secretary shall assess the availability and cost-effectiveness of converting disused skilled nursing facilities to inpatient or residential chemical dependency or mental health treatment facilities.

(2) The assessment shall include:

(a) An assessment of the impact of the federal institutions of mental disease exclusion for purposes of medicaid eligibility;

(b) The viability and cost-effectiveness of contracting with private, nonprofit entities to operate state-owned facilities and the difference in rates that would engender;

(c) The viability and cost-effectiveness of leasing state-owned facilities at market rate to private, nonprofit entities;

(d) The estimated time to operation for these facilities.

(3) The department shall provide the appropriate committees of the legislature with this assessment, not later than September 1, 2005.

(4) To the extent that the assessment demonstrates that conversion of disused skilled nursing facilities is consistent with the purposes of this section and capital funds are appropriated for this purpose, the secretary may acquire and convert such facilities and enter contracts with private, nonprofit entities to operate them, provided that rates are set in such a manner that no private, nonprofit entity receives an effectively higher rate than a comparable vendor that leases or owns its own facility.

NEW SECTION. Sec. 405. A new section is added to chapter 70.96A RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 406. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at each division of children and family services office to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site chemical dependency screening and assessment, facilitating progress reports to department social workers, in-service training of department social workers and staff on substance abuse issues, referring clients from the department to treatment providers, and providing consultation on cases to department social workers.

(3) The department of social and health services shall provide training in and ensure that each case-carrying social worker is trained in uniform screening for mental health and chemical dependency.

PART V RESOURCES

NEW SECTION. Sec. 501. Sections 502 through 525 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 502. The legislature finds that there are persons with mental disorders, including organic or traumatic brain disorders, and combinations of mental disorders with other medical conditions or behavior histories that result in behavioral and security issues that make these persons ineligible for, or unsuccessful in, existing types of licensed facilities, including adult residential rehabilitation centers, boarding homes, adult family homes, group homes, and skilled nursing facilities. The legislature also finds that many of these persons have been treated on repeated occasions in inappropriate acute care facilities and released without an appropriate placement or have been treated or detained for extended periods in inappropriate settings including state hospitals and correctional facilities. The legislature further finds that some of these persons present complex safety and treatment issues that require security measures that cannot be instituted under most facility licenses or supported housing programs. These include the ability to detain persons under involuntary treatment orders or administer court ordered medications.

Consequently, the legislature intends to establish a new type of facility licensed by the department of social and health services as an enhanced services facility with standards that will provide a safe, secure treatment environment for a limited population of persons who are not appropriately served in other facilities or programs.

NEW SECTION. Sec. 503. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05, 70.96A, or 70.-- (sections 302 through 374 of this act) RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a county designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, 70.-- (sections 202 through 216 of this act), or 70.--(sections 302 through 374 of this act) RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A, 71.05, or 70.-- (sections 302 through 374 of this act) RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatric nurse" means:

(a) A registered nurse who has a bachelor's degree from an accredited college or university and who has had, in addition, at least two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional; or

(b) Any other registered nurse who has three years of such experience.

(23) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(24) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(25) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(26) "Release" means legal termination of the commitment under chapter 70.96A, 71.05, or 70.-- (sections 302 through 374 of this act) RCW.

(27) "Resident" means a person admitted to an enhanced services facility.

(28) "Secretary" means the secretary of the department or the secretary's designee.

(29) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(30) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(31) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(32) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(33) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 504. A facility shall honor a mental health advance directive that was validly executed pursuant to chapter 71.32 RCW.

NEW SECTION. Sec. 505. (1) A person who is eligible for admission to or residence in an adult residential rehabilitation center, a boarding home, a group home, a skilled nursing facility, or a supported housing program, including an expanded community services program or a program for assertive community treatment is not eligible for residence in an enhanced services facility unless his or her treatment needs cannot adequately be addressed in the other facility or facilities for which he or she is eligible.

(2) A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in (a) through (c) of this subsection:

(a) The person requires: (i) Daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or (ii) assistance with three or more activities of daily living; and

(b) The person has: (i) A mental disorder, chemical dependency disorder, or both; (ii) an organic or traumatic brain injury; or (iii) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services;

(c) The person has two or more of the following:

(i) Self-endangering behaviors that are frequent or difficult to manage;

(ii) Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;

(iii) Intrusive behaviors that put residents or staff at risk;

(iv) Complex medication needs and those needs include psychotropic medications;

(v) A history of or likelihood of unsuccessful placements in other licensed facilities or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;

(vi) A history of frequent or protracted mental health hospitalizations;

(vii) A history of offenses against a person or felony offenses that created substantial damage to property;

(viii) A history of other problematic placements, as defined in rules adopted by the department.

NEW SECTION. Sec. 506. (1)(a) Every person who is a resident of an enhanced services facility or is involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, or chapter 71.05, 70.96A, or 70.--(sections 302 through 374 of this act) RCW and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, chapter 71.05, 70.96A, or 70.--(sections 302 through 374 of this act) RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, 71.05, or 70.--(sections 302 through 374 of this act) RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(6) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to section 108, 109, 360, or 361 of this act, or the performance of electroconvulsant therapy, or surgery, except emergency life-saving surgery, unless ordered by a court under section 109 or 361 of this act;

(h) To discuss treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(7) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(8) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

NEW SECTION. Sec. 507. A person who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication. Antipsychotic medication may be administered over the person's objections only pursuant to RCW 71.05.215, 71.05.370 (as recodified by this act), or section 360 or 361 of this act.

NEW SECTION. Sec. 508. (1)(a) The department shall not license an enhanced services facility that serves any residents under sixty-five years of age for a capacity to exceed sixteen residents.

(b) The department may contract for services for the operation of enhanced services facilities only to the extent that funds are specifically provided for that purpose.

(2) The facility shall provide an appropriate level of security for the characteristics, behaviors, and legal status of the residents.

(3) An enhanced services facility may hold only one license but, to the extent permitted under state and federal law and medicaid requirements, a facility may be located in the same building as another licensed facility, provided that:

(a) The enhanced services facility is in a location that is totally separate and discrete from the other licensed facility; and

(b) The two facilities maintain separate staffing, unless an exception to this is permitted by the department in rule.

(4) Enhanced services facilities must meet all applicable state and local rules, regulations, permits, and code requirements. The secretary may, by rule, establish a list of currently licensed facilities that are deemed to meet the requirements of this subsection by virtue of their existing license.

NEW SECTION. Sec. 509. (1) The enhanced services facility shall complete a comprehensive assessment for each resident within fourteen days of admission, and the assessments shall be repeated upon a significant change in the resident's condition or, at a minimum, every one hundred eighty days if there is no significant change in condition.

(2) The enhanced services facility shall develop an individualized treatment plan for each resident based on the comprehensive assessment and any other information in the person's record. The plan shall be updated as necessary and shall include a plan for appropriate transfer or discharge. Where the person is under the supervision of the department of corrections, the facility shall collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The plan shall maximize the opportunities for independence, recovery, employment, the resident's participation in treatment decisions, and collaboration with peer-supported services, and provide for care and treatment in the least restrictive manner appropriate to the individual resident, and, where relevant, to any court orders with which the resident must comply.

NEW SECTION. Sec. 510. (1) An enhanced services facility must have sufficient numbers of staff with the appropriate credentials and training to provide residents with the appropriate care and treatment:

- (a) Mental health and chemical dependency treatment;
- (b) Medication services;
- (c) Assistance with the activities of daily living;
- (d) Medical or rehabilitative treatment;
- (e) Dietary services; and
- (f) Security.

(2) Where an enhanced services facility specializes in medically fragile persons with mental disorders, the on-site staff must include at least one licensed nurse twenty-four hours per day. The nurse must be a registered nurse for at least sixteen hours per day. If the nurse is not a registered nurse, a registered nurse or a doctor must be on-call during the remaining eight hours.

NEW SECTION. Sec. 511. This chapter does not apply to the following residential facilities:

- (1) Nursing homes licensed under chapter 18.51 RCW;
- (2) Boarding homes licensed under chapter 18.20 RCW;
- (3) Adult family homes licensed under chapter 70.128 RCW;
- (4) Facilities approved and certified under chapter 71A.22 RCW;
- (5) Residential treatment facilities licensed under chapter 71.12 RCW; and
- (6) Hospitals licensed under chapter 70.41 RCW.

NEW SECTION. Sec. 512. (1) The department shall establish licensing provisions for enhanced services facilities to serve the populations defined in this chapter.

(2) No person or public or private agency may operate or maintain an enhanced services facility without a license, which must be renewed annually.

(3) A licensee shall have the following readily accessible and available for review by the department, residents, families of residents, and the public:

(a) Its license to operate and a copy of the department's most recent inspection report and any recent complaint investigation reports issued by the department;

(b) Its written policies and procedures for all treatment, care, and services provided directly or indirectly by the facility; and

(c) The department's toll-free complaint number, which shall also be posted in a clearly visible place and manner.

(4) No facility shall discriminate or retaliate in any manner against a resident or employee because the resident, employee, or any other person made a complaint or provided information to the department, the long-term care ombudsman, or a mental health ombuds person.

NEW SECTION. Sec. 513. (1) In any case in which the department finds that a licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee failed or refused to comply with the requirements of this chapter or the rules established under them, the department may take any or all of the following actions:

(a) Suspend, revoke, or refuse to issue or renew a license;

(b) Order stop placement; or

(c) Assess civil monetary penalties.

(2) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, in any case in which it finds that the licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:

(a) Operated a facility without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know made a false statement of a material fact in the license application or any data attached thereto, or in any matter under investigation by the department;

(c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the facility;

(d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter;

(e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of the rules adopted under it; or

(f) Failed to pay any civil monetary penalty assessed by the

department under this chapter within ten days after the assessment becomes final.

(3)(a) Civil penalties collected under this chapter shall be deposited into a special fund administered by the department.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day the facility is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per day. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(4) The department, through the director of residential care services, may use the civil penalty monetary fund for the protection of the health or property of residents of facilities found to be deficient including:

- (a) Payment for the cost of relocation of residents to other facilities;
- (b) Payment to maintain operation of a facility pending correction of deficiencies or closure; and
- (c) Reimbursement of a resident for personal funds or property loss.

(5)(a) The department may issue a stop placement order on a facility, effective upon oral or written notice, when the department determines:

- (i) The facility no longer substantially meets the requirements of this chapter; and
- (ii) The deficiency or deficiencies in the facility:
 - (A) Jeopardizes the health and safety of the residents; or
 - (B) Seriously limits the facility's capacity to provide adequate care.
- (b) When the department has ordered a stop placement, the

department may approve a readmission to the facility from a hospital, residential treatment facility, or crisis intervention facility when the department determines the readmission would be in the best interest of the individual seeking readmission.

(6) If the department determines that an emergency exists and resident health and safety is immediately jeopardized as a result of a facility's failure or refusal to comply with this chapter, the department may summarily suspend the facility's license and order the immediate closure of the facility, or the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of the residents is immediately jeopardized as a result of a facility's failure or refusal to comply with requirements of this chapter, the department may appoint temporary management to:

- (a) Oversee the operation of the facility; and
- (b) Ensure the health and safety of the facility's residents while:
 - (i) Orderly closure of the facility occurs; or
 - (ii) The deficiencies necessitating temporary management are corrected.

NEW SECTION. Sec. 514. (1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested.

(2) All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or summary license suspension shall be effective immediately upon notice, pending any hearing.

(3) Subject to the requirements of subsection (2) of this section, all hearings under this chapter and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 515. Operation of a facility without a license in violation of this chapter and discrimination against medicaid recipients are unfair or deceptive acts in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 516. A person operating or maintaining a facility without a license under this chapter is guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

NEW SECTION. Sec. 517. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of a facility without a license issued under this chapter.

NEW SECTION. Sec. 518. (1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and treatment.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

NEW SECTION. Sec. 519. The facility shall only admit individuals:

- (1) Who are over the age of eighteen;
- (2) Who meet the resident eligibility requirements described in section 505 of this act; and
- (3) Whose needs the facility can safely and appropriately meet through qualified and trained staff, services, equipment, security, and building design.

NEW SECTION. Sec. 520. If the facility does not employ a qualified professional able to furnish needed services, the facility must have a written contract with a qualified professional or agency outside the facility to furnish the needed services.

NEW SECTION. Sec. 521. At least sixty days before the effective date of any change of ownership, or change of management of a facility, the current operating entity must provide written notification about the proposed change separately and in writing, to the department, each resident of the facility, or the resident's guardian or representative.

NEW SECTION. Sec. 522. The facility shall:

(1) Maintain adequate resident records to enable the provision of necessary treatment, care, and services and to respond appropriately in emergency situations;

(2) Comply with all state and federal requirements related to documentation, confidentiality, and information sharing, including chapters 10.77, 70.02, 70.24, 70.96A, 71.05, and 70.-- (sections 302 through 374 of this act) RCW; and

(3) Where possible, obtain signed releases of information designating the department, the facility, and the department of corrections where the person is under its supervision, as recipients of health care information.

NEW SECTION. Sec. 523. (1) Standards for fire protection and the enforcement thereof, with respect to all facilities licensed under this chapter, are the responsibility of the chief of the Washington state patrol, through the director of fire protection, who must adopt recognized standards as applicable to facilities for the protection of life against the cause and spread of fire and fire hazards. If the facility to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, the director of fire protection must submit to the department a written report approving the facility with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall conduct an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Inspections of facilities by local authorities must be consistent with the requirements adopted by the chief of the Washington state patrol, through the director of fire protection. Findings of a serious nature must be coordinated with the department and the chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for residents. The chief of the Washington state patrol, through the director of fire protection, has exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 524. No facility providing care and treatment for individuals placed in a facility, acting in the course of its duties, shall be civilly or criminally liable for performing its duties under this chapter, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 525. The secretary shall adopt rules to implement this chapter.

PART VI FORENSIC AND CORRECTIONAL Drug and Mental Health Courts

NEW SECTION. Sec. 601. A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, mentally ill felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any county that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

NEW SECTION. Sec. 602. A new section is added to chapter 2.28 RCW to read as follows:

Any county that has established a drug court and a mental health court under this chapter may combine the functions of both courts into a single therapeutic court.

NEW SECTION. Sec. 603. A new section is added to chapter 26.12 RCW to read as follows:

(1) Every county that authorizes the tax provided in section 904 of this act shall, and every county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources. A county with a drug court for criminal cases or with a mental health court may include a therapeutic court for dependency proceedings as a component of its existing program.

(2) For the purposes of this section, "therapeutic court" means a court that has special calendars or dockets designed for the intense judicial supervision, coordination, and oversight of treatment provided to parents and families who have substance abuse or mental health problems and who are involved in the dependency and is designed to achieve a reduction in:

- (a) Child abuse and neglect;
- (b) Out-of-home placement of children;
- (c) Termination of parental rights; and
- (d) Substance abuse or mental health symptoms among parents or guardians and their children.

(3) To the extent possible, the therapeutic court shall provide services for parents and families co-located with the court or as near to the court as practicable.

(4) The department of social and health services shall furnish services to the therapeutic court unless a court contracts with providers outside of the department.

(5) Any jurisdiction that receives a state appropriation to fund a therapeutic court must first exhaust all federal funding available for the development and operation of the therapeutic court and associated services.

(6) Moneys allocated by the state for a therapeutic court must be used to supplement, not supplant, other federal, state, local, and private funding for court operations and associated services under this section.

(7) Any county that establishes a therapeutic court or receives funds for an existing court under this section shall:

- (a) Establish minimum requirements for the participation in the program; and
- (b) Develop an evaluation component of the court, including tracking the success rates in graduating from treatment, reunifying parents with their children, and the costs and benefits of the court.

Sec. 604. RCW 2.28.170 and 2002 c 290 s 13 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding (~~(received from the office of national drug control policy)~~) that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Medical Benefits

Sec. 605. RCW 74.09.010 and 1990 c 296 s 6 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) (~~"Committee" means the children's health services committee created in section 3 of this act.~~

(3)) "Community services office" means the county or local office defined in RCW 74.04.005.

(3) "Confined" or "confinement" means incarcerated in a correctional institution or admitted to an institution for mental diseases.

(4) "Correctional institution" means a correctional institution defined in RCW 9.94.049.

~~(5)~~ "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of RCW 74.09.415 through 74.09.435.

~~((4))~~ ~~(6)~~ "Department" means the department of social and health services.

~~((5))~~ ~~(7)~~ "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

~~((6))~~ ~~(8)~~ "Institution for mental diseases" has the meaning defined in 42 C.F.R., part 435, Sec. 1009.

~~(9)~~ "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((7))~~ ~~(10)~~ "Likely to be eligible" means that a person:

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

(b) Was enrolled in medicaid or supplemental security income or general assistance at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

~~(11)~~ "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

~~((8))~~ ~~(12)~~ "Medicaid eligibility category" refers to all existing eligibility categories established in the state medicaid plan, including enrollment in medicaid by virtue of eligibility to receive cash payments under the supplemental security income program of the social security administration.

~~(13)~~ "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((9))~~ ~~(14)~~ "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

~~((10))~~ ~~(15)~~ "Nursing home" means nursing home as defined in RCW 18.51.010.

~~((11))~~ ~~(16)~~ "Parent" means a parent, guardian, or legal custodian.

~~(17)~~ "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

~~((12))~~ ~~(18)~~ "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 606. A new section is added to chapter 74.09 RCW to read as follows:

(1) The economic services administration shall adopt standardized statewide screening and application practices and forms. These practices and forms shall be implemented in every local office not later than January 1, 2006.

(2) The forms shall be structured to facilitate completion by persons with disabilities, including those with mental disorders.

(3) Neither the department nor any local office may exclude a person from application or screen that person as ineligible for medicaid based solely on a determination that the person is using or addicted to alcohol or other psychoactive substances, as defined in chapter 70.96A RCW.

(4) Neither the department nor any local office may remove a confined person from an active medicaid caseload sooner than required by federal law.

(5) Subject to available funds, the department shall provide persons with assistance in preparing applications and maintaining eligibility for medicaid.

NEW SECTION. Sec. 607. A new section is added to chapter 74.09 RCW to read as follows:

The secretary shall negotiate with the social security administration in good faith to establish a prerelease agreement or agreements under which the department will work collaboratively with the social security administration, correctional institutions, institutions for mental diseases, and the department of corrections to ensure that applications on behalf of confined persons who are likely to be eligible for supplemental security income or social security disability income are accepted, whenever possible, at the earliest possible date prior to release from confinement and are speedily handled by the social security administration to maximize the opportunity for confined persons to have an eligibility determination and enrollment in place on the day of release from confinement.

NEW SECTION. Sec. 608. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department and each of its community services offices shall enter interlocal agreements with correctional institutions, the regional support networks, the department of corrections, and institutions for mental diseases to expedite medical assistance eligibility determinations for persons likely to be eligible for services under this chapter, upon release from confinement.

(2) The interlocal agreements shall establish procedures to facilitate eligibility determinations, and enrollment on the day of release from confinement whenever possible.

(3) The interlocal agreements shall define the responsibilities of each party, and the procedures through which those responsibilities will be fulfilled. At a minimum, the agreements shall provide that:

(a) If a person is likely to be eligible, as defined in this chapter, the correctional institution, department of corrections, or institution for mental diseases shall notify the designated community services office of the person's anticipated release date at the earliest practicable time prior to release from confinement. If a correctional institution does not know the anticipated release

date, or a person is ordered to be immediately released, the correctional institution shall notify the community services office at the earliest opportunity;

(b) The community services office shall find the person presumptively eligible for medical assistance under this chapter, to the maximum extent allowable under federal law, and shall facilitate prompt completion of a final eligibility determination;

(c) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution, department of corrections, or institution for mental diseases shall provide that information to the department and the department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

NEW SECTION. Sec. 609. A new section is added to chapter 71.24 RCW to read as follows:

The secretary shall require the regional support networks to develop interlocal agreements pursuant to section 608 of this act. To this end, the regional support networks shall accept referrals for enrollment on behalf of a confined person, prior to the person's release.

NEW SECTION. Sec. 610. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall negotiate with the department of social and health services and the regional support networks to reach an agreement under section 608 of this act.

NEW SECTION. Sec. 611. A new section is added to chapter 71.05 RCW to read as follows:

The department shall report to the appropriate committees of the legislature by September 30, 2005, and annually thereafter:

- (1) The number of agreements developed under sections 607 through 610 of this act;
- (2) The number of persons with mental disorders and co-occurring mental and chemical dependency disorders leaving confinement with established or restored medical assistance enrollment;
- (3) The number of persons enrolled in the regional support networks upon release; and
- (4) The number of persons denied eligibility or enrollment.

Regional Jails

NEW SECTION. Sec. 612. (1) The joint legislative audit and review committee shall investigate and assess whether there are existing facilities in the state that could be converted to use as a regional jail for offenders who have mental or chemical dependency disorders, or both, that need specialized housing and treatment arrangements.

(2) The joint legislative audit and review committee shall consider the feasibility of using at least the following facilities or types of facilities:

- (a) Green Hill School;
- (b) Existing or renovated facilities at the former Northern State Hospital;
- (c) Closed wards at Western State Hospital;
- (d) Fircrest School; and
- (e) Closed or abandoned nursing homes.

(3) The analysis shall include an assessment of when such facilities could be available for use as a regional jail and the potential costs, costs avoided, and benefits of at least the following considerations:

- (a) Any impact on existing offenders or residents;
- (b) The conversion of the facilities;
- (c) Infrastructure tied to the facilities;
- (d) Whether the facility is, or can be, sized proportionately to the available pool of offenders;
- (e) Changes in criminal justice costs, including transport, access to legal assistance, and access to courts;
- (f) Reductions in jail populations; and
- (g) Changes in treatment costs for these offenders.

(4) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature not later than December 15, 2005.

Competency and Criminal Insanity

NEW SECTION. Sec. 613. By January 1, 2006, the department of social and health services shall:

(1) Reduce the waiting times for competency evaluation and restoration to the maximum extent possible using funds appropriated for this purpose; and

(2) Report to the legislature with an analysis of several alternative strategies for addressing increases in forensic population and minimizing waiting periods for competency evaluation and restoration. The report shall discuss, at a minimum, the costs and advantages of, and barriers to co-locating professional persons in jails, performing restoration treatment in less restrictive alternatives than the state hospitals, and the use of regional jail facilities to accomplish competency evaluation and restoration.

ESSB 6358 Implementation Issues

Sec. 614. RCW 71.05.157 and 2004 c 166 s 16 are each amended to read as follows:

(1) When a county designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the county designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the county designated mental health professional and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a county designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the county designated mental health professional detains a person under this chapter, the county designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or county designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 615. A new section is added to chapter 70.96A RCW to read as follows:

(1) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to court ordered mental health or chemical dependency treatment, whether civil or criminal, and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to court ordered mental health or chemical dependency treatment, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(2) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to supervision of any kind by the department of corrections and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to supervision of any kind by the department of corrections, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(3) For all persons who are subject to both court ordered mental health or chemical dependency treatment and supervision by the department of corrections, the treatment provider shall request an authorization to release records and notify the person that, unless expressly excluded by the court order the law requires treatment providers to share information with the department of corrections and the person's mental health treatment provider.

(4) If the treatment provider has reason to believe that a person is subject to supervision by the department of corrections but the person's record does not indicate that he or she is, the treatment provider may call any department of corrections office and provide the person's name and birth date. If the person is subject to supervision, the treatment provider shall request, and the department of corrections shall provide, the name and contact information for the person's community corrections officer.

PART VII BEST PRACTICES AND COLLABORATION

NEW SECTION. Sec. 701. (1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all county designated mental health professionals, county designated chemical dependency specialists, and county designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the caseload forecast council.

(3) The department shall establish contractual penalties to contracted treatment providers, the regional support networks, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

NEW SECTION. Sec. 702. The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under section 701 of this act.

NEW SECTION. Sec. 703. A new section is added to chapter 71.02 RCW to read as follows:

(1) By June 30, 2006, the department shall develop and implement a matrix or set of matrices for providing services based on the following principles:

(a) Maximizing evidence-based practices where these practices exist; where no evidence-based practice exists, the use of research-based practices, including but not limited to, the adaptation of evidence-based practices to new situations; where no evidence-based or research-based practices exist the use of consensus-based practices; and, to the extent that funds are available, the use of promising practices;

(b) Maximizing the person's independence, recovery, and employment by consideration of the person's strengths and supports in the community;

(c) Maximizing the person's participation in treatment decisions including, where possible, the person's awareness of, and technical assistance in preparing, mental health advance directives; and

(d) Collaboration with consumer-based support programs.

(2) The matrix or set of matrices shall include both adults and children and persons with co-occurring mental and substance abuse disorders and shall build on the service intensity quadrant models that have been developed in this state.

(3)(a) The matrix or set of matrices shall be developed in collaboration with experts in evidence-based practices for mental disorders, chemical dependency disorders, and co-occurring mental and chemical dependency disorders at the University of Washington, and in consultation with representatives of the regional support networks, community mental health providers, county chemical dependency coordinators, chemical dependency providers, consumers, family advocates, and community inpatient providers.

(b) The matrix or set of matrices shall, to the extent possible, adopt or utilize materials already prepared by the department or by other states.

(4)(a) The department shall require, by contract with the regional support networks, that providers maximize the use of evidence-based, research-based, and consensus-based practices and document the percentage of clients enrolled in evidence-based, research-based, and consensus-based programs by program type.

(b) The department shall establish a schedule by which regional support networks and providers must adopt the matrix or set of matrices and a schedule of penalties for failure to adopt and implement the matrices. The department may act against the regional support networks or providers or both to enforce the provisions of this section and shall provide the appropriate committees of the legislature with the schedules adopted under this subsection by June 30, 2006.

(5) The following definitions apply to this section:

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

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

(c) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(d) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

NEW SECTION. Sec. 704. A new section is added to chapter 71.02 RCW to read as follows:

(1) The department of social and health services shall collaborate with community providers of mental health services, early learning and child care providers, child serving agencies, and child-placing agencies to identify and utilize federal, state, and local services and providers for children in out-of-home care and other populations of vulnerable children who are in need of an evaluation and treatment for mental health services and do not qualify for medicaid or treatment services through the regional support networks.

(2) If no appropriate mental health services are available through federal, state, or local services and providers for a child described in subsection (1) of this section, the regional support network must provide a child, at a minimum, with a mental health evaluation consistent with chapter 71.24 RCW.

(3) The department, in collaboration with the office of the superintendent of public instruction, local providers, local school districts, and the regional support networks, shall identify and review existing programs and services as well as the unmet need for programs and services serving birth to five and school-aged children who exhibit early signs of behavioral or mental

health disorders and who are not otherwise eligible for services through the regional support networks. The review of programs and services shall include, but not be limited to, the utilization and effectiveness of early intervention or prevention services and the primary intervention programs.

The department of social and health services shall provide a briefing on the collaboration's findings and recommendations to the appropriate committee of the legislature by December 31, 2005.

NEW SECTION. Sec. 705. The Washington state institute for public policy shall assess the long-term and intergenerational cost-effectiveness of investing in the treatment of chemical dependency disorders, mental disorders, and co-occurring mental and substance abuse disorders. The assessment shall use, to the extent possible, existing governmental data bases and research and determine the net present value of costs avoided or minimized. These costs include, but are not limited to, primary care, jail or prison, competency evaluations and restorations, child protective services interventions, dependencies, foster care, emergency service interventions, and prosecutorial, defense, and court costs. If possible, the institute shall indicate whether prevention and early intervention programs differ from acute and chronic treatment programs in long-term cost-effectiveness.

PART VIII REPEALERS AND CROSS-REFERENCE CORRECTIONS

NEW SECTION. Sec. 801. The following acts or parts of acts are each repealed on the effective date of section 107 of this act:

- (1) RCW 71.05.060 (Rights of persons complained against) and 1973 1st ex.s. c 142 s 11;
- (2) RCW 71.05.070 (Prayer treatment) and 1973 1st ex.s. c 142 s 12;
- (3) RCW 71.05.090 (Choice of physicians) and 1973 2nd ex.s. c 24 s 3 & 1973 1st ex.s. c 142 s 14;
- (4) RCW 71.05.200 (Notice and statement of rights--Probable cause hearing) and 1998 c 297 s 11, 1997 c 112 s 14, 1989 c 120 s 5, 1974 ex.s. c 145 s 13, & 1973 1st ex.s. c 142 s 25;
- (5) RCW 71.05.250 (Probable cause hearing--Detained person's rights--Waiver of privilege--Limitation--Records as evidence) and 1989 c 120 s 7, 1987 c 439 s 6, 1974 ex.s. c 145 s 17, & 1973 1st ex.s. c 142 s 30;
- (6) RCW 71.05.450 (Competency--Effect--Statement of Washington law) and 1994 sp.s. c 7 s 440 & 1973 1st ex.s. c 142 s 50;
- (7) RCW 71.05.460 (Right to counsel) and 1997 c 112 s 33 & 1973 1st ex.s. c 142 s 51;
- (8) RCW 71.05.470 (Right to examination) and 1997 c 112 s 34 & 1973 1st ex.s. c 142 s 52;
- (9) RCW 71.05.480 (Petitioning for release--Writ of habeas corpus) and 1974 ex.s. c 145 s 29 & 1973 1st ex.s. c 142 s 53; and
- (10) RCW 71.05.490 (Rights of persons committed before January 1, 1974) and 1997 c 112 s 35 & 1973 1st ex.s. c 142 s 54.

NEW SECTION. Sec. 802. The following acts or parts of acts are each repealed on the effective date of section 111 of this act:

- (1) RCW 71.05.155 (Request to mental health professional by law enforcement agency for investigation under RCW 71.05.150--Advisory report of results) and 1997 c 112 s 9 & 1979 ex.s. c 215 s 10;
- (2) RCW 71.05.395 (Application of uniform health care information act, chapter 70.02 RCW) and 1993 c 448 s 8;
- (3) RCW 71.05.400 (Release of information to patient's next of kin, attorney, guardian, conservator--Notification of patient's death) and 1993 c 448 s 7, 1974 ex.s. c 115 s 1, 1973 2nd ex.s. c 24 s 6, & 1973 1st ex.s. c 142 s 45;
- (4) RCW 71.05.410 (Notice of disappearance of patient) and 1997 c 112 s 32, 1973 2nd ex.s. c 24 s 7, & 1973 1st ex.s. c 142 s 46; and
- (5) RCW 71.05.430 (Statistical data) and 1973 1st ex.s. c 142 s 48.

NEW SECTION. Sec. 803. RCW 71.05.610 (Treatment records--Definitions) and 1989 c 205 s 11 are each repealed on the effective date of sections 104 through 106 of this act.

NEW SECTION. Sec. 804. The following acts or parts of acts are each repealed:

- (1) RCW 71.05.650 (Treatment records--Notation of and access to released data) and 1989 c 205 s 15; and
- (2) RCW 71.05.670 (Treatment records--Violations--Civil action) and 1999 c 13 s 10.

Sec. 805. RCW 5.60.060 and 2001 c 286 s 2 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A, 70.-- (sections 202 through 216 of this act), 70.-- (sections 302 through 374 of this act), 71.05, or 71.09 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A, 70.-- (sections 202 through 216 of this act), 70.-- (sections 302 through 374 of this act), 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or (~~(71.05.250)~~) 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

Sec. 806. RCW 18.83.110 and 1989 c 271 s 303 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and (~~(71.05.250)~~) 71.05.360 (8) and (9).

Sec. 807. RCW 18.225.105 and 2003 c 204 s 1 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW (~~(71.05.250)~~) 71.05.360 (8) and (9); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 808. RCW 71.05.235 and 2000 c 74 s 6 are each amended to read as follows:

(1) If an individual is referred to a county designated mental health professional under RCW 10.77.090(1)(d)(iii)(A), the county designated mental health professional shall examine the individual within forty-eight hours. If the county designated

mental health professional determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the county designated mental health professional not later than the next judicial day. At the hearing the superior court shall review the determination of the county designated mental health professional and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.090(1)(d)(iii)(B), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under chapter 71.05 RCW. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.090(1)(d)(iii)(B), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a county designated mental health professional or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW ((71.05.250)) 71.05.360 (8) and (9).

Sec. 809. RCW 71.05.310 and 1987 c 439 s 9 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

Sec. 810. RCW 71.05.425 and 2000 c 94 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

- (i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;
- (ii) Any witnesses who testified against the person in any court proceedings; and
- (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW ((71.05.410)) 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Sex offense" means a sex offense under RCW 9.94A.030;
- (c) "Next of kin" means a person's spouse, parents, siblings, and children;
- (d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 811. RCW 71.05.445 and 2004 c 166 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental

health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW (~~71.05.670 and~~) 71.05.440.

(8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 812. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW (~~71.05.610~~) 71.05.620 through 71.05.690.

Sec. 813. RCW 71.05.680 and 1999 c 13 s 11 are each amended to read as follows:

Any person who requests or obtains confidential information pursuant to RCW (~~71.05.610~~) 71.05.620 through 71.05.690 under false pretenses shall be guilty of a gross misdemeanor.

Sec. 814. RCW 71.05.690 and 1999 c 13 s 12 are each amended to read as follows:

The department shall adopt rules to implement RCW (~~71.05.610~~) 71.05.620 through 71.05.680.

Sec. 815. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

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

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

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

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

(5) The secretary shall:

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

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

(A) Outpatient services;

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

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

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

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

(F) Consultation and education services; and

(G) Community support services;

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

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

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

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

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

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

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

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

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

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

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

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

(6) The secretary shall use available resources only for regional support networks.

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

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

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

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

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

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

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

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

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

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

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

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

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

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

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

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

PART IX MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. RCW 71.05.035 is recodified as a new section in chapter 71A.12 RCW.

NEW SECTION. Sec. 902. A new section is added to chapter 43.20A RCW to read as follows:

Beginning July 1, 2007, the secretary shall require, in the contracts the department negotiates pursuant to chapters 71.24 and 70.96A RCW, that any vendor rate increases provided for mental health and chemical dependency treatment providers or programs who are parties to the contract or subcontractors of any party to the contract shall be prioritized to those providers and programs that maximize the use of evidence-based and research-based practices, as those terms are defined in section 703 of this act, unless otherwise designated by the legislature.

NEW SECTION. Sec. 903. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 904. A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of new or expanded therapeutic court programs. Moneys collected under this section shall not be used to supplant existing funding for these purposes.

NEW SECTION. Sec. 905. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 906. Captions and part headings used in this act are not part of the law.

NEW SECTION. Sec. 907. (1) If specific funding for the purposes of sections 203, 217, 220, 221, 401, 406, 612, 701, and 705 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2005, each section not referenced is null and void.

(2) If specific funding for the purposes of sections 302 through 374 of this act, referencing these sections by section numbers and by bill or chapter number, or by RCW citation, is not provided by June 30, 2009, sections 302 through 374 of this act are null and void.

NEW SECTION. Sec. 908. The code reviser shall alphabetize and renumber the definitions, and correct any internal references affected by this act.

NEW SECTION. Sec. 909. The code reviser shall, not later than January 1, 2009, report to the appropriate policy committees of the legislature which sections, or portions thereof, should be repealed on the effective date of sections 302 through 374 of this act. The report shall include draft legislation.

NEW SECTION. Sec. 910. (1) The secretary of the department of social and health services may adopt rules as necessary to implement the provisions of this act.

(2) The secretary of corrections may adopt rules as necessary to implement the provisions of this act.

NEW SECTION. Sec. 911. (1) Except for sections 302 through 374 and 603 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

(2) Section 603 of this act takes effect July 1, 2006.

(3) Sections 302 through 374 of this act take effect July 1, 2009."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute Senate Bill No. 5763.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "2005;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.24.025, 10.77.010, 71.05.360, 71.05.215, 71.05.370, 71.05.420, 71.05.620, 71.05.630, 71.05.640, 71.05.660, 71.05.550, 2.28.170, 74.09.010, 71.05.157, 5.60.060, 18.83.110, 18.225.105, 71.05.235, 71.05.310, 71.05.425, 71.05.445, 71.05.640, 71.05.680, and 71.05.690; reenacting and amending RCW 71.05.390 and 71.24.035; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 13.34 RCW; adding new sections to chapter 2.28 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 72.09 RCW; adding new sections to chapter 71.02 RCW; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 71.05.370 and 71.05.035; repealing RCW 71.05.060, 71.05.070, 71.05.090, 71.05.200, 71.05.250, 71.05.450, 71.05.460, 71.05.470, 71.05.480, 71.05.490, 71.05.155, 71.05.395, 71.05.400, 71.05.410, 71.05.430, 71.05.610, 71.05.650, and 71.05.670; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Hewitt, Thibaudeau, Stevens, Brown, Rockefeller, Johnson, Parlette and Franklin spoke in favor of passage of the bill.

Senators Finkbeiner, Deccio and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5763.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Benson, Carrell, Deccio, Esser, Finkbeiner, Honeyford, Johnson, McCaslin, Mulliken, Schmidt, Schoesler and Zarelli - 12

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5962, by Senators Haugen, Schoesler, Rasmussen, Morton, Shin and Delvin

Protecting customary agricultural practices against nuisance actions.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, Jacobsen, Schoesler and Kline be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 7.48 RCW to read as follows:

(1)(a) If a farmer prevails in any action, claim, or counterclaim that alleges agricultural activity on a farm to be a nuisance, or that is based on an unverified complaint, the farmer may recover the full amount of costs and expenses determined by the court to have been reasonably incurred by the farmer in defending against the action, claim, or counterclaim. Such costs and expenses may include:

(i) Actual damages, including lost revenue and the replacement value of crops or livestock damaged or unable to be harvested or sold as a result of the action, claim, or counterclaim; and

(ii) Reasonable attorneys' fees and costs.

(b) If the court finds that the action, claim, or counterclaim was initiated maliciously and without probable cause, the farmer may also recover exemplary damages.

(2) A court may order the person making an unverified complaint to pay the investigating agency its full investigative costs.

(3) As used in this section, "unverified complaint" means a complaint filed by a person in which agricultural activity on a farm is alleged to have violated specified laws, rules, or ordinances and upon investigation the investigating agency or a court determines that the farm is in conformity with the specified laws, rules, or ordinances allegedly violated and the complaint was unfounded at the time it was initiated.

NEW SECTION. Sec. 2. A new section is added to chapter 64.06 RCW to read as follows:

A seller of real property located within one mile of the property boundary of a farm or farm operation shall make available to the buyer the following statement: "This notice is to inform prospective residents that the real property they are about to acquire lies within one mile of the property boundary of a farm. The farm may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Washington right to farm act."

Sec. 3. RCW 70.94.640 and 1981 c 297 s 30 are each amended to read as follows:

(1) Odors or fugitive dust caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of this chapter unless they have a substantial adverse effect on public health. In determining

whether agricultural activity is consistent with good agricultural practices, the department of ecology or board of any authority shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.

(2) Any notice of violation issued under this chapter pertaining to odors or fugitive dust caused by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors or fugitive dust have substantial adverse effect on public health.

(3) In any appeal to the pollution control hearings board or any judicial appeal, the agency issuing a final order pertaining to odors or fugitive dust caused by agricultural activity shall prove the activity is inconsistent with good agricultural practices or that the odors or fugitive dust have a substantial adverse impact on public health.

(4) If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

(5) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

(b) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(c) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

(d) "Fugitive dust" means a particulate emission made airborne by human activity, forces of wind, or both, and which do not pass through a stack, chimney, vent, or other functionally equivalent opening.

(6) The exemption for fugitive dust provided in subsection (1) of this section does not apply to facilities subject to RCW 70.94.151 as specified in WAC 173-400-100 as of the effective date of this act, 70.94.152, or 70.94.161."

Senators Haugen and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Jacobsen, Schoesler and Kline to Senate Bill No. 5962.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 70.94.640; adding a new section to chapter 7.48 RCW; and adding a new section to chapter 64.06 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5962 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Schoesler and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5962.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5962 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 47

Voting nay: Senators Kline and Weinstein - 2

ENGROSSED SENATE BILL NO. 5962, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Schoesler that Senate Bill 5794 takes a two-thirds vote on final passage under statutes enacted by Initiative Number 601 because it increases revenue, the President finds and rules as follows:

The President begins by examining the language of I-601, codified at RCW 43.135.035, which states:

'[A]ny action or combination of actions by the legislature that raises state revenue... may be taken only if approved by a two-thirds vote of each house...'

There is no doubt that enactment of this measure could eventually result in additional revenue to the state. Application of I-601 is more, however, than a simple function of arithmetic. The question for our purposes is not simply whether or not additional money is expected by the state; rather, it is whether the legislature has taken actions which are raising new revenue or collecting revenue that is due.

The application of state cigarette taxes to tribes has been the subject of much debate and litigation. While a final disposition of this litigation is properly a matter for the courts, the President notes that this body is faced with a unique interplay between the legislative, executive, and judicial branches of government. At some level, litigation in the courts has established that state cigarette tax may be collected on non-tribal member purchases of tobacco products from tribal facilities or members. What has been lacking is a mechanism to collect this tax.

The bill before us provides a mechanism by which a settlement of this litigation may be implemented, allowing the Governor to negotiate with the Puyallup Tribe of Indians to collect a tax on tobacco products, some portion of which will then be sent by the Tribe to the state. The state will realize estimated income of about \$17 million per biennium that it had previously not collected, but this is not a new tax. Instead, this is simply a mechanism by which the state will settle with the Tribe on a debt that is owed, as has been determined at least in part by the courts.

This is similar to the state employing additional tax agents at the Department of Revenue to look into back taxes owed: such an action could definitely result in increased revenue to the state, but it is a matter of enforcement and collection, not authorization of new revenues. Likewise, this bill essentially empowers the Governor to try and collect on a debt that is owed, it is not an action of the Legislature to raise state revenue. The 2002 ruling to which Senator Schoesler referred, by contrast, expanded a tax to a new class of taxpayers. The measure before us neither creates a new tax nor expands the class of taxpayers to which it applies. For these reasons, I-601's supermajority provisions are not triggered, and Senator Schoesler's point is not well-taken. Only a simple majority vote of this body is needed for final passage of this measure.

There being no objection, the Senate resumed consideration of Senate Bill No. 5794 which had been deferred on the previous day.

Senator Prentice spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5794 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Mulliken and Schoesler - 2

SENATE BILL NO. 5794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Esser, Kline, Weinstein, McCaslin, Thibaudeau, Regala, Schmidt, Kohl-Welles, Stevens, Franklin, Finkbeiner, Jacobsen, Rockefeller and Rasmussen

Revising provisions relating to animal cruelty.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Hargrove be adopted.

On page 1, line 12, after "except" insert "for accepted animal husbandry and euthanization practices or"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Esser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Hargrove on page 1, line 12 to Senate Bill No. 5352.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Hargrove and Morton - 2

SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5445, by Senators Kline, Pridemore, Esser, Brown, Finkbeiner, Jacobsen, Benson, Swecker, Spanel, Regala, Poulsen, Rockefeller, Rasmussen, Kohl-Welles, Weinstein and McCaslin

Clarifying Initiative 297.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Esser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The people of Washington state adopted the cleanup priority act as Initiative 297 in November 2004. The legislature finds that the intent of Initiative 297 is clearly stated in the intent and policy sections of the cleanup priority act as passed by the voters. The cleanup priority act makes the cleanup of contamination the top priority at sites with hazardous or mixed waste contamination. The cleanup priority act should be interpreted by the courts consistent with the clear intent of the voters, and the findings and clarifications in this act.

The legislature further finds that nothing in the cleanup priority act is intended to, or has the effect of, preventing the movement of waste from one facility or unit within a site to another as part of an approved cleanup order, agreement, or plan, or pursuant to permits. Because the term facility is used in different ways in different statutes, rules, and regulations, the legislature finds that it is desirable to clarify that the cleanup priority act does not prevent the movement or transfer of waste within a site to accomplish cleanup of the site. The legislature finds that the cleanup priority act does not increase the universe of substances that are subject to regulation by the state as hazardous or mixed wastes. The legislature finds that the cleanup priority act does not regulate radioactive materials, medical isotopes, other radioactive substances, or facilities exclusively regulated by the United States pursuant to the federal atomic energy act 42 U.S.C. Sec. 2011 et seq.

The legislature further finds that this chapter is not intended, nor may it be interpreted, to adversely affect the transportation, manufacturing, storage, or use of any hazardous substance or radioactive materials necessary for medical research, medical treatment, or manufacturing or industrial processes.

The legislature further finds that the cleanup priority act does not regulate the materials or facilities used in the processing of radioactive substances, including those with nonradioactive components, to produce radioactive isotopes for

beneficial use, such as calibrations, research, and medical use. In accordance with this finding, the cleanup priority act is not intended to, and shall not be interpreted to, regulate those radioactive or otherwise hazardous materials that may be imported to Washington state, or generated within the state, to be processed for the production of beneficial products, such as medical isotopes.

It is in the interest of the state to clarify as quickly as possible that the cleanup priority act does not impact any business operation, or federal or private facility, that was not intended to be impacted by the cleanup priority act. Consistent with the intent of the voters, the legislature finds that the universe of regulated hazardous or dangerous wastes was not expanded by the passage of the cleanup priority act. Because court action has prevented the normal role of the department of ecology from issuing defining or interpretive rules, the legislature finds that adoption of the amendments to the cleanup priority act will ensure that the intent of the cleanup priority act is understood and clarified for the courts as well as for businesses or cleanup operations without delay.

Sec. 2. RCW 70.105E.030 and 2005 c 1 s 3 (Initiative Measure No. 297) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Dangerous waste" has the same meaning as the term is defined in RCW 70.105.010.

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

(3) "Dispose" or "disposal" have the same meanings as the terms are defined in RCW 70.105.010.

(4) "Facility" has the same meaning as the term is defined in RCW 70.105.010.

(5) "Hanford" means the geographic area comprising the Hanford nuclear reservation, owned and operated by the United States department of energy, or any successor federal agency.

(6) "Hazardous substance" has the same meaning as the term is defined in RCW 70.105D.020.

(7) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, as those terms are defined in RCW 70.105.010.

(8) "Local government" means a city, town, or county.

(9)(a) "Mixed waste" or "mixed radioactive and hazardous waste" means:

(i) Any ~~((hazardous substance or))~~ dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component ~~((, including))~~; or

(ii) Any ~~((such))~~ hazardous substances, as defined by RCW 70.105D.020 that contain both a nonradioactive and radioactive hazardous component, that (A) have been released to the environment, or (B) are discarded solid wastes found by the department to pose a threat of future release, in a manner that may expose persons or the environment to ~~((either the nonradioactive or radioactive hazardous substances))~~ the release.

(b) Materials, useful products, or substances, including medical isotopes and materials used to produce medical or industrial isotopes, that are not otherwise regulated as hazardous or mixed waste under chapter 70.105 RCW or the federal hazardous waste law (RCRA 42 U.S.C. Sec. 6901, et seq.) are not hazardous, dangerous, or mixed waste under this chapter. Mixed wastes or mixed waste facility does not include radioactive materials or facilities regulated exclusively by the federal government under the federal atomic energy act, 42 U.S.C. Sec. 2011 et seq.

(10) "Mixed waste surcharge" means an additional charge for the purposes of local government and public participation in decisions relating to mixed waste facilities ~~((;))~~ to be added to the service charge assessed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of mixed wastes ~~((;))~~, or against facilities at which mixed wastes have been released ~~((;))~~ or which are undergoing closure pursuant to chapter 70.105 RCW or remedial action pursuant to chapter 70.105D RCW.

(11) "Person" has the same meaning as the term is defined in RCW 70.105D.020.

(12) "Release" has the same meaning as the term is defined in RCW 70.105D.020.

(13) "Remedy or remedial action" have the same meanings as the terms are defined in RCW 70.105D.020.

(14) "Site" means the contiguous geographic area under the same ownership, lease, or operation where a facility is located, or where there has been a release of hazardous substances. In the event of a release of hazardous substances, "site" includes any area, or body of surface or ground water, where a hazardous substance has been deposited, stored, disposed of, placed, migrated to, or otherwise come to be located.

(15) Unless otherwise defined, or the context indicates otherwise, terms not defined in this section have the same meaning as defined in chapter 70.105 RCW, when used in this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 70.105E RCW to read as follows:

Nothing in this chapter prohibits mixed wastes generated on-site as part of a remedial or corrective action from being transferred to, stored, treated, recycled, or disposed of at a facility or unit within the site subject to applicable permits, plans, agreements, consent orders, or conditions of an approved remedy or corrective action under the federal superfund law, 42 U.S.C. Sec. 9601 et seq., chapter 70.105D RCW, chapter 70.105 RCW, or the federal resource conservation and recovery act, 42 U.S.C. Sec. 6921 et seq.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kline, Esser and Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Esser to Substitute Senate Bill No. 5445.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 5 of the title, after "2004;" strike the remainder of the title and insert "amending RCW 70.105E.030; adding a new section to chapter 70.105E RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senators Sheldon and Morton spoke against passage of the bill.

Senator Jacobsen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Carrell, Deccio, Delvin, Hargrove, Haugen, Hewitt, Honeyford, Morton, Mulliken, Oke, Parlette, Schoesler, Sheldon, Stevens and Zarelli - 15

ENGROSSED SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5732, by Senators McAuliffe, Weinstein, Schmidt, Berkey, Rockefeller, Shin, Prentice, Thibaudeau, Pridemore, Carrell, Kohl-Welles, Regala, Spanel, Fairley, Delvin and Rasmussen

Revising the powers, duties, and membership of the state board of education and the Washington professional educator standards board and eliminating the academic achievement and accountability commission.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach, Stevens, Benson, Johnson, Esser, Carrell and Mulliken be adopted.

Beginning on page 2, strike all of section 101 and insert the following:

"**Sec. 101.** RCW 28A.305.010 and 1992 c 56 s 1 are each amended to read as follows:

The state board of education shall be comprised of ~~((one))~~ :

(1) Two nonpartisan members from each congressional district of the state, not including any congressional district at large, elected by the ~~((members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, the superintendent of public instruction and one member elected at large, as provided in this chapter, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010. The member representing private schools shall not vote on matters affecting public schools. If there is a dispute about whether or not an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board))~~ voters of each congressional district in the state; and

(2) One member elected at large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010. The member representing private schools shall not vote on matters affecting public schools. If there is a dispute about whether or not an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board. Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for an election of the member of the state board of education representing private schools if the term of membership will end on the second Monday of the following January. The superintendent of public instruction shall give written notice thereof to the chair of the board of directors of each private school who shall distribute the notice to each member of the private school board. The notice shall include the election calendar and rules established by the superintendent of public instruction for the conduct of the election.

Sec. 102. RCW 28A.305.030 and 1992 c 56 s 3 are each amended to read as follows:

(1) Whenever any new and additional congressional district is created, except a congressional district at large, ~~((the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.305.020. Such election shall be conducted as other elections provided for in this chapter))~~ two persons shall be elected at the next general election at which state board of education members are elected to serve as members of the state board of education. At the first such election one member of the state board of education shall be elected for a term of four years.

(2) The terms of office of members of the state board of education who are elected from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was elected or appointed: PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her election or appointment. Vacancies ~~((which))~~ that occur in a board member position during the balance of any such term shall be filled ~~((pursuant to RCW 28A.305.090))~~ under section 103 of this act by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was elected as they existed at the time of his or her election. At the election immediately preceding expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be elected from the congressional district ~~((which))~~ that corresponds in number with the congressional district from which the incumbent was appointed or elected.

~~((3) Notwithstanding any other provision of this section or chapter, in order to reduce the number of state board of education members elected from each congressional district from two members to one member the following transitional measures shall govern board member terms, elections, and voting:~~

~~(a) The terms of office for each of the sixteen state board of education members and positions representing the first through the eighth congressional districts shall terminate in a sequence commencing with the terms of the four members and positions representing the third and sixth congressional districts as of the second Monday of January 1993, followed by the terms of the six members and positions representing the first, fourth, and seventh congressional districts as of the second Monday of January 1994, and ending with the termination of the terms of the six members and positions representing the second, fifth, and eighth congressional districts as of the second Monday of January 1995;~~

~~(b) An election shall be conducted under RCW 28A.305.040 through 28A.305.060 each year preceding the termination of one or more terms under (a) of this subsection for the purpose of electing one state board of education member from each correspondingly numbered congressional district for a term of four years;~~

~~(c) If for any reason a vacancy occurs in one of two positions representing a congressional district before the termination of the term for the position under (a) of this subsection, no replacement may be appointed or elected and the position shall be deemed eliminated; and~~

~~(d) During the transition period from the second Monday of January 1993, to the second Monday of January 1995, a vote on any matter before the state board of education by any one of two members representing the same congressional district shall be equal to one half [of] a vote and a vote by any other member shall be equal to one full vote. Thereafter, the vote of each member shall be equal to one full vote.)~~

Sec. 103. RCW 28A.305.090 and 1990 c 33 s 264 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his or her successor has been ~~((specially))~~ elected~~((, as hereinafter in this section provided,))~~ and has qualified. ~~((Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August))~~ At the next general election following the date of the occurrence of ~~((such))~~ the vacancy, ~~((a special election to be held in the same manner as other elections provided for in this chapter, at which election--))~~ a successor shall be elected to hold office for the unexpired term of the member whose office was vacated.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.305 RCW to read as follows:

An election shall be held at the general election after the effective date of this section to elect members to the state board of education. Members shall take office on the second Monday of January following the election, on which date the terms

of all members of the state board of education holding office on the effective date of this section shall expire. Of the initial members elected under this section, members elected from even-numbered congressional districts shall serve four-year terms and members elected from odd-numbered congressional districts shall serve two-year terms. Newly elected members of the state board of education shall serve until their successors are elected and qualified. Members who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.20.040.

Renumber the sections consecutively and correct any internal references accordingly.

On page 35, line 20, strike all of subsection (1).

Renumber the subsections consecutively and correct any internal references accordingly.

On page 35, line 25, strike all of subsection (3).

Renumber the subsections consecutively and correct any internal references accordingly.

On page 36, line 8, strike all of subsection (9).

Renumber the subsections consecutively and correct any internal references accordingly.

On page 1, on line 4 of the title, after "RCW" insert "28A.305.010, 28A.305.030, 28A.305.090,"

On page 1, on line 11 of the title, strike "28A.305.010,"

On page 1, on line 11 of the title, strike "28A.305.030,"

On page 1, on line 12 of the title, strike "28A.305.090"

Senator Roach spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Stevens, Benson, Johnson, Esser, Carrell and Mulliken on page 2 to Substitute Senate Bill No. 5732.

The motion by Senator Roach failed and the amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt be adopted.

On page 2, line 4, after "and" strike "eight" and insert "nine"

On page 2, line 9, after "education;" strike "and"

On page 2, line 15, after "large" insert "; and"

(c) One member elected at large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010. The member representing private schools shall not vote on matters affecting public schools. If there is a dispute about whether or not an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board. Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for an election of the member of the state board of education representing private schools if the term of membership will end on the second Monday of the following January. The superintendent of public instruction shall give written notice thereof to the chair of the board of directors of each private school who shall distribute the notice to each member of the private school board. The notice shall include the election calendar and rules established by the superintendent of public instruction for the conduct of the election"

Senator McAuliffe spoke in favor of adoption of the amendment.

MOTION

Senator Benton moved that the following amendment to the amendment by Senators McAuliffe and Schmidt be adopted.

On page 1, line 6 of the amendment, after "RCW 28A.195.010." strike all material through "board." on line 9.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Swecker spoke in favor of adoption of the amendment to the amendment.

Senators McAuliffe and Weinstein spoke against adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Swecker to the amendment by Senators McAuliffe and Schmidt on page 1, line 6 to Substitute Senate Bill No. 5732.

MOTION

Senator Esser demanded a division.

The motion by Senator Benton failed and the amendment to the amendment was not adopted by rising voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 2, line 4 to Substitute Senate Bill No. 5732.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt be adopted.

On page 2, line 7, after "28A.345.020" insert "who represent various regions of the state, particularly the eastern and western regions"

Senators McAuliffe and Schmidt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 2, line 7 to Substitute Senate Bill No. 5732.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted.

On page 2, line 7, after "28A.345.020" insert "who represent various regions of the state, particularly the eastern and western regions, and who represent small, medium, and large districts"

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe the amendment to Substitute Senate Bill No. 5732 was withdrawn.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt be adopted.

On page 2, line 7, after "28A.345.020." insert "Of the members elected under this subsection (1)(a), at least one member shall be from a first class district and at least one member shall be from a second class district."

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 2, line 7 to Substitute Senate Bill No. 5732.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Schmidt be adopted.

On page 2, line 10 after "follows:" strike all material through "(d)" on line 33 and insert the following:

"Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a member from each list provided by each caucus. All members appointed by the governor shall be subject to confirmation by the senate.

(c)"

Renumber the subsections consecutively and correct any internal references accordingly.

Senator Johnson spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Schmidt on page 2, line 10 to Substitute Senate Bill No. 5732.

MOTION

A division was demanded.

The motion by Senator Johnson failed and the amendment was not adopted by a rising vote.

MOTION

Senator Schmidt moved that the following amendment by Senator Schmidt be adopted.

On page 3, line 8, after "board." insert "The superintendent of public instruction may not serve as chair of the board."

Senator Schmidt spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schmidt on page 3, line 10 to Substitute Senate Bill No. 5732.

MOTION

A division was demanded.
The motion by Senator Schmidt carried and the amendment was adopted by a rising vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted.
On page 3, beginning on line 9, after "may" strike all material through "board" on line 10, and insert "not serve more than two consecutive terms"

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe, the amendment by Senator McAuliffe to Substitute Senate Bill No. 5732 was withdrawn.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators McAuliffe and Schmidt spoke in favor of passage of the bill.
Senator Zarelli spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.
Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Thibaudeau and Weinstein - 30
Voting nay: Senators Benson, Benton, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Sheldon, Stevens, Swecker and Zarelli - 19
ENGROSSED SUBSTITUTE SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:04 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 11, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 10, 2005

2005 REGULAR SESSION

SIXTY-FIRST DAY
MORNING SESSION

Senate Chamber, Olympia, Friday, March 11, 2005

The Senate was called to order at 9:00 a.m. by the Vice President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Doumit, McCaslin, Mulliken, Oke, Parlette, Rockefeller and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Ellen Fissel and Austen Mount, presented the Colors. Pastor John Shaffer of the Stanwood United Methodist Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 10, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Department of Social and Health Services, "Racial Disproportionality in the Juvenile System." This report is mandated under Chapter 415, Laws of 1993, RCW 13.05.050(3).

If you have any questions about the report, please call 360-902-0767.

Sincerely,
Dennis Braddock, Secretary

The Washington State Department of Social and Health Services, "Racial Disproportionality in the Juvenile System" is on file in the Office of the Secretary of the Senate.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Reappointment No. 9036, Lee Cressman, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senators McAuliffe and Esser spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senators Deccio, Mulliken and Stevens were excused.

On motion of Senator Regala, Senators Brown and Spanel were excused.

REAPPOINTMENT OF LEE CRESSMAN

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9036, Lee Cressman as a member of the Board of Trustees, Bellevue Community College District No. 8.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9036, Lee Cressman as a member of the Board of Trustees, Bellevue Community College District No. 8 and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent,6; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senators Doumit, Kastama, McCaslin, Oke, Parlette and Rockefeller - 6

Excused: Senators Brown, Deccio, Mulliken and Spanel - 4

Gubernatorial Reappointment No. 9036, Lee Cressman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue Community College District No. 8.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9057, Shelia L. Fox, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Oke and Parlette were excused.

APPOINTMENT OF SHELIA L. FOX

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9057, Shelia L. Fox as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9057, Shelia L. Fox as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Hargrove, Kastama, Poulsen and Rockefeller - 4

Excused: Senators Brown, Deccio, Mulliken, Oke and Parlette - 5

Gubernatorial Appointment No. 9057, Shelia L. Fox, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Hewitt, Senators Hargrove and Stevens were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide, moved that Gubernatorial Appointment No. 9065, Sherry Gates, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senators Eide and Johnson spoke in favor of the motion.

APPOINTMENT OF SHERRY GATES

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9065, Sherry Gates as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9065, Sherry Gates as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Deccio, Hargrove, Mulliken, Oke, Parlette and Stevens - 6

Gubernatorial Appointment No. 9065, Sherry Gates, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Carrell, moved that Gubernatorial Appointment No. 9071, David K. Hamry, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Carrell spoke in favor of the motion.

APPOINTMENT OF DAVID K. HAMRY

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9071, David K. Hamry as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9071, David K. Hamry as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Finkbeiner - 1

Excused: Senators Deccio, Hargrove, Oke, Parlette and Stevens - 5

Gubernatorial Appointment No. 9071, David K. Hamry, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Reappointment No. 9064, James Garrison, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

APPOINTMENT OF JAMES GARRISON

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9064, James Garrison as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9064, James Garrison as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Deccio, Finkbeiner, Hargrove, Oke, Parlette and Stevens - 6

Gubernatorial Reappointment No. 9064, James Garrison, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9097, Tim Knue, as a member of the Professional Educator Standards Board, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF TIM KNUE

The Vice President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9097, Tim Knue as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9097, Tim Knue as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, Oke and Parlette - 4

Gubernatorial Appointment No. 9097, Tim Knue, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5903, by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen

Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Honeyford, Senator Carrell was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Owen assumed the chair.

SECOND READING

SENATE JOINT RESOLUTION NO. 8207, by Senators Kline, Esser, Hargrove, Carrell and Johnson

Changing the membership of the commission on judicial conduct.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Joint Resolution No. 8207 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8207.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8207 and the resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Stevens - 1

Excused: Senators Deccio and Oke - 2

SENATE JOINT RESOLUTION NO. 8207, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6001, by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles

Regarding training for school administrators and security personnel in the use of force.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Zarelli and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Brandland and Honeyford - 2

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5530, by Senators Kline, Esser, Weinstein, Roach, Fairley, Franklin and Kohl-Welles

Life Insurance

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Fairley, Benson, Benton, Kline and Berkey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) No life insurer may deny or refuse to accept an application for insurance, or refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage, based upon the applicant or insured person's past or future lawful travel destinations.

(2) This section does not prohibit any action described in subsection (1) of this section when the insurer bases the action on sound actuarial principles."

Senators Kline and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley, Benson, Benton, Kline and Berkey to Senate Bill No. 5530.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:
On page 1, line 2 of the title, after "destinations;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5530.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

ENGROSSED SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

SECOND READING

SENATE BILL NO. 5092, by Senator Jacobsen

Creating a beginning farmers loan program.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5105, by Senators Swecker, Jacobsen, Kastama and Oke

Regarding certification of entities regulated by the utilities and transportation commission.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5105 was substituted for Senate Bill No. 5105 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5993, by Senators Prentice, Doumit, Zarelli, Rasmussen and Kohl-Welles

Providing additional funding for crime victims' compensation.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5169, by Senators Hargrove and Shin

Authorizing unspent biotoxin testing and monitoring funds to carry over to future biennia.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5169.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McAuliffe - 1

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5132, by Senators Carrell, Schmidt, Benson, Swecker, Honeyford, Delvin, Schoesler, Roach, Mulliken and Benton

Protecting public employee personal information. Revised for 1st Substitute: Protecting personal information of public employees and home care workers.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5326, by Senators Kohl-Welles, Pridemore, Esser, Kline, Weinstein, Poulsen, Finkbeiner, McAuliffe, Keiser and Spanel

Providing home rule charter cities the ability to choose their election system.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, McCaslin, Franklin and Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator McAuliffe, Senator Prentice was excused.

Senators Schmidt and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Brandland, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Pridemore, Rasmussen, Regala, Shin, Spanel, Swecker and Weinstein - 29

Voting nay: Senators Berkey, Delvin, Hargrove, Hewitt, Honeyford, Johnson, Parlette, Pflug, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Stevens, Thibaudeau and Zarelli - 16

Excused: Senators Brown, Carrell, Deccio and Prentice - 4

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5282, by Senators Kline, Hargrove, Mulliken, Fairley and Thibaudeau

Clarifying earned release provisions that apply to city and county jails.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Brandland spoke in favor of passage of the bill.

Senators Esser and Carrell spoke against passage of the bill.

Senator Brandland again spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug,

Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Benton, Carrell, Esser, Johnson, McCaslin, Schoesler and Sheldon - 8

Excused: Senators Brown and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lorraine Wojahn, former Senator and Vice President Pro Tempore of the Senate who was seated at the rostrum.

SECOND READING

SENATE BILL NO. 5349, by Senators Kastama, McAuliffe, Weinstein, Haugen, Berkey, Rasmussen, Hargrove, Kohl-Welles, Franklin, Regala, Shin, Fraser, Jacobsen and Kline

Creating a dyslexia reading instruction pilot program.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5349 was substituted for Senate Bill No. 5349 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senator Franklin and others be adopted.

On page 1, delete "created." on line 18 and insert the following:

"created, and shall be known as 'The Lorraine Wojahn Dyslexia Pilot Reading Program.' "

Senators Kastama, Franklin, McAuliffe and McCaslin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin and others on page 1, line 8 to Substitute Senate Bill No. 5349.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, McAuliffe and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5349.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President can fondly remember when Senator Wojahn served here there was another Senator, Ray Moore. Senator, Ray Moore would often times refer to her as the Norse Goddess of somewhere I don't think I want to, well. 'Terror' is right. She was very aggressive but also very effective. It is a great privilege for me ask Senator Wojahn if she would like to address the Senate. Thank you."

REMARKS BY LORRAINE WOJAHN

Lorraine Wojahn: "I don't think that I have ever been more moved in my life and if I were ever moved to tears it would right now because I can finally can see the frustration of, a bill that I tried to get passed for thirty-two years in this state legislature. I never quite made it. It was always out there, there were people out there that couldn't read and once, a long time ago, I saw a paper that was written what a dyslexic child saw when they tried to read this paper. You couldn't make it out, everything was distorted. From that day on I attempted to do something about it but there never seemed to be enough money in the budget to take care of that. I remembered once I got sixty thousand dollars for another door to learning in Tacoma that was working with this program and I was over joyed and then they didn't know to access the money. I had to show them how to do that. I think that every child in the state of Washington who suffers from dyslexia thanks you as I thank you for your vote today and I thank you for the forty-eight voting yes and there were no no's even among the distaff side over here of the other aisle. Thank you all for voting yes on the dyslexic bill and thank you for inviting me to be with you today and good luck in your future deliberations. Thank you."

PERSONAL PRIVILEGE

Senator Thibaudeau: "If I could add my words to the welcome back to Senator Wojahn whom I've worked with and learned from for a number of years. I have to say I have to admire the Lt. Governor for forbidding her to speak or vote. In the good old days, he would never have done that. Just a very quick anecdote. In caucus, our caucus some years ago, she couldn't be there but was announce in a certain position. Some brave sole questioned it and said, 'What, are you all afraid of her?' and everybody said 'Yes'. If you wonder why she was called 'the Norse Goddess of Terror' perhaps that will explain a little bit but it was also because she got so many bills through. Trauma, somebody is saying. I think the trauma wasn't her, the trauma was the trauma bill. There was so many to speak about that I couldn't go into them all. So welcome back and thank you so much for doing what you've done for this state."

MOTION

At 11:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:00 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION

8620

By Senator Jacobsen

WHEREAS, The Society for American Baseball Research (SABR), founded in 1971 by L. Roberts Davids in Cooperstown, N.Y., with its ongoing mission to advance both knowledge and research on America's favorite game, has been integral in furthering the longevity of the sport of baseball; and

WHEREAS, Stretching across four regions of the United States, east to west, midwest to south, 45 SABR chapters decorate the landscape along with three international chapters abroad in Tokyo, Toronto, and London; and

WHEREAS, Among its annual awards, the society presents four in honor of specific research accomplishments, two discretionary awards, and the SABR's oldest honor, the SABR Salute; and

WHEREAS, As evidenced by the diversity of its research committees, society members have a wide variety of interests; and

WHEREAS, Through the promotion and encouragement of the study of baseball, both past and present, as a significant athletic and social institution, as well as supporting further research and literary efforts establishing an accurate historical record of baseball, the SABR continues to carry out its mission; and

WHEREAS, Each summer since the original meeting in Cooperstown in August of 1971, the society has staged its annual convention, educating and entertaining attendees with exciting research presentations and dynamic guests; and

WHEREAS, The SABR chapter of Seattle will host the annual convention in the summer of 2006;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Society for American Baseball Research for its outstanding service in documenting one of America's most treasured pastimes with both integrity and substantiation; and

BE IT FURTHER RESOLVED, That all members, past and present, are henceforth held in the highest regard for their contribution to the collection and circulation of baseball history throughout the world; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President of the Northwest chapter of the Society for American Baseball Research.

Senators Jacobsen and Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9103, RuthAnn Kurose, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senator Prentice spoke in favor of the motion.

APPOINTMENT OF RUTHANN KUROSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9103, RuthAnn Kurose as a member of the Board of Trustees, Bellevue Community College District No. 8.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9103, RuthAnn Kurose as a member of the Board of Trustees, Bellevue Community College District No. 8 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown, Keiser, Kline and Mulliken - 4

Gubernatorial Appointment No. 9103, RuthAnn Kurose, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue Community College District No. 8.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9123, Chris Marr, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Gubernatorial Appointment No. 9123 was deferred.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Appointment No. 9158, Kim Peery, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senators Pridemore and Benton spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Finkbeiner, Roach, Hewitt and Honeyford were excused.

APPOINTMENT OF KIM PEERY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9158, Kim Peery as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9158, Kim Peery as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Roach - 1

Excused: Senators Finkbeiner, Hewitt and Honeyford - 3

Gubernatorial Appointment No. 9158, Kim Peery, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey, moved that Gubernatorial Appointment No. 9200, Nancy Truitt Pierce, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Esser and McCaslin were excused.

APPOINTMENT OF NANCY TRUITT PIERCE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9200, Nancy Truitt Pierce as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9200, Nancy Truitt Pierce as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Roach - 1

Excused: Senators Esser, Finkbeiner, Hewitt, Honeyford and McCaslin - 5

Gubernatorial Appointment No. 9200, Nancy Truitt Pierce, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

MOTION

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

SECOND READING

SENATE BILL NO. 5186, by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen

Increasing the physical activity of the citizens of Washington state.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, Section 1, line 9 after "biking," insert "horseback riding,"

Senators Roach and Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 9 to Substitute Senate Bill No. 5186.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

Senator Benson moved that the following amendment by Senator Mulliken be adopted.

On page 12, after line 10, strike all of section 6.

Senators Benson, Zarelli, Swecker and Mulliken spoke in favor of adoption of the amendment.

Senators Brown, Keiser and Franklin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Benson on page 12, line 10 to Engrossed Substitute Senate Bill No. 5186.

MOTION

Senator Esser demanded a division.

The motion by Senator Benson carried and the amendment was adopted by a rising vote. The President voting 'Aye.'

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 2 of the title, after "36.81.121," strike "43.17.250,"

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 13, line 22 delete "...to walking and biking." and insert "...To walking, biking and horseback riding."

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 13, line 22 to Engrossed Substitute Senate Bill No. 5186.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

Senator Brown moved that the following amendment by Senator Brown be adopted.

On page 18, after line 21, insert the following:

"NEW SECTION. Sec. 10. (1) The health care authority, in coordination with the department of personnel, the department of health, health plans participating in public employees' benefit board programs, and the University of Washington's center for health promotion, may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.

(2) The health care authority shall report to the governor and the legislature by December 1, 2006 on progress in implementing, and evaluating the results of, the worksite health promotion program."

Senators Brown and Swecker spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Parlette: "Would the good Senator from the 3rd District yield to a question? Senator Brown, could you explain? This was over three million cost before; Could you explain how we no longer have that fiscal note so we can understand please?"

Senator Brown: "The 'shall' was changed to a 'may' and they're being directed to it do within budget."

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 18, after line 21 to Engrossed Substitute Senate Bill No. 5186.

The motion by Senator Brown carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Benson spoke in favor of passage of the bill.

Senator Johnson spoke against passage of the bill.

POINT OF INQUIRY

Senator Johnson: "Would Senator Franklin yield to a question? This is in the interest, of Senator, clarifying any misunderstanding. Senator Franklin, I'd like to ask you a two part question. Notwithstanding the 'shalls', quote and unquote, and 'must; quote and unquote language in the bill. Is your intent that this bill provide encouragement and direction to allow state agencies to promote efforts to increase access to and more opportunities for physical activities; such as walking, biking, running, hiking and all communities around the state? The second part of that question is: Furthermore, is it your intent that nothing in this bill should be construed as mandating changes and policy in planning with regard to land use or transportation plans but rather encourage more cooperation among agencies state and local governments in planning their communities."

Senator Franklin: "With sections six back in and Senator, this bill is intended to give clear direction and encouragement to state agencies and to counties, cities, and towns in their land use and transportation planning efforts to consider supporting healthy environments and make it easier for all Washington residents to be physically active."

"Furthermore, this bill is not intended to mandate changes by state agencies or local government to their land use elements or transportation elements in any plans, but encourage thereby benefitting those who engage themselves in active living and supporting healthy communities and with section six being back in that will take care of all of this in the colloquy."

Senator Johnson: "Well, section six is out by amendment, so am I to conclude then, that your answer does not apply to the bill as amended."

Senator Franklin: "The colloquy that we just have had, it was written prior to section six being taken out. So therefore it covered the entire bill so that is why I said what I said."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5186.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Mulliken: "Well, I'm just going to let some of you know that with Senator Benson, I worked with Senator Benson in that other place we don't talk about over here and I can tell you he's always been pretty good at a baptism by fire and I think he just did that. Anyway, some other things about Senator Benson that I think are really important for all of us to be aware of is that he's quite an athlete and a sports fan. It is little known that it's been known that he played a little bit of basketball and rumor has it he likes to hang out at the Davenport Hotel in downtown Spokane and sign autographs as John Stockton. Ok, well you might not know that Senator Benson was also on the swim team in high school and he thought about trying out for the Olympics, but Senator please keep the old speedos swim suite at home. We'll just take your word for it, that you're a good swimmer. But he is still active in the local sports community in Spokane so to practice keeping calm and collected when dealing with lobbyists on either side of any issue he serves as a court marshal for Spokane's hoopfest tournament and that work keeps him in mid-session, mediating shape. But a little known fact about Senator Benson is that he is also known as the killer bee, you know, Benson 'B', I don't think he's heard that one today, until today. One of the fun things about Brad and Jill is that they owned an ice cream parlor before, well even his early years in the legislature and so the next time that he wants to put an amendment on your bill, tell him you'd like to have two scoops. Maybe that's what we should have just had. Anyway, one of the other background items about Senator Benson is he is a banker. He's a great background banker, we all respect his knowledge in banking. Rumor has is that he also works payday lenders in the interim. So if you a little advance on your per diem check you might stop by his desk. Well, as one of Senator Benson's guest we understand he's going to use his fantastic connection at the Spokesman review to arrange for a great personal profile on every member in the Senate. Thank you. Senator Benson is a former surfer dude from Southern California, so Senator McCaslin he thinks one of your bills is 'narley' don't be alarmed and Senator Roach if he yells 'cowabunga' when you walk by don't think he's trying to impose a critical area or ordinance on you. Senator Benson is a member of the National Guard, we hear he sits in the back of the B-52's but we don't have any idea what he does. Some of us think he chose the rear because all the guys in the front are made to jump out first. That wasn't real funny. Ok, we are very pleased that Senator Benson began his run for the Senate and that he signed on to Senator Esser's patented and Dr. Atkins approved extreme house member make-over plan. Although you are looking a little more normal these days than last summer. But I would like to welcome Senator Benson to the House, or Senate and he's doing a great job. I'm very excited that he's joined us over here. He's a wonderful member for our caucus and for the Washington State Senate. Welcome."

PERSONAL PRIVILEGE

Senator Esser: "I want to thank Senator Mulliken for bringing to our attention that the Senator from the 6th District just spoke. I hadn't heard much from that section of the floor and after two months into the session its nice to know that you'll be doing a little bit of work with us before Sine Die, Senator. I do believe he's a wonderful and welcome addition to the Senate. He's a real sentimentalist, a real romantic and I think of an incident last week, I can't help but get a little bit misty eyed. Mr. President, if I may avail myself of a tissue. Thank you. I'm reminded of last week on the night of his 21st anniversary, the Senator brought his lovely and wonderful wife as a present to join us on poker night and I just think that was a wonderful gesture on his part. I am concerned however, one of the items you'll notice in your package, little piece of paper that says 'I owe you. Compliments of Senator Brad Benson'. Now this was suppose from Spokane, I've been looking forward to receiving Spokandy all session long. This to me, Mr. President, this looks like securization. I think that my candy has been securitized and while that might be acceptable on the other side of the aisle, that I consider to be totally unacceptable and I hope that is not the case. All joking aside it's great to have my old friend from the House joining us. He is a great American, he's provided great service to our country in the Air National Guard. He does serve, as Senator Mulliken mentioned, on B-52's which I think is a terrifying prospect for the enemies of the United States, but not quite of frightful a prospect as those who have heard him sing "Love Shack" by the B-52's on Karaoke night on Thursday's. So, none the less welcome, Senator. It's great to have you here."

PERSONAL PRIVILEGE

Senator Benson: "Well, in my own defense, first of all I have to say that while it is true that on our 21st anniversary I did take my wife to play Texas holdum with some other Senators. I also took her to Karaoke afterwards, so it wasn't just poker. So, anyway but I do want to say I've got a little gift for you that's on your desk. I'm sorry it's not more, I do apologize for the IOU. I

have to say that sometimes I really look to the leadership to the Democratic caucus because if it wasn't for Senator Kastama telling me that I was suppose to have a gift the first time I spoke I probably would of spoken three weeks ago. So I called back to my friend Spokandy and we're having, there a little bigger than that, but there basically a molded chocolate bar. So I ordered them and I've been calling them like every few days, 'Is it ready yet? Is it ready yet? So as soon as it's ready, I'll be bring it to you so at least you can look at this, probably don't taste it, it won't taste that good. Hopefully something soon will taste good. Now, I have to say a couple of things about Spokane. First of all, I have to say that I am not a native Spokanite. My former Senator, Jim West, used to make comments to me and some of you will appreciate this. He used to say to me, 'You know, Brad, you've come a long way for someone whose not from Spokane.' I used to say 'You'd go a lot farther, if you'd follow my lead.' Those of you who know former-Senator, Jim West, now Mayor West, can understand just how much he appreciated a comment like that. Anyway, having not been from Spokane but moved there. I'm reminded of a time when I was a little kid back in Kansas visiting relatives and we were at a family, visiting them, and I asked them 'How am I related to you?' They said 'You're not related, we're better than relatives, we're friends.' So, I'm kind of like, I'm better than a native, I'm someone who chose to come to Spokane. Now, another little tid bit, I don't know how many people in here know this. Spokane is a native American word and it means, it's the name of the tribe, the Spokane Tribe, it means 'children of the sun' and just for people who didn't know that, Spokane is exactly opposite of Seattle. We have a two hundred sixty five days of sun and one hundred days of inclement weather and Seattle has one hundred days of sun and two hundred sixty five in inclement weather so when you got some tourist dollars to spend and you need a sunny place to get away to, Spokane is the place. Couple of other things, I've got to talk about the basketball. In Spokane, basketball is a huge, huge sport and it's true that I played a little bit of basketball when I was younger. It's also true that I stink, so but I have friends that are good basketball players. In fact a lot of my friends went and played college basketball and weren't at all surprised that I never got any offers. Anyway, basketball stands for a few things and first of all we got to talk about the best basketball team in Washington, bar none, even though there's a couple other ok teams. Gonzaga University, who I expect will very shortly be named number three in one of the regionals and will do a whole lot better. So that's a big part of our basketball. We've also got to talk about the High School B tournament. For people here who are from a small town, the B tournament is the crown jewel of Spokane. It's an opportunity for us to host people from small communities all over the state and if you ever get a chance, whether your from a big city or a little town, to come over to Spokane and experience the B tournament. It is just a great, great thing. Many times I'll go up to Tacoma and watch the A play-offs and that's a lot of fun and it's great basketball. The B tournament is like the whole town shows up and it is event for people to come to the B tournament. So, if you ever just want to experience that small town America in kind of all one big thing, the B tournament is a great place to be there. Also it was mentioned earlier that I'm a hoop fest. I have a great job with hoop fest. I used to be the coordinator of all of the courts. Like five hundred different courts and it was a really hard job and I pulled my hair out every weekend and one time they asked me if I wanted to be the qualifications marshall. What do you think the qualifications marshall is? Well, it's a really nice way of saying, I'm the guy who goes and kicks people out of the tournament. So, and I got to tell you its not as bad as it would sound. Most of the time by the time that I get there people know they're out of the tournament. So they're not surprised to see me. I also brought you a pen that says, 'Spokane, Near nature, Near perfect.' I think that's what it says. Yeah, it does say that and I have to give you an example of how that's true. I live inside the city limits in Spokane, in northwest part of town. Less than five minutes from my home, by car, it's about a fifteen minute bike ride there's the little Spokane river with a trail that goes down it. The trail has painted hundreds of year old Indian paintings on the rocks and as you go down that trail, I have seen a moose, I've seen turkey, I've seen great blue heron's, I've seen bald eagles and I've seen foxes and it is a tremendous, tremendous place. One last thing, also I'm in the Guard, this thing says support our troops, I hope you wear or put it on your car for the next couple of months. Thank you very much."

PERSONAL PRIVILEGE

Senator McCaslin: "I move that the body adopt the three minute rule on responses to first speeches."

PERSONAL PRIVILEGE

Senator Brandland: "I have been dreading this day. Since the first day that I joined Brad in Financial Institutions because, regardless of the bill, Brad is always talking and always asking questions and folks, the dam has broken. This is the beginning of a very dreadful experience. So please brace yourselves for the rest of this session"

PERSONAL PRIVILEGE

Senator Honeyford: "I move that we assess tribute from all speakers before they speak before the Senate."

SECOND READING

SENATE BILL NO. 5381, by Senators Kohl-Welles, Parlette, McAuliffe, Pridemore, Rockefeller, Brown, Rasmussen, Schoesler, Shin, Haugen, Schmidt, Keiser and Kline

Authorizing an independent, nonprofit Washington academy of sciences.

The measure was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Kohl-Welles and Parlette be adopted.

On page 2, line 3 after "governor" insert "or the legislature".

On page 2, line 22 after "governor" insert "or the legislature".

On page 2, line 22 after "governor" insert "(3)(a). The organizational structure shall include a process by which the Academy responds to inquiries from the governor or the legislature, including but not limited to the identification of research projects, past or present, at Washington or other research institutions and the findings of such research projects".

On page 3, line 5 after "governor" strike "or" and insert ",".

On page 3, line 6 after "designee" insert ", or the legislature".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Kohl-Welles and Parlette on page 2, line 3 to Senate Bill No. 5381.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

ENGROSSED SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5110, by Senators Rockefeller and Oke

Including four public port districts on the executive board of regional transportation planning organizations.

The measure was read the second time.

MOTION

On motion of Senator Eide, Senate Bill No. 5510 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5638, by Senators McAuliffe, Rasmussen and Poulsen

Changing student assessment provisions.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

Senator Johnson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Voting nay: Senators Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Parlette, Roach, Stevens and Zarelli - 10

SECOND SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On March 11, 2005, I inadvertently voted no on Second Substitute Senate Bill No. 5638. I'd like to record my intent to vote yes on the measure.

SENATOR LINDA EVANS PARLETTE, 12th Legislative District

The Senate resumed consideration of Senate Bill No. 5110 which had been deferred earlier in the day.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 10, after "of" strike "one million" and insert "~~(one million)~~ three hundred thousand"

On page 1, line 11, after "board" insert ", or equivalent board,"

Senators Benton and Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 10 to Engrossed Senate Bill No. 5110.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Finkbeiner, Hewitt, Honeyford and Roach were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5110.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Honeyford and Pridemore - 2

ENGROSSED SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5581, by Senators Brown, Finkbeiner, Kohl-Welles, Rasmussen, Prentice, Hewitt, Fairley, Esser, Doumit, Keiser, Haugen, McAuliffe and Shin

Establishing the life sciences discovery fund.

MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, line 21, after "(3)" insert "'Clone a human being" or "cloning a human being" means the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.

(4) "Cloned human being" means an individual created by human cloning.

(5)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 2, line 33, after "(6)" insert "'Public employee" means any person employed by the state of Washington or any agency or political subdivision thereof.

(7) "Public facilities" means any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Washington or any agency or political subdivision thereof.

(8) "Public funds" means any funds received or controlled by the state of Washington or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

(9)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 3, after line 5, insert the following:

"NEW SECTION. Sec. 3. HUMAN CLONING. (1) No person shall knowingly clone a human being, participate in cloning a human being, or attempt to clone a human being.

(2) No person shall knowingly use public funds to clone a human being or to attempt to clone a human being.

(3) No person shall knowingly use public facilities to clone a human being or to attempt to clone a human being.

(4) No public employee shall knowingly allow any person to clone a human being or to attempt to clone a human being while the person is making use of public funds or public facilities.

(5) Any person who violates any of the provisions of subsections (1) through (4) of this section is guilty of a class B felony."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senators Honeyford and Zarelli spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 21 to Second Substitute Senate Bill No. 5581.

MOTION

Senator Esser demanded a division.
The motion by Senator Honeyford carried and the amendment was adopted by a rising vote.

MOTION

Senator Brown moved that the following amendment by Senator Brown be adopted.
On page 3, line 12, after "consisting of" insert "the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations and"
On page 5, line 2, strike "and (f)" and insert "(f) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (g)"
On page 5, line 3, after "collaboration" strike all material down to and including "authority" on line 12.
Senator Brown spoke in favor of adoption of the amendment.
Senator Esser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 3, line 12 to Second Substitute Senate Bill No. 5581.

MOTION

A division was demanded.
The motion by Senator Brown carried and the amendment was adopted by a rising vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.
On page 4, line 32, after "state." insert "Grants may also be made for capital purposes."
Senator Esser spoke in favor of adoption of the amendment.
Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 4, line 32 to Engrossed Second Substitute Senate Bill No. 5581.

MOTION

Senator Esser demanded a division.
The motion by Senator Esser failed and the amendment was not adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:
On page 1, line 6 of the title, after "sections;" insert "prescribing penalties;"

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Brown, Kohl-Welles, Zarelli and Esser spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5581.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Morton, Mulliken and Swecker - 4

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5803, by Senators McAuliffe, Weinstein, Berkey, Shin, Kohl-Welles, Franklin, Schmidt, Thibaudeau, Eide, Kline, Keiser, Regala, Jacobsen and Rasmussen

Promoting internet safety.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5803.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5850, by Senators Spanel, Keiser, Kohl-Welles and Shin

Clarifying the definition of "sick leave" for family leave.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5850.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

SECOND READING

SENATE BILL NO. 5862, by Senators Pflug, Eide, Shin and Rasmussen; by request of Lieutenant Governor

Creating the association of Washington generals.

MOTIONS

On motion of Senator Pflug, Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pflug, the rules were suspended, Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Plug, Eide and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5862.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079,

SUBSTITUTE HOUSE BILL NO. 1091,

HOUSE BILL NO. 1108,

SUBSTITUTE HOUSE BILL NO. 1117,

HOUSE BILL NO. 1120,

HOUSE BILL NO. 1136,

SUBSTITUTE HOUSE BILL NO. 1181,

SECOND SUBSTITUTE HOUSE BILL NO. 1188,
HOUSE BILL NO. 1248,
HOUSE BILL NO. 1260,
SUBSTITUTE HOUSE BILL NO. 1299,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
ENGROSSED HOUSE BILL NO. 1187,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,
HOUSE BILL NO. 1319,
HOUSE BILL NO. 1329,
SUBSTITUTE HOUSE BILL NO. 1343,
HOUSE BILL NO. 1373,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1385,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1457,
SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1509,
SECOND SUBSTITUTE HOUSE BILL NO. 1565,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1719,
HOUSE BILL NO. 1763,
HOUSE BILL NO. 1771,
ENGROSSED HOUSE BILL NO. 1814,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SECOND SUBSTITUTE HOUSE BILL NO. 1483,
SUBSTITUTE HOUSE BILL NO. 1657,
SUBSTITUTE HOUSE BILL NO. 1732,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 1915,
HOUSE BILL NO. 1916,
HOUSE BILL NO. 1947,
SUBSTITUTE HOUSE BILL NO. 1969,
SECOND SUBSTITUTE HOUSE BILL NO. 1970,

HOUSE BILL NO. 1974,
SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2096,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE HOUSE BILL NO. 1823,
HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1856,
SUBSTITUTE HOUSE BILL NO. 1895,
SUBSTITUTE HOUSE BILL NO. 1921,
SUBSTITUTE HOUSE BILL NO. 1938,
HOUSE BILL NO. 1939,
HOUSE BILL NO. 1966,
HOUSE BILL NO. 1999,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SECOND SUBSTITUTE HOUSE BILL NO. 2030,
HOUSE BILL NO. 2058,
SUBSTITUTE HOUSE BILL NO. 2124,
SUBSTITUTE HOUSE BILL NO. 2156,
HOUSE BILL NO. 2206,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
HOUSE BILL NO. 2188

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5279, by Senator Jacobsen

Modifying provisions with regard to recreational activities on certain lands.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5279.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Morton - 1

SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5101, by Senators Poulsen, Morton, Fraser, Rockefeller, Pridemore, Regala, Hewitt, Kline, Kohl-Welles, Brown and Oke

Providing incentives to support renewable energy.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

Senator Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Roach: "Well, Mr. President, members of the Senate. It isn't very often that a family is blessed with a new baby, a new arrival, and I resisted the temptation to mention to you earlier in the week, when Representative Dan Roach's wife Melanie gave birth to little Camille and Camille if you see the video on this later in life, please forgive me. That was really fun and we enjoyed it. But three days later, this morning, actually this afternoon, our son John Roach, is a student Seattle U's in law school and his wife, our daughter-in-law, Claire is a student of University of Washington getting Masters in Dietetics, had their first child. Another little girl who've they named...I want you to know that they, this family of very articulate, intelligence creative people could not come up with a name. They couldn't come up with a name. Amelia, however, is the name they finally arrived upon and given to my newest granddaughter and about Amelia, I've got to tell you, of the five children that Jim and I have and the spouses and so forth, this is the, this is our seventh grandchild, but the only one that is a pure Washingtonian. If you consider that both parents were both born and raised in Washington State....went to Washington schools, and so I would have you share in our joy and our family with the birth of Amelia today. Thank you."

PARLIAMENTARY INQUIRY

Senator Honeyford: "Would it be possible to have these words spread upon the Journal as I've never seen her speechless before in my life?"

SECOND READING

SENATE BILL NO. 5111, by Senators Morton, Poulsen, Parlette, Roach, Schmidt, Oke, Hewitt, Zarelli, Finkbeiner, Stevens, Swecker, Deccio, Honeyford, Mulliken, Kline and Sheldon

Providing tax incentives for solar energy systems.

MOTION

On motion of Senator Poulsen, Second Substitute Senate Bill No. 5111 was substituted for Senate Bill No. 5111 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 9, beginning on line 24, strike all of subsection (3)
Senator Morton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 9, line 24 to Second Substitute Senate Bill No. 5111.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5111.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senator Oke was excused.

On motion of Senator Weinstein, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5207, by Senators Doumit, Hargrove and Sheldon

Limiting liability of ports providing pilots.

MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Fairley and Oke - 2

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5098, by Senators Poulsen, Morton, Franklin, Kline and Kohl-Welles

Regulating the energy efficiency of certain products.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 12, line 9 after "United States." insert "For recommendations concerning commercial clothes washers, the department must also consider the fiscal effects on the low-income, elderly, and student populations."

Senator Morton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 12, line 9 to Substitute Senate Bill No. 5098.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5098.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I would like you and fellow members to know that over in the Democratic Caucus, since we're getting on to late evenings, the effete liberal espresso machine has been set up and we have free espresso for all members and all staff. Fell free to come on over. I can assure you that it's a brew that will keep us going. I'm told that were going to go to 9 o'clock tonight. The Senator from the 48th apparently thinks this is some kind of beer I'm talking about, I don't know why. I want to invite my colleagues from across the aisle particularly because, as you know, a few sips of this and your voting records are going to be very, very, very different. So I'm sure we can solve all the problems of the state, all you need to do is drink some. Thank you."

PERSONAL PRIVILEGE

Senator Deccio: "After five of those, then you're going to think your in the Italian parliament."

MOTION

At 4:50 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:23 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala, moved that Gubernatorial Appointment No. 9209, Frederick Whang, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.
Senator Regala spoke in favor of the motion.

APPOINTMENT OF FREDERICK WHANG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9209, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9209, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

Gubernatorial Appointment No. 9209, Frederick Whang, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9108, Karen Lane, as a member of the Board of Trustees, The Evergreen College, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF KAREN LANE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9108, Karen Lane as a member of the Board of Trustees, The Evergreen College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9108, Karen Lane as a member of the Board of Trustees, The Evergreen College and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

Gubernatorial Appointment No. 9108, Karen Lane, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen College.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Rasmussen, moved that Gubernatorial Reappointment No. 9212, Elizabeth A. Willis, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Rasmussen spoke in favor of the motion.

REAPPOINTMENT OF ELIZABETH A. WILLIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9212, Elizabeth A. Willis as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9212, Elizabeth A. Willis as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Oke - 1

Gubernatorial Reappointment No. 9212, Elizabeth A. Willis, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

MOTION

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

SECOND READING

SENATE BILL NO. 5509, by Senators Poulsen, Esser, Fraser, Schmidt, Pridemore, Fairley, Berkey, Kohl-Welles, Kline, Regala, Rockefeller, Weinstein, Brown, Keiser and McAuliffe

Requiring public buildings to be built using high-performance green building standards.

MOTION

On motion of Senator Poulsen, Second Substitute Senate Bill No. 5509 was not adopted.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senator Poulsen be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings and allowing flexible methods and choices in how to achieve those standards. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol

to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the state board of education and the office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

NEW SECTION. Sec. 3. (1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the design phase prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by section 2 (5)(b) of this act. The department shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

NEW SECTION. Sec. 4. (1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by section 2(5)(b) of this act. The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The state board of education, in consultation with the superintendent of public instruction, shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the state board of education, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing

this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction and the state board of education implement this chapter.

NEW SECTION. Sec. 5. On or before January 1, 2009, the department and the superintendent of public instruction shall summarize the reports submitted under sections 3(4) and 4(3) of this act and submit the individual reports to the legislative committees on capital budget and ways and means for review of the program's performance and consideration of any changes that may be needed to adapt the program to any new or modified standards for high-performance buildings that meet the intent of this chapter.

NEW SECTION. Sec. 6. (1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, the state board of education, the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the state board of education shall adopt rules to implement this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.150 RCW to read as follows:

(1) In adopting implementation rules, the state board of education, in consultation with the superintendent of public instruction and the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, the state board of education, in consultation with the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, constructability review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in section 4 of this act;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education must comply with high-performance public building requirements under sections 1 through 3 and 6 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.150 RCW to read as follows:

Public school districts must comply with high-performance public building requirements under sections 1, 2, 4, 6, and 7 of this act.

NEW SECTION. Sec. 10. A member of the design or construction teams may not be held liable for the failure of a major facility project to meet the LEED silver standard or other LEED standard established for the project as long as a good faith attempt was made to achieve the LEED standard set for the project.

NEW SECTION. Sec. 11. A new section is added to chapter 39.04 RCW to read as follows:

For purposes of determining compliance with chapter 39.-- RCW (sections 1 through 6, 10, and 12 through 14 of this act), the department of general administration shall credit the project for using wood products with a credible third party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act.

NEW SECTION. Sec. 12. Except as provided in this section, affordable housing projects funded out of the state capital budget are exempt from the provisions of this chapter. On or before July 1, 2008, the department of community, trade, and economic development shall identify, implement, and apply a sustainable building program for affordable housing projects that receive housing trust fund (under chapter 43.185 RCW) funding in a state capital budget. The department of community, trade, and economic development shall not develop its own sustainable building standard, but shall work with stakeholders to adopt an existing sustainable building standard or criteria appropriate for affordable housing. Any application of the program to affordable housing, including any monitoring to track the performance of either sustainable features or energy standards or both, is the responsibility of the department of community, trade, and economic development. Beginning in 2009 and ending in 2016, the department of community, trade, and economic development shall report to the department as required under section 3(3)(b) of this act.

NEW SECTION. Sec. 13. It is the intent and an established goal of the LEED program as authored by the United States green building council to increase demand for building materials and products that are extracted and manufactured locally, thereby reducing the environmental impacts and to support the local economy. Therefore, it is the intent of the legislature to emphasize this defined goal and establish a priority to use Washington state based resources, building materials, products, industries, manufacturers, and other businesses to provide economic development to Washington state and to meet the objectives of this chapter.

NEW SECTION. Sec. 14. The joint legislative audit and review committee, or its successor legislative agency, shall conduct a performance review of the high-performance buildings program established under this chapter.

(1) The performance audit shall include, but not be limited to:

(a) The identification of the costs of implementation of high-performance building standards in the design and construction of major facility projects subject to this chapter;

(b) The identification of operating savings attributable to the implementation of high-performance building standards, including but not limited to savings in energy, utility, and maintenance costs;

(c) The identification of any impacts of high-performance buildings standards on worker productivity and student performance; and

(d) An evaluation of the effectiveness of the high-performance building standards established under this chapter, and recommendations for any changes in those standards that may be supported by the committee's findings.

(2) The committee shall make a preliminary report of its findings and recommendations on or before December 1, 2010, and a final report on or before July 1, 2011.

NEW SECTION. Sec. 15. Sections 1 through 6, 10, and 12 through 14 of this act constitute a new chapter in Title 39 RCW."

Senator Poulsen spoke in favor of adoption of the striking amendment.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit and Schoesler to the striking amendment be adopted.

On page 4, after line 35 of the amendment, insert the following:

"(6)(a) The superintendent of public instruction shall assist Washington school districts, architects, and designers in the planning and design of high quality school facilities that enhance education and provide lasting value to the children and citizens of Washington.

(b) The superintendent of public instruction shall encourage the use of prototypical school design or design components in limited circumstances and when several school construction projects are planned in a district or in a limited geographic area of the state. Such limited use of prototypical designs shall encourage student performance, staff retention, cost management, reduction of environmental health risks, and high performance school buildings.

(c) The superintendent of public instruction shall establish a central clearinghouse for access by local boards of education that may want to use a prototype design or components of a design in the construction of school facilities. This system is expected to result in cost and time savings in school design, provide broader access to architects that specialize in school design, and increase awareness of current trends in school design."

Senators Doumit, Schoesler, Benton and Morton spoke in favor of adoption of the amendment to the striking amendment.

Senators Regala, Pflug, Pridemore and Esser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 4, after line 35 to the striking amendment to Substitute Senate Bill No. 5509.

MOTION

Senator Esser demanded a division.

The motion by Senator Doumit failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Honeyford moved that the following amendment to the striking amendment by Senator Honeyford be adopted.

On page 3, line 14 of the amendment, after "section." insert "If, after five years of operating a major facility project covered by this section, the savings from lower operating costs do not equal or exceed the initial cost premium of designing and constructing the facility, the department shall pay the public agency the differences between the two sums. The payment shall be paid from existing appropriations."

On page 4, line 8 of the amendment, after districts." insert "If, after five years of operating a major facility project covered by this section, the savings from lower operating costs do not equal or exceed the initial cost premium of designing and constructing the facility, the superintendent of public instruction shall pay the school district the difference between the two sums. The payment shall be paid from existing appropriations."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Honeyford on page 3, line 14 to Substitute Senate Bill No. 5509.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Poulsen to Substitute Senate Bill No. 5509.

POINT OF INQUIRY

Senator Benton: "In the original bill hospitals, research laboratories and affordable housing were exempt. What happens in those categories in this proposal."

Senator Poulsen: "Senator Benton, I believe that those exemptions are preserved as are research facilities - higher education research facilities."

POINT OF INQUIRY

Senator Morton: "I have the research labs and hospitals and affordable housing. And that leave the question, if the original bill was not satisfactory for those institutions how about this bill. Is it or not?"

Senator Poulsen: "Correct."

POINT OF INQUIRY

Senator Honeyford: "Section 11 contains renewable standards and I would like to know if you have or will go to the Governor to make sure that that section is not vetoed."

Senator Poulsen: "I'm committed to this section of the bill as I am the remainder of the bill and you have my word that I have already consulted with the Governor's office to preserve that section of the bill and the others. I would use this opportunity to tell the body that a coalition an unusual coalition of stake holders including the timber industry, architects, schools, colleges and the environmental community are all embracing this bill together. None of us has any intention of undoing that section or any other section of the bill.

Senators Morton, McCaslin and Pflug spoke against the adoption of the striking amendment.

Senators Fraser spoke in favor of adoption of the striking amendment.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "buildings;" strike the remainder of the title and insert "adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; and adding a new chapter to Title 39 RCW."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen spoke in favor of passage of the bill.

Senators Schoesler, Hargrove, Honeyford and Hewitt spoke against passage of the bill.

POINT OF INQUIRY

Senator Hewitt: "Senator Poulsen, the bill states that the specified performance standards, only applies to projects 'if practicable.' What does 'practicable' mean?"

Senator Poulsen: "Thank you Senator Hewitt. The performance standards specified in the bill only apply to a project that if appropriate standards exist for that type of project. Assuming there are appropriate performance standards in an agency, in it project team must determine if the lead silver standard of the Washington sustainable school design protocol is practicable for the project. If the lead silver standard is not practicable, then the agency must determine if any other lead standard is practicable for the project. Practicable does include financial feasibility."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Carrell, Deccio, Delvin, Doumit, Hargrove, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 11, 2005."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 11, 2005.

The Senate resumed consideration of Substitute Senate Bill No. 5219 which had been deferred on a previous day.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove to the striking amendment be adopted.

On page 5, beginning on line 11 of the amendment, after "than the" strike all material through "May" on line 12 and insert "fourth Monday in (~~July~~) June"

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 5, line 11 to the striking amendment to Substitute Senate Bill No. 5219.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Spanel moved that the following amendment by Senators Spanel and Kastama to the striking amendment be adopted.

On page 30, after line 23, insert the following:

"NEW SECTION. Sec. 32. The Secretary of State shall establish a task force to investigate how to more effectively and efficiently transmit ballots to and from military and other out-of-country and out-of-state voters. The task force shall include county auditors, representatives from the military, and citizen representatives. The task force shall report its findings to the appropriate committees of the legislature no later than January 15, 2006.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Spanel and Roach spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel and Kastama on page 30, after line 23 to the striking amendment to Engrossed Substitute Senate Bill No. 5219.

The motion by Senator Spanel carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Benton to the striking amendment be adopted.

On page 1, on line 3 of the amendment, strike all of section 1 and insert:

Sec. 1. RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No. 872, approved November 2, 2004) are each amended to read as follows:

Primaries for general elections to be held in November must be held on((:

~~(1) The third Tuesday of the preceding September; or~~

~~(2) The seventh Tuesday immediately preceding that general election, whichever occurs first))the Tuesday immediately preceding Labor Day of the same calendar year.~~

Renumber the sections consecutively and correct any internal references accordingly.

Senator Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, on line 3 to the striking amendment to Substitute Senate Bill No. 5219.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by voice vote.

POINT OF ORDER

Senator Kastama: "I would ask the President to rule on whether not we can vote on this amendment again. We already did address this exact same amendment. In fact have we voted on this in the past, on this particular bill."

REPLY BY THE PRESIDENT

President Owen: "Senator Kastama, your point is well taken and the amendment to the striking amendment was not adopted, so the amendment is out of order."

MOTION

There being no objection, the following title amendment was adopted:

On page 31, on line 9 of the title, after "29A.24.211", insert "adding a new section"

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Brown and Kohl-Welles spoke in favor of passage of the bill.

Senators Roach, Pflug and Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5219 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Thibaudeau and Weinstein - 22

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Hewitt, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker and Zarelli - 26

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5219, not having received the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 5499, by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser

Clarifying and standardizing various election procedures.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5499 was substituted for Senate Bill No. 5499 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for ~~(one)~~ any of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Other circumstances as determined by the precinct election board;

(e) Any other reason allowed by law.

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

Sec. 2. RCW 29A.04.530 and 2003 c 111 s 151 are each amended to read as follows:

The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29A.04.630;

(2) Establish guidelines, in consultation with state and local law enforcement, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines;

(3) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;

~~((3))~~ (4) Maintain a record of those individuals who have received such training and certificates; and

~~((4))~~ (5) Provide the staffing and support services required by the board created under RCW 29A.04.510.

Sec. 3. RCW 29A.04.570 and 2003 c 111 s 155 are each amended to read as follows:

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:

(i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or

(ii) If unofficial returns indicate a mandatory recount is likely in a statewide election or an election for federal office.

Reviews conducted under (ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.

(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county (~~periodically~~) at least once in each three-year period, in conjunction with a county primary or special or general election, at the direction of the secretary of state or at the request of the county auditor. If staffing or budget levels do not permit a three-year election cycle for reviews, then reviews must be done as often as possible. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.

(c) Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.

(2) Reviews shall be conducted in conformance with rules adopted under RCW 29A.04.630. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices. A review conducted under this chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.

(3) The county auditor or the county canvassing board shall respond to the review report in writing, listing the steps that will be taken to correct any problems listed in the report. The secretary of state shall visit the county before the next state primary or general election to verify that the county has taken the steps they listed to correct the problems noted in the report.

(4) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29A.04.510.

Sec. 4. RCW 29A.04.611 and 2004 c 271 s 151 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots, including standards that require provisional ballots to be distinguishable from the other ballots and incapable of being tabulated by the poll-site ballot counting device;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

(12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;

(34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and

(53) Facilitating the payment of local government grants to local government election officers or vendors.

Sec. 5. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 6. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin ~~((on or after the tenth day before the primary or election))~~ upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.40 RCW to read as follows:

If the canvassing board, or its designated representatives, determines that the signature on the absentee or provisional ballot return envelope does not match the signature as it appears on the voter's original registration record, the county auditor shall notify the voter no later than three days after discovery of the mismatched signature by telephone or in writing, that the ballot cannot be processed because the signature on the return envelope does not match the signature as it appears on the voter's registration card. The county auditor shall also send the voter a new voter registration form and advise the voter that, in order for the ballot to be processed, the voter must update his or her signature by either filling out a new registration form and mailing it back to the auditor's office so that it arrives not later than the day before the certification of the primary or election; or appearing in person at the auditor's office not later than the day before certification of the primary or election and filling out a new registration form.

If the voter neglects to sign the affidavit on the absentee or provisional return envelope, the auditor shall notify the voter, no later than three days after discovery of the unsigned envelope either by telephone or in writing, that the ballot will not be processed unless the voter appears in person and signs the affidavit on the return envelope not later than the day before certification of the primary or election. As an alternative to personal appearance, the auditor may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives no later than the day before certification of the primary or election.

A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

A record must be kept of all ballots with mismatched signatures, and must include the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, or a new registration form. These records are public records under chapter 42.17 RCW once the election has been certified by the county canvassing board under RCW 29A.60.190.

NEW SECTION. Sec. 8. A new section is added to chapter 29A.44 RCW to read as follows:

Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

NEW SECTION. Sec. 9. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at the polls at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a voter's registration card, or any current and valid government-issued photo identification, including but not limited to a driver's license, state identification card, passport, tribal identification card, or military identification card. Any individual who desires to vote in person but cannot provide identification as required in this section shall be issued a provisional ballot.

NEW SECTION. Sec. 10. A new section is added to chapter 29A.60 RCW to read as follows:

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means. A provisional ballot cannot be further investigated if the voter did not sign the provisional ballot envelope or if the signature on the envelope does not match the signature as it appears on the voter's registration card until the voter signs or updates his or her signature affidavit. The auditor must notify the voter in accordance with section 7 of this act when the envelope is unsigned or when the signatures do not match.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.60 RCW to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

- (1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
- (2) A log must be kept of the ballots duplicated, which must at least include:
 - (a) The control number of each original ballot and the corresponding duplicate ballot;
 - (b) The initials of at least two people who participated in the duplication of each ballot; and
 - (c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.

Sec. 12. RCW 29A.60.021 and 2004 c 271 s 147 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. ~~((For a partisan primary in a jurisdiction using the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party.))~~ No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office(s) or position(s) ~~(or political party shall))~~ will be accepted if the canvassing board can determine, to ~~(their)~~ its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an over vote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the over votes and under votes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied ~~((if))~~ unless the total number of write-in votes and under votes recorded by the vote tabulation system for the office is ~~((not))~~ greater than the number of votes cast for the candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected ~~((and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election)).~~

~~((4))~~ (5) In the case of write-in votes for a statewide office(s) or any office whose jurisdiction(s that) encompasses more than one county, ~~((if the total number of write-in votes and under votes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied))~~ write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

Sec. 13. RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to read as follows:

Whenever the precinct election officers or the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.

Sec. 14. RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to read as follows:

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.

Sec. 15. RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to read as follows:

Each registered voter casting an absentee ballot will be credited with voting on his or her voter registration record only if the ballot was counted. Absentee ballots must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

Sec. 16. RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

(1) On the tenth day after a special election or primary and on the ~~((fifteenth))~~ twentieth day after a general election, the county canvassing board shall complete the canvass and certify the results. The secretary of state may adopt rules to provide that Thanksgiving day, and the day after Thanksgiving day, are not counted in establishing the twenty-day certification deadline. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a postmark on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 17. RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to read as follows:

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary ((or)) election, or subsequent recount and correct any error and document the correction of any error that it finds.

Sec. 18. RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to read as follows:

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his or her office, and transmit a certified copy to the governor))~~ and certify the returns of the general election as to candidates for state offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.

Sec. 19. RCW 29A.64.021 and 2004 c 271 s 178 are each amended to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest

apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one (~~hundred fifty~~) thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

NEW SECTION. Sec. 20. A new section is added to chapter 29A.60 RCW to read as follows:

No later than thirty days after final certification, the county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site, an election reconciliation report that discloses, at a minimum, the following information: The number of ballots counted; the number of voters credited with voting; the number of provisional ballots issued; the number of provisional ballots counted; the number of provisional ballots rejected; the number of absentee ballots issued; the number of absentee ballots counted; the number of absentee ballots rejected; the number of federal write-in ballots counted; the number of ballots sent to overseas voters and the number of such ballots that were counted; and any other information the auditor determines to be necessary to the process of reconciling the number of votes counted with the number of voters credited with voting.

Sec. 21. RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to read as follows:

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW (~~29A.64.080~~) 29A.64.081.

The county canvassing board shall determine ((a)) the date, time, and ((a)) place or places at which the recount will be conducted. (~~This time shall be less than three business days after the day upon which the application was filed with the board; the request for a recount or directive ordering a recount was received by the board from the secretary of state; or the returns are certified which indicate that a recount is required under RCW 29A.64.020 for an issue or office voted upon only within the county.~~) Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the affected parties or until the affected parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

Sec. 22. RCW 29A.64.061 and 2004 c 271 s 180 are each amended to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform

date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 23. RCW 29A.68.011 and 2004 c 271 s 182 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) (~~(above)~~) of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the ~~((issuance of a certificate of election))~~ official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.

NEW SECTION. Sec. 24. A new section is added to chapter 29A.84 RCW to read as follows:

A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit is guilty of a class C felony punishable under RCW 9A.20.021. This section does not apply to (1) the voter who completed the voter registration form, or (2) a county auditor or registration assistant who acts as authorized by voter registration law.

Sec. 25. RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

(1) Any person who intentionally or knowingly votes or attempts to vote more than once ((at any)) in this state in the same primary or general or special election, or who is registered to vote in another state and who votes or attempts to vote in this state, is guilty of a ((gross misdemeanor)) class C felony, punishable ((to the same extent as a gross misdemeanor that is punishable)) under RCW 9A.20.021.

(2) Any person who recklessly or negligently violates this section has committed a class 1 civil infraction as provided in RCW 7.80.120. The county prosecuting attorney is authorized to enforce this subsection."

Senator Kastama spoke in favor of adoption of the striking amendment.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The uniform application of election laws, rules, and procedures is of paramount importance to the citizens of this state. It is the intent of the legislature to make the position of county auditor, and of the chief elections official, however named, in all counties an elective office. This act therefore applies to all counties, including without limitation counties operating under a home rule charter.

Sec. 2. RCW 29A.04.216 and 2004 c 271 s 104 are each amended to read as follows:

The county auditor, as chief elections officer, of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

Sec. 3. RCW 36.16.030 and 1996 c 108 s 1 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW ((~~29.04.170~~)) 29A.20.040. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.058."

Renumber the sections following consecutively and correct any internal references accordingly.

On page 22, line 9 of the title amendment, after "RCW" insert "29A.04.216, 36.16.030,"

On page 22, line 15 of the title amendment, after "RCW;" insert "creating a new section;"

Senators Roach, Sheldon and Schmidt spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach, on page 1, after line 2 to the striking amendment to Substitute Senate Bill No. 5499.

MOTION

Senator Roach demanded a division.

The motion by Senator Roach failed and the amendments to the striking amendment were not adopted by a rising vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton to the striking amendment be adopted.

On page 1, after line 2 of the amendment, insert the following:

NEW SECTION. Sec. 1. The legislature finds that a person's right to privacy with respect to his or her vote for an elective office is of the highest importance, and it is the duty of the legislature to do everything within the constitutional limitations of its power to protect that privacy. It is the intent of the legislature to protect each person's vote by disallowing the practice of altering, defacing, removing, covering, or destroying by any means a vote of a citizen.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.04 RCW to read as follows:

"Mark of identification" means any mark, symbol, sign, spot, dot, or speck placed on a ballot that either does not follow the rules of the voting procedure provided for in the voting directions or has the potential to link a ballot to a particular voter. A vote for a candidate on a ballot that fully adheres to the rules of the voting procedure provided for in the voting directions is not a mark of identification.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.04 RCW to read as follows:

"Ballot enhancement" is the process of adding, modifying, or covering marks of identification on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 31 of the amendment, strike all of section 11 and insert the following:

NEW SECTION. Sec. 11. A new section is added to chapter 29A.60 RCW to read as follows:

(1) Ballots may not be enhanced, as defined in section 3 of this act. If a ballot is rejected by a tabulating machine during the tallying or machine recount process, the ballot must be separated from all other validly tabulated ballots and later considered by the canvassing board. If the voter did not follow the rules of the voting procedure provided for in the voting directions, the canvassing board is prohibited from inferring intent or enhancing or duplicating a ballot and must reject the ballot as invalid. Any mark of identification, as defined in section 2 of this act, on a ballot, invalidate the ballot.

(2) A ballot may not be enhanced or duplicated for any reason."

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding new sections to chapter 29A.04 RCW;" and on line 15 of the title amendment, after "RCW;" insert "creating a new section;"

Senators Morton, Roach and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Haugen spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 1, after line 2 to the striking amendment to Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Morton to the striking amendment and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Oke - 1

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 1, after line 2 of the amendment, insert the following:

"Sec. 1. RCW 28A.230.090 and 2004 c 19 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Any course in United States history or government used to fulfill high school graduation requirements must include information on voting in and the process of both the primary and general elections, the absentee and provisional ballot processes, and a discussion of the state voters' pamphlet. The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 9 of the title amendment, after "RCW" insert "28A.230.090,"

Senators Roach and Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Brown spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, after line 2 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken to the striking amendment be adopted.

On page 1, beginning on line 3 of the amendment, strike all of section 1 and insert the following:

"Sec. 1. RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book for the precinct at which the voter appears and who therefore cannot be verified as a registered voter;

(b) There is an indication in the poll book that ~~((the voter has requested))~~ an absentee ballot~~((, but the voter wishes to vote at the polling place))~~ has been issued;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Other circumstances as determined by the precinct election board;

(e) Any other reason allowed by law;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary."

Renumber the sections consecutively and correct any internal references accordingly.

On page 8, after line 19 of the amendment, insert the following:

"Sec. 5. RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

(4) The names and addresses of provisional voters is not a matter of public record, and no one other than an election officer may contact an individual provisional voter. The election officer shall contact the voter via first class mail within forty-eight hours of discovery and shall inform the voter of relevant deadlines.

Sec. 6. RCW 29A.08.820 and 2003 c 111 s 254 are each amended to read as follows:

When the right of a person has been challenged under RCW 29A.08.810 or 29A.08.830(2), the challenged person shall be permitted to vote a provisional ballot, which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under RCW 29A.08.810 or 29A.08.830(2) shall be furnished a provisional paper ballot, which shall be placed in a sealed envelope after being marked. Included with the ~~((challenged))~~ provisional ballot shall be (1) an affidavit filed under RCW 29A.08.830 challenging the person's right to vote or (2) an affidavit signed by the precinct election officer and any third party involved in the officer's challenge and stating the reasons the voter is being challenged. The sealed provisional ballots ~~((of challenged voters))~~ shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The county auditor shall notify the challenger and the challenged voter, by certified mail, of the time and place at which the county canvassing board will meet to rule on ~~((challenged))~~ provisional ballots. If the challenge is made by a precinct election officer under RCW 29A.08.810, the officer must appear in person before the board unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenging officer has based his or her challenge upon evidence provided by a third party, that third party must appear with the challenging officer before the canvassing board, unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenge is filed under RCW 29A.08.830, the challenger must either appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the ~~((challenged))~~ provisional ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit, and evidence to the canvassing board before making their determination. All ~~((challenged))~~ provisional ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29A.40.140.

Sec. 7. RCW 29A.08.830 and 2003 c 111 s 255 are each amended to read as follows:

(1) Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of Article VI, section 1 of the state Constitution or that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall file with the county auditor a signed affidavit subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. The person filing the challenge must furnish the address at which the challenged voter actually resides.

(2) Any such challenge of a voter's registration and right to vote made less than thirty days before a primary or election, special or general, shall be administered under RCW 29A.08.820. The county auditor shall notify the challenged voter and the precinct election officers in the voter's precinct that a challenge has been filed, provide the name of the challenger, and instruct both the precinct election officers and the voter that, in the event the challenged voter desires to vote at the ensuing primary or election, a ~~((challenged))~~ provisional ballot will be provided. The voter shall also be informed that the status of his or her registration and the disposition of any ~~((challenged))~~ provisional ballot will be determined by the county canvassing board in the manner provided by RCW 29A.08.820. If the challenged voter does not vote at the ensuing primary or election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the primary or election under RCW 29A.08.840."

Renumber the sections following consecutively and correct internal references accordingly.

On page 11, beginning on line 20 of the amendment, strike all of section 8, and insert the following:

"NEW SECTION. Sec. 8. (1) Provisional or questionable ballots must not be tallied until the validity of the ballot or the voter has been confirmed and, if so, the ballots will be processed in similar manner to absentee ballots. A provisional ballot is issued to a person seeking to vote in a polling place under the following circumstances:

(a) The name of the voter does not appear in the poll book and:

- (i) The voter's registration was canceled but the voter questions the validity of the cancellation;
- (ii) The status of the voter's registration cannot be determined at that time; or
- (iii) The voter is registered and assigned to another polling place or jurisdiction;

(b) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or

(c) Other circumstances as determined by the precinct election official.

(2) The precinct election official shall issue a provisional ballot outer envelope and a security envelope to the voter eligible for a provisional ballot. The voter shall vote the ballot in secrecy and, when done, place the ballot in the security envelope, then place the security envelope with the ballot in it in the provisional ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outside of the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container designated for provisional ballots only.

(3) When the provisional ballot, including provisional ballots from other counties or states, are received in the elections center, the circumstances surrounding the provisional ballot must be investigated before certification of the primary or election. A provisional ballot cannot be tallied if the registered voter did not sign either the poll book or the provisional ballot envelope.

(4) When it is determined that the ballot is to be counted, the ballot must be processed in a manner similar to an absentee ballot except the provisional ballot outer envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 or its successor must also be carried out.

NEW SECTION. Sec. 9. At a minimum, the following information will be required to be printed on the outer provisional ballot envelope:

(1) An oath for the voter to sign, as required by the Help America Vote Act, which must be included in substantially the following form:

"I affirm that I am a registered voter in the jurisdiction in which I am appearing and in which I wish to vote; and that I am eligible to vote in this election.";

(2) Name and signature of voter (must be the same as on the oath);

(3) Voter's registered address both present and former, if applicable;

(4) Voter's date of birth;

(5) Reason for the provisional ballot;

(6) Precinct and polling place at which voter has voted;

(7) Sufficient space to list disposition of the ballot after review by the county auditor.

No provisional ballot may be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

NEW SECTION. Sec. 10. (1) Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the provisional ballot before certification of the primary or election. A provisional ballot cannot be counted if the registered voter did not sign both the poll book and the provisional ballot envelope.

(a) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register, but the provisional ballot for the current election will not be counted.

(b) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the provisional ballot counted.

(c) If the auditor determines that the cancellation was not in error, the voter must be given the opportunity to reregister at the voter's correct address, but the provisional ballot for the current election will not be counted.

(2) If the voter is a registered voter but has voted a ballot other than the one that the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted, which may require coordination with other county auditors.

(3) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five business days after election day to the supervisor of elections for the county for which the voter resides. If the provisional ballot envelope is not signed by the voter, a copy of the poll book page must be included. If the county is not known, it must be forwarded to the secretary of state, or counterpart, for the state in which the voter resides.

(4) If the auditor finds that an absentee voter who voted a provisional ballot at the polls has also voted an absentee ballot in that primary or election, the provisional ballot will not be counted.

(5) The auditor shall prepare a tally displaying the number of provisional ballots received, the number found valid and counted, the number rejected and not counted, and the reason for not counting the ballots, as part of the canvassing process and presented to the canvassing board before the certification of the primary or election.

NEW SECTION. Sec. 11. When the disposition of the provisional ballot determines that the provisional ballot is to be counted, the provisional ballot must be processed in a manner similar to an absentee ballot as provided in chapters 29A.40 and 29A.60 RCW except the outer provisional ballot envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 or its successor must also be carried out.

NEW SECTION. Sec. 12. The secretary of state shall establish a free access system, such as a toll-free telephone number or an internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason why the vote was not counted. The secretary of state shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this section. Access to information about an individual provisional ballot must be restricted to the individual who cast the ballot.

Sec. 13. RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to read as follows:

(1) As provided in this section, county auditors shall provide special ~~((absentee))~~ provisional ballots to be used for state primary or state general elections. An auditor shall provide a special ~~((absentee))~~ provisional ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return ~~((a regular))~~ an absentee ballot by normal mail delivery within the period provided for ~~((regular))~~ absentee ballots.

The application for a special ~~((absentee))~~ provisional ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special ~~((absentee))~~ provisional ballot will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special ~~((absentee))~~ provisional ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special ~~((absentee))~~ provisional ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special ~~((absentee))~~ provisional ballots must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special ~~((absentee))~~ provisional ballots provided under this section in the same manner as ~~((other))~~ absentee ballots under this chapter and chapter 29A.60 RCW.

(4) A voter who requests a special ~~((absentee))~~ provisional ballot under this section may also request an absentee ballot under RCW 29A.40.020(4). If the ~~((regular))~~ absentee ballot is properly voted and returned, the special ~~((absentee))~~ provisional ballot is void, and the county auditor shall reject it in whole when special ~~((absentee))~~ provisional ballots are canvassed.

NEW SECTION. Sec. 14. In addition to the material required by RCW 29A.40.091, each county auditor shall include with any special provisional ballot mailed the following information:

- (1) Instructions for voting the ballot;
- (2) Instructions for correcting a spoiled ballot;
- (3) The fact that political party designation should be included with all write-ins for partisan office;
- (4) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office;
- (5) A copy of any applicable voters' guide available at that time;
- (6) The fact that the voter may vote for as many or as few offices or measures as he or she desires;
- (7) The fact that the voter is entitled to request, and subsequently vote a regular absentee ballot, and that if the regular absentee is received during the time period provided by law for the canvassing of absentee ballots it will be tabulated and the special provisional ballot will be voided.

NEW SECTION. Sec. 15. No special provisional ballot may be provided earlier than ninety days before a primary or election. An application received by a county auditor more than ninety days before a primary or general election may be either returned to the applicant with the explanation that the request is premature or may be held by the auditor until the appropriate time and then processed.

Sec. 16. RCW 29A.40.140 and 2003 c 111 s 1014 are each amended to read as follows:

The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with ~~((chapter 29A.08 RCW))~~ RCW 29A.08.820, 29A.08.830, sections 8 through 12 of this act, and 29A.40.050.

Sec. 17. RCW 29A.44.330 and 2003 c 111 s 1131 are each amended to read as follows:

The programmed memory pack for each poll-site ballot counting device must be sealed into the device during final preparation and logic and accuracy testing. Except in the case of a device breakdown, the memory pack must remain sealed in the device until after the polls have closed and all reports and telephonic or electronic transfer of results are completed. After all reporting is complete the precinct election officers responsible for transferring the sealed voted ballots under RCW 29A.60.110 shall ensure that the memory pack is returned to the elections department. If the entire poll-site ballot counting device is returned, the memory pack must remain sealed in the device. If the poll-site ballot counting device is to remain at the polling place, the precinct election officer shall break the seal on the device and remove the memory pack and seal and return it along with the irregularly voted ballots and ~~((special))~~ provisional ballots to the elections department on election day.

Sec. 18. RCW 29A.44.340 and 2003 c 111 s 1132 are each amended to read as follows:

Each poll-site ballot counting device must be programmed to return all blank ballots and overvoted ballots to the voter for private reexamination. The election officer shall take whatever steps are necessary to ensure that the secrecy of the ballot is maintained. The precinct election officer shall provide information and instruction on how to properly mark the ballot. The voter may remark the original ballot, may request a new ballot under RCW 29A.44.040, or may choose to complete a ~~((special))~~ provisional ballot envelope and return the ballot as a ~~((special))~~ provisional ballot."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, after line 4 of the amendment, insert the following:

"NEW SECTION. Sec. 26. (1) Sections 8 through 12, 14, and 15 of this act constitute a new chapter in Title 29A RCW, to be captioned "Provisional ballots."

(2) RCW 29A.40.050, as amended by section 13 of this act, is recodified as a section in the new chapter created in subsection (1) of this section."

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.625, 29A.08.820, 29A.08.830," and after "29A.40.110," insert "29A.40.050, 29A.40.140, 29A.44.330, 29A.44.340,"

On page 22, line 13 of the title amendment, strike "new sections to chapter 29A.44" and insert "a new section to chapter 29A.44"

On page 22, line 15 of the title amendment, after "RCW;" insert "adding a new chapter to Title 29A RCW; recodifying RCW 29A.40.050;"

Senators Mulliken and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 1, line 3 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator McCaslin moved that the following amendment to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"Sec. 5. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing the records of all registered voters within the county. The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW. The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates. If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.

Sec. 6. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.

(2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.

Sec. 7. RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 ~~((and))~~, the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the county auditor shall

establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. The county may fulfill its obligations under this section in one of the following ways:

(1) The county auditor may enter into one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor receives change of address information from the United States postal service that indicates that a voter has changed his or her residence address within the county, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address. If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter within the county bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 8. RCW 29A.08.605 and 2004 c 267 s 128 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 ~~((and))~~, the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. This obligation may be fulfilled in one of the following ways:

(1) The secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the use of postal service change-of-address information. If the change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address;

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 9. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;
(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;
(f) Provide current and accurate voter registration information using information obtained under RCW 29A.08.125;
(g) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

~~((g))~~ (h) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

~~((h))~~ (i) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, after line 4 of the amendment, insert the following:

"NEW SECTION. Sec. 26. Sections 5 and 7 of this act expire January 1, 2006.

NEW SECTION. Sec. 27. Sections 6, 8, and 9 of this act take effect January 1, 2006."

Senators McCaslin and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCaslin on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator McCaslin carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Roach to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 29A.08 RCW to read as follows:

(1) Short title. This section may be cited as the "Washington Taxpayer and Citizen Protection Act."

(2) Findings and declaration. The legislature finds that illegal immigration is causing economic hardship to this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. The legislature further finds that illegal immigrants have been given a safe haven in this state with the aid of identification cards that are issued without verifying immigration status, and that this conduct contradicts federal immigration policy, undermines the security of our borders, and demeans the value of citizenship. Therefore, the legislature finds that the public interest of this state requires that all public agencies within this state cooperate with federal immigration authorities to discourage illegal immigration.

(3) Form of registration. In addition to the requirements of RCW 29A.08.010, the form of registration provided by the secretary of state or county auditor must include a statement that the applicant must submit evidence of United States citizenship with the application and that the county auditor or secretary of state shall reject the application if no evidence of citizenship is attached.

(4) The county auditor or secretary of state shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship includes any of the following:

(a) The number of the applicant's Washington state driver's license or Washington state identification card issued by the department of licensing, but only if the department indicates on the applicant's driver's license or identification card that the applicant has provided satisfactory proof of United States citizenship;

(b) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county auditor or secretary of state;

(c) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county auditor or the secretary of state of the applicant's United States passport;

(d) A presentation to the county auditor or secretary of state of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant must not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States Immigration and Naturalization Service by the county auditor or secretary of state;

(e) Other documents or methods of proof that are established under the federal Immigration Reform and Control Act of 1986; or

(f) The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(5) Notwithstanding subsection (4) of this section, any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and may not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another or reregistering to vote.

(6) Proof of voter registration from another state or county is not satisfactory evidence of citizenship.

(7) After a person has submitted satisfactory evidence of citizenship, the county auditor or secretary of state shall indicate this information in the person's permanent voter file. After two years, the county auditor or secretary of state may destroy all documents that were submitted as evidence of citizenship."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

Beginning on page 8, line 20 of the amendment, strike all of section 5 and insert the following:

"**Sec. 5.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and return address. For out-of- state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed."

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 8, line 20 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"**Sec. 5.** RCW 29A.36.111 and 2004 c 271 s 128 are each amended to read as follows:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes and abstentions. Each position, together with the names of the candidates for that office and an opportunity for the voter to indicate abstention from voting on that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.36.111,"

Senators Stevens and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 29A.08 RCW to read as follows:

Each county auditor shall compile and maintain a list of all private mailbox services in his or her county and cross-check the list of registered voters' addresses against the private mailbox addresses. If a registered voter is found to have listed a private mailbox as his or her address, the auditor shall cancel that voter's registration and notify the voter of the cancellation."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Franklin: "Would Senator Benton yield to a question? Senator, how does this affect those who are having their mail come to the Secretary of State. They have a special address because of domestic violence."

Senator Benton: "Right, and that's a special law that we created and they are protected under that law now and this would not affect them and we have intention of affecting them with this amendment. If in fact the legal minds tell us that it does we will draft a correction to it but I'm told that this would have no affect because the underline law that authorizes that private address through the Secretary of State's office, since the Secretary of State is our chief elections officer in the state that it wouldn't affect that, Senator Franklin."

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

MOTION

Senator Kastama demanded a division.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler to the striking amendment and Roach be adopted.

On page 8, after line 19 of the amendment, insert the following:

"Sec. 5. RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

(4) The names and addresses of provisional voters is not a matter of public record, and no one other than an election officer may contact an individual provisional voter."

Renumber the sections following consecutively and correct internal references accordingly.

On page 10, after line 19 of the amendment, insert the following:

"Sec. 7. RCW 29A.40.130 and 2003 c 111 s 1013 are each amended to read as follows:

Each county auditor shall maintain in his or her office, open for public inspection, a record of the requests he or she has received for absentee ballots under this chapter.

The information from the requests shall be recorded and lists of this information shall be available no later than twenty-four hours after their receipt.

This information about absentee voters shall be available according to the date of the requests and by legislative district. It shall include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public for the actual cost of production or copying. However, these records may not be used by anyone other than an election officer to contact an individual absentee voter."

Renumber the sections consecutively and correct any internal references accordingly.

On page 12, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 29A.60 RCW to read as follows:

If the county auditor receives an absentee or mail ballot in a return identification envelope on which the voter's signature is missing, illegible, or does not match the registration file, only the county auditor or other election officer may contact the voter regarding the signature. The names of voters in these cases is not a matter of public record."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.625," and after "29A.40.110," insert "29A.40.130,"

Senators Schoesler and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Roach on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"Sec. 5. RCW 29A.08.830 and 2003 c 111 s 255 are each amended to read as follows:

(1) Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of Article VI, section 1 of the state Constitution or that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall file with the county auditor a signed affidavit subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. ~~((The person filing the challenge must furnish the address at which the challenged voter actually resides.))~~

(2) Any such challenge of a voter's registration and right to vote made less than thirty days before a primary or election, special or general, shall be administered under RCW 29A.08.820. The county auditor shall notify the challenged voter and the precinct election officers in the voter's precinct that a challenge has been filed, provide the name of the challenger, and instruct both the precinct election officers and the voter that, in the event the challenged voter desires to vote at the ensuing primary or election, a challenged ballot will be provided. The voter shall also be informed that the status of his or her registration and the disposition of any challenged ballot will be determined by the county canvassing board in the manner provided by RCW 29A.08.820. If the challenged voter does not vote at the ensuing primary or election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the primary or election under RCW 29A.08.840."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.830,"

Senators Benton and Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senator Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken to the striking amendment be adopted.

On page 8, after line 19, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 29A.36 RCW to read as follows:

All provisional ballots and related materials, including the inner security envelope and the outer return envelope, must either:

(1) Be printed on colored paper distinctive from regular ballots, absentee ballots, and their related materials; or

(2) Be imprinted with a bar code for the purpose of identifying the ballot as a provisional ballot. The bar code must not identify the voter.

Poll-site counting devices shall be incapable of tabulating provisional ballots."

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Mulliken the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"Sec. 5. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data. The secretary of state shall, on a monthly basis, cross-check the data base against other agency data bases that could reveal names of persons whose voter registration should be canceled.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections and other appropriate state agency data bases on a monthly basis to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a monthly comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

(12) In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health shall arrange for a monthly comparison of any lists of known deaths maintained by the department of health with the statewide voter registration list. If a person is found on the department of health death list and the statewide voter

registration list, the secretary of state or county auditor shall immediately cancel the voter registration from the official state voter registration list.

(13) In addition to any legal obligations of local election officers, the secretary of state in conjunction with the department of health, the department of social and health services, and the administrator for the courts shall arrange for a monthly comparison of any lists of persons known to have been declared mentally incompetent and unable to vote or placed under the care of a full guardianship due to their mental capacity. If a person is found on the department of health, the department of social and health services, or the administrator for the courts lists and the statewide voter registration list, the secretary of state or county auditor shall immediately cancel the voter registration from the official state voter registration list.

The administrator for the courts shall collect and maintain a list of all judicial determinations of full guardianship under RCW 11.88.010 and other cases where the court has ordered someone unable to vote.

(14) In addition to any legal obligations of local election officers, the secretary of state in conjunction with local election officers shall make at a minimum a monthly comparison of names on the statewide voter registration list, and if a person is found registered more than once on the statewide voter registration list, the secretary of state or county auditor shall immediately cancel all voter registrations for that voter in excess of one from the official state voter registration list."

Renumber the sections consecutively and correct any internal references accordingly.

On page 22, on line 10 of the title amendment, after "29A.04.611," insert "29A.08.651,"

Senators Benton and Roach spoke in favor of adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Rockefeller: "Mr. President, it occurs to me that the speaker perhaps inadvertently is impugning the motives of the majority party and I would ask that you take that into consideration."

POINT OF ORDER

Senator Eide: "I believe that he's not speaking to the amendment and is theorizing what should have been or could have been needs to speak on the amendment, please."

Senators Haugen and Kastama spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Esser: "I believe the comment, I think your trying to create an elitist list is impugning the motives on this side of the aisle, Mr. President."

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 8, after line 19 of the amendment, insert the following:

"**Sec. 5.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to read as follows:

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer no earlier than the fourth Monday in (~~July~~) June and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Schoesler and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Schoesler carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the striking amendment and others be adopted.

On page 8 after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 29A.08 RCW to read as follows:

(1) Form of registration. In addition to the requirements of RCW 29A.08.010, the form of registration provided by the secretary of state or county auditor must include a statement that the applicant must submit evidence of United States citizenship with the application and that the county auditor or secretary of state shall reject the application if no evidence of citizenship is attached.

(2) The county auditor or secretary of state shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship includes any of the following:

(a) The number of the applicant's Washington state driver's license or Washington state identification card issued by the department of licensing, but only if the department indicates on the applicant's driver's license or identification card that the applicant has provided satisfactory proof of United States citizenship;

(b) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county auditor or secretary of state;

(c) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county auditor or the secretary of state of the applicant's United States passport;

(d) A presentation to the county auditor or secretary of state of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant must not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States Immigration and Naturalization Service by the county auditor or secretary of state;

(e) Other documents or methods of proof that are established under the federal Immigration Reform and Control Act of 1986; or

(f) The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(3) Notwithstanding subsection (4) of this section, any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and may not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another or reregistering to vote.

(4) Proof of voter registration from another state or county is not satisfactory evidence of citizenship.

(5) After a person has submitted satisfactory evidence of citizenship, the county auditor or secretary of state shall indicate this information in the person's permanent voter file. After two years, the county auditor or secretary of state may destroy all documents that were submitted as evidence of citizenship."

Renumber the sections following consecutively and correct internal references accordingly.

On page 22, line 12 of the title amendment, after "29A.84.650;" insert "adding a new section to chapter 29A.08 RCW;"

Senators Carrell, Stevens and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Kastama spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell and others on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Carrell to the striking amendment was adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken to the striking amendment be adopted.

On page 8, after line 19, insert the following:

"NEW SECTION. Sec. 5 A new section is added to chapter 29A.36 RCW to read as follows:

All provisional ballots must be visually distinguishable from the other ballots and must be either:

(1) Printed on colored paper; or

(2) Imprinted with a bar code for the purpose of identifying the ballot as a provisional ballot. The bar code must not identify the voter.

Provisional ballots must be incapable of being tabulated by poll-site counting devices."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Mulliken and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 8, after line 19 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Mulliken carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 9, beginning on line 26 of the amendment, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 29A.40 RCW to read as follows:

(1) The county auditor shall accept and count absentee ballots for persons serving in the United States armed forces stationed outside the United States in accordance with this section and RCW 29A.40.110. For a member of the armed forces stationed outside the United States who receives an absentee ballot on or after the date of the election, in order to have his or her ballot counted, he or she must attach an affidavit signed by the person and his or her commanding officer, stating the date on which the ballot was received.

(2) All absentee ballots received from persons under subsection (1) of this section at any time whether before or after certification of the election, until any and all recounts have concluded and been certified, shall be counted.

Sec. 7. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin ~~((on or after the tenth day before the primary or election))~~ upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For service voters stationed outside the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot unless there is an affidavit included with the ballot in accordance with section 6 of this act, in which case section 6 of this act determines validity with regard to the time of voting. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 9, line 26 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 12, after line 3 of the amendment, strike all of section 9, and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at any primary or election is required to provide a valid driver's license, state identification card, United States passport, tribal identification card, or United States military identification card to the election officer before signing the poll book. Any person who desires to vote in person but cannot provide identification as required in this section must be issued a provisional ballot."

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach the amendment to the striking amendment to Substitute Senate Bill No. 5499 was withdrawn.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 12, after line 3 of the amendment, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at any primary or election is required to show both a picture and signature identification to be compared with the signature on the poll register. Valid forms of photo identification include a valid driver's license, state identification card, United States passport, tribal identification card, or United States military identification card. Any person who desires to vote in person but cannot provide identification as required in this section must be issued a provisional ballot."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Roach and Benson spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama, Haugen, Franklin and Shin spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Delvin, Schmidt, Benton, Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

Senators Brown spoke against adoption of the amendment to the striking amendment.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 12, after line 3 to the striking amendment Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

PARLIAMENTARY INQUIRY

Senator McCaslin: "The three minute rule we adopted tonight, is it mandatory that you speak for three minutes or is that the limit that you can speak?"

REPLY BY THE PRESIDENT

President Owen: "It is the outside limit, but it is not anywhere in the rule is it encouraged."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Some people misunderstood it, Mr. President. I just wanted to point that out to the body. You don't have to speak three minutes."

REPLY BY THE PRESIDENT

President Owen: "Point well taken."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 16, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 16. A new section is added to chapter 29A.60 RCW to read as follows:

Before a county auditor may make a final certification of election returns, the county auditor shall reconcile by precinct the number of ballots counted from the precinct and the number of voters credited with having cast a counted ballot. The number of ballots counted and the number of voters who cast those ballots will always be equal in a properly administered election. The county auditor shall report by precinct any variance between the number of ballots and the number of voters. If the total number of ballots without voters, or voters without ballots, exceeds the winning margin in an election or primary, the election or primary as to that position is void. No certificate of election may be issued. A revote for that position must be held within sixty days."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Benton and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 16, after line 2 to the striking amendment to Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the striking was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Oke - 2

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 22, after line 4 of the amendment, insert the following:

"Sec. 26. RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ~~((state))~~ ask and confirm the following:

~~("I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote.")~~

(a) "Are you a United States citizen?"

(b) "Are you at least eighteen years of age?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form and instructions.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce."

Senators Roach and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 22, after line 4 to the striking amendment to Substitute Senate Bill No. 5499.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Kastama to Substitute Senate Bill No. 5499.

The motion by Senator Kastama carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted:

On page 1, on line 1 of the title, after "reform", strike the remainder of the title and insert "amending RCW 29A.04.008, 29A.04.530, 29A.04.570, 29A.04.611, 29A.40.091, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.180, 29A.60.190, 29A.60.210, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, and 29A.84.650; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.08.125, 29A.08.125, 29A.08.605, 29A.08.605, 29A.08.651,"

On page 22, line 15 of the title amendment, strike "and" and after "penalties" insert "; providing effective dates; and providing expiration dates"

On page 22, line 10 of the title amendment, after "29A.04.611," insert "29A.24.050,"

On page 22, line 12 of the title amendment, after "29A.84.650;" strike "adding a new section" and insert "adding new sections"

On page 22, line 12 of the title amendment, after "29A.68.011," strike "and 29A.84.650" and insert "29A.84.650, and 46.20.155"

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Brown and Shin spoke in favor of passage of the bill.

Senators Zarelli, Schmidt, Pflug and Carrell spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5499 was immediately transmitted to the House of Representatives.

Senator Eide moved that the Senate adjourn until 8:00 a.m. Saturday, March 12, 2005.

POINT OF ORDER

Senator Sheldon: "Mr. President, I would like to amend that motion to 9:00 a.m. A reasonable hour for those of us who have to travel a distance."

The President declared the question before the Senate to be the motion by Senator Sheldon to amend the motion by Senator Eide and that the Senate adjourn until 9:00 a.m. Saturday, March 12, 2005.

MOTION

A division was demanded.

The motion by Senator Sheldon to adjourn failed by a rising vote.

MOTION

At 11:54 p.m., on motion of Senator Eide, the Senate adjourned until 8:00 a.m. Saturday, March 12, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 11, 2005

2005 REGULAR SESSION

SIXTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 12, 2005

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and Pridemore.

The Sergeant at Arms Color Guard consisting of Cadet Senior Master Sergeant Lee Poor; Cadet Senior Master Sergeant Daniel Holmes; Cadet Staff Sergeant Stefanie Holmes and Cadet Master Sergeant David Peterson presented the Colors. Their senior escort is Second Lieutenant Mary Holmes. High Priest Jim Erlandson, High Priest Community of Christ of Olympia offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 11, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services report, "Chemical Dependency Disposition Alternative". This report is mandated under Chapter 338, Laws of 1997, Section 27 in addition RCW 13.40.165.

If you have any questions about the report, please call 360-902-8105.

Sincerely,
Dennis Braddock, Secretary

The Department of Social & Health Services report, "Chemical Dependency Disposition Alternative" is on file in the Office of the Secretary of the Senate.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9098, Steven W. Koch, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF STEVEN W. KOCH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9098, Steven W. Koch as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9098, Steven W. Koch as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Deccio and Pridemore - 2

Gubernatorial Appointment No. 9098, Steven W. Koch, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SECOND SUBSTITUTE HOUSE BILL NO. 1220,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1344,
SECOND SUBSTITUTE HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1353,
SUBSTITUTE HOUSE BILL NO. 1365,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 2081,
SUBSTITUTE HOUSE BILL NO. 2086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290,
HOUSE BILL NO. 1466,
HOUSE BILL NO. 1599,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1975,
SUBSTITUTE HOUSE BILL NO. 2085,
HOUSE BILL NO. 2282,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1386,
SUBSTITUTE HOUSE BILL NO. 1387,
SUBSTITUTE HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1460,
HOUSE BILL NO. 1487,

SUBSTITUTE HOUSE BILL NO. 1502,
HOUSE BILL NO. 1533,
SUBSTITUTE HOUSE BILL NO. 1883,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896,
ENGROSSED HOUSE BILL NO. 2105,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SECOND SUBSTITUTE HOUSE BILL NO. 1542,
HOUSE BILL NO. 1600,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1648,
HOUSE BILL NO. 1690,
SUBSTITUTE HOUSE BILL NO. 1711,
HOUSE BILL NO. 1742,
SUBSTITUTE HOUSE BILL NO. 1798,
SUBSTITUTE HOUSE BILL NO. 1817,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6085 by Senators Hewitt and Honeyford

AN ACT Relating to payment of the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system and plan 1 of the teachers' retirement system; adding new sections to chapter 41.45 RCW; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION & FIRST READING OF HOUSE BILLS

ESHB 1079 by House Committee on Higher Education (originally sponsored by Representatives Kagi, Kenney, Chase, Dickerson and Schual-Berke)

AN ACT Relating to postsecondary education and training support for former foster youth; amending RCW 74.13.570, 28B.92.060, and 28B.12.060; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1091 by House Committee on Appropriations (originally sponsored by Representatives Linville, Newhouse, Flannigan, Grant, McCoy, Chase, Morrell and Kilmer)

AN ACT Relating to providing additional funding for the community economic revitalization board's programs; amending RCW 43.160.060; and adding a new section to chapter 43.176 RCW.

Referred to Committee on International Trade & Economic Development.

HB 1108 by Representatives Grant, Walsh, Wallace, Rodne, Wood, Morrell, Lovick, Williams, Jarrett, Kilmer, Simpson, Kessler, Chase and Dickerson

AN ACT Relating to limitations for vehicles passing pedestrians or bicyclists; and amending RCW 46.61.110 and 46.61.125.

Referred to Committee on Transportation.

SHB 1117 by House Committee on Transportation (originally sponsored by Representatives Ericksen, Linville, Newhouse, Buri, Strow and B. Sullivan)

AN ACT Relating to the highway weight limit for farm implements; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1120 by Representatives Dunshee, Jarrett, Ormsby, Morrell, Roberts, Chase and Linville

AN ACT Relating to the community and technical college capital projects account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 1127 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives B. Sullivan, Rodne, P. Sullivan, Jarrett, Kirby, Nixon, McCoy and Shabro)

AN ACT Relating to public building or construction contracts; amending RCW 48.30.270; repealing RCW 53.08.145; repealing 2003 c 323 s 2; repealing 2003 c 323 ss 3 and 4 (uncodified); and repealing 2000 c 143 s 3 (uncodified).

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1136 by Representatives O'Brien, Darneille, Kirby, Miloscia, Lovick and Chase

AN ACT Relating to studying electronic monitoring as an alternative to incarceration; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SHB 1181 by House Committee on Transportation (originally sponsored by Representatives Flannigan, Ericksen, Wallace, Woods, Chase and Kilmer)

AN ACT Relating to transferring overweight sealed ocean-going containers between ocean marine terminals and railheads; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

EHB 1187 by Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa

AN ACT Relating to elimination of mandatory minimum sentences for youthful offenders tried as adults; amending RCW 9.94A.540; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 1188 by House Committee on Appropriations (originally sponsored by Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby)

AN ACT Relating to negotiating state patrol officer wages and wage-related matters; amending RCW 41.56.473 and 41.56.475; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1248 by Representatives Woods, Appleton, Kilmer and Anderson

AN ACT Relating to adding an additional port district member to the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

HB 1260 by Representatives Jarrett, Clibborn, Pettigrew and Wallace

AN ACT Relating to driver's license examinations; amending RCW 46.20.120; adding new sections to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 1299 by House Committee on Finance (originally sponsored by Representatives McIntire, Simpson, Morrell, McCoy, Roberts, Moeller, Wood and Chase)

AN ACT Relating to repealing outdated and unused tax preferences; amending RCW 15.76.165, 43.52.460, 82.08.0255, and 82.12.0256; reenacting and amending RCW 82.04.050 and 82.04.260; creating a new section; repealing RCW 82.35.010, 82.35.020, 82.35.040, 82.35.050, 82.35.070, 82.35.080, 82.35.900, 82.61.010, 82.61.030, 82.61.050, 82.61.060, 82.61.080, 82.61.090, 82.61.900, 82.61.901, 48.14.029, 82.04.4329, 82.08.0276, 82.08.0295, 82.12.0295, 82.12.02545, and 84.56.450; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1302 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kagi, Jarrett and B. Sullivan)

AN ACT Relating to burn ban triggers; and amending RCW 70.94.473 and 70.94.030.

Referred to Committee on Water, Energy & Environment.

ESHB 1314 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

AN ACT Relating to filing fees to fund the domestic violence prevention account; amending RCW 36.18.010, 36.18.016, 70.123.030, 36.18.020, and 36.18.022; and adding a new section to chapter 70.123 RCW.

Referred to Committee on Judiciary.

HB 1319 by Representatives Conway, Fromhold, Crouse, Simpson, Upthegrove and Campbell

AN ACT Relating to survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1; and amending RCW 41.26.160, 41.26.161, and 41.26.162.

Referred to Committee on Ways & Means.

HB 1329 by Representatives Conway, Crouse, Simpson and Chase

AN ACT Relating to choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1; amending RCW 41.26.164; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1343 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Walsh, Simpson, Green, Buri, Kessler, Haler, Morrell, McCoy, Williams, Linville, Hasegawa, Roberts, Sells, McDermott, Chase and Ormsby)

AN ACT Relating to active duty members of the national guard; adding a new section to chapter 38.40 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 1373 by Representatives Simpson, Schindler, Miloscia, Chase and Holmquist

AN ACT Relating to imposing impact fees on manufactured housing communities; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1381 by House Committee on Transportation (originally sponsored by Representatives Clements, Kenney and Skinner)

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

Referred to Committee on Transportation.

HB 1385 by Representatives Takko, Haigh, Roberts, Hankins, Ericks, Haler, Lovick, McCoy and Chase

AN ACT Relating to recorded instruments; and amending RCW 65.04.045 and 65.04.080.

Referred to Committee on Government Operations & Elections.

E2SHB 1415 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, B. Sullivan, Dunshee, Williams, Hunt, Eickmeyer, Chase, Sells and Hasegawa)

AN ACT Relating to impacts of commercial passenger vessels on the marine waters of Washington; amending RCW 90.48.020; adding new sections to chapter 90.48 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

HB 1457 by Representatives Haigh, Bailey, Conway, McCoy and McDonald

AN ACT Relating to military department accounts; amending RCW 38.20.010; and adding new sections to chapter 38.40 RCW.

Referred to Committee on Ways & Means.

SHB 1461 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville, Buri and Pettigrew)

AN ACT Relating to the conservation assistance revolving account; and amending RCW 89.08.550.

Referred to Committee on Agriculture & Rural Economic Development.

2SHB 1483 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, McDonald, Moeller, Darnelle, Jarrett, Simpson, Morrell, Sommers, Kenney, McDermott, Kagi, Chase and Clibborn)

AN ACT Relating to investments in cost-effective intervention programs for juvenile justice-involved youth; adding new sections to chapter 13.40 RCW; adding a new section to chapter 43.135 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 1509 by House Committee on Finance (originally sponsored by Representatives Green, Conway, Orcutt, Appleton, Morrell, O'Brien, Lovick, McCoy, Kilmer, Kessler, McDermott, Campbell, Simpson, Hunt, Chase, P. Sullivan, Sells, Kirby, Kenney, Linville and Kagi)

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

ESHB 1539 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Linville, Roach, Morris, DeBolt, Erickson, Williams and Uptegrove)

AN ACT Relating to failure to notify the one-number locator service when excavating near a transmission pipeline; amending RCW 19.122.055, 19.122.070, and 19.122.020; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

2SHB 1565 by House Committee on Transportation (originally sponsored by Representatives Jarrett, Moeller, Tom, Simpson, Appleton, Linville, Sommers, Lantz and Dunshee)

AN ACT Relating to multimodal concurrency strategies; amending RCW 47.80.030; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 1657 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Takko, Buck, B. Sullivan, Orcutt, Blake, Wallace, Sells and Chase)

AN ACT Relating to construction of bridges and trestles; and amending RCW 79.91.100.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1681 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Darneille, Chase, Appleton, Uptegrove and Lovick)

AN ACT Relating to the joint task force on criminal background check processes; reenacting and amending 2004 c 41 s 2 (uncodified); providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 1719 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Cox, Hunt, Simpson and Williams)

AN ACT Relating to school district bidding requirements; and amending RCW 28A.335.190.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1732 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, McCoy, Wood, Chase, Campbell and Santos)

AN ACT Relating to allowing additional industrial insurance benefits when social security benefits are reduced; and amending RCW 51.32.220.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1756 by House Committee on Commerce & Labor (originally sponsored by Representatives P. Sullivan, B. Sullivan, Miloscia, Simpson, Nixon, Curtis, Conway and Wood)

AN ACT Relating to the occupational safety and health of fire department employees; adding a new chapter to Title 35 RCW; adding a new chapter to Title 35A RCW; adding a new chapter to Title 52 RCW; adding a new chapter to Title 53 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1763 by Representatives B. Sullivan, Cody, Walsh and Nixon

AN ACT Relating to anatomical gifts; and repealing RCW 68.50.560.

Referred to Committee on Health & Long-Term Care.

HB 1771 by Representatives McDermott, Nixon, Tom, Santos, Simpson, Chase, Quall and Kenney

AN ACT Relating to school meal programs; amending RCW 28A.235.160; and amending 2004 c 54 s 1 (uncodified).

Referred to Committee on Early Learning, K-12 & Higher Education.

EHB 1814 by Representatives Williams, Campbell, Kirby, Wood, Jarrett, Lantz, Flannigan, Rodne, Hunt, Simpson, Morrell, Lovick, Dunshee and Linville

AN ACT Relating to mandatory arbitration; amending RCW 7.06.010; reenacting and amending RCW 7.06.020; and creating a new section.

Referred to Committee on Judiciary.

SHB 1823 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kretz, Serben, McCune, Armstrong, Rodne, Buri, Clements, Cox, Sump, Haler, Pettigrew, Grant, Holmquist, Walsh, Strow, Haigh and Kristiansen)

AN ACT Relating to assisting the economic development of underserved rural communities by assisting an owner or operator that has discontinued using an underground petroleum storage tank; amending RCW 70.148.120 and 70.148.130; making an appropriation; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

HB 1838 by Representatives Linville, Grant and Hinkle

AN ACT Relating to increasing the threshold for short board appeals before the shorelines and pollution control hearings boards to fifteen thousand dollars; and amending RCW 90.58.185 and 43.21B.305.

Referred to Committee on Water, Energy & Environment.

SHB 1841 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Kenney, Conway, Strow, Sells, Simpson, Hasegawa and Santos)

AN ACT Relating to electrical trainees; and amending RCW 19.28.161.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1856 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Wood, McCoy, Kessler, Campbell and Chase)

AN ACT Relating to industrial insurance fund audits; amending RCW 43.09.310; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1891 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Hinkle, B. Sullivan, Buck and Haler)

AN ACT Relating to issuing reclaimed water permits to private utilities; and amending RCW 90.46.030 and 90.46.040.

Referred to Committee on Water, Energy & Environment.

SHB 1895 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, McCoy and B. Sullivan)

AN ACT Relating to statewide energy efficiency; amending RCW 44.39.010 and 44.39.070; adding new sections to chapter 44.39 RCW; and adding new sections to chapter 43.19 RCW.

Referred to Committee on Water, Energy & Environment.

HB 1915 by Representatives McIntire, Conway, Clements, McCoy, Williams and Chase

AN ACT Relating to adding additional tribes with whom the governor may contract with under RCW 43.06.460; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

HB 1916 by Representatives Conway, McIntire, Clements, McCoy, Williams and Chase

AN ACT Relating to authorizing a cigarette taxation agreement between the state of Washington and the Puyallup Indian Tribe; amending RCW 82.08.0316 and 82.12.0316; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1921 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke and Bailey)

AN ACT Relating to the quality maintenance fee on nursing facility operators; amending RCW 74.46.091; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1938 by House Committee on Appropriations (originally sponsored by Representatives Hinkle, Darneille, Morrell, Ericks and O'Brien)

AN ACT Relating to employment and retirement rights of members of the armed forces called to active duty; amending RCW 41.40.170; reenacting and amending RCW 41.04.005; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1939 by Representatives Linville, Newhouse, Hinkle and Pettigrew

AN ACT Relating to the minimum standards for construction and maintenance of wells; amending RCW 18.104.020, 18.104.043, 18.104.050, 18.104.055, 18.104.100, 18.104.120, and 18.104.190; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Water, Energy & Environment.

HB 1947 by Representatives Appleton, Green, Kilmer, Woods, Flannigan, Campbell, Lantz, Williams, Hunt, Darneille, Kirby, Chase, Eickmeyer and Conway

AN ACT Relating to studying toll discounts; and creating a new section.

Referred to Committee on Transportation.

HB 1966 by Representatives Ericks, O'Brien, Lovick, Strow, Haler, Takko, Morrell, Nixon, Campbell, McIntire, Conway, Santos, Chase and Moeller

AN ACT Relating to classifying identity theft as a crime against persons; and reenacting and amending RCW 9.94A.411.

Referred to Committee on Judiciary.

SHB 1969 by House Committee on Transportation (originally sponsored by Representatives Ericks, Hankins, Simpson, Jarrett, Upthegrove, Murray and Dickerson)

AN ACT Relating to modifying goals for the planning, operation, and performance of and investment in the state transportation system; and amending RCW 47.01.012.

Referred to Committee on Transportation.

2SHB 1970 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Springer, Miloscia, Upthegrove, Morrell, Haigh, O'Brien, Linville and Takko)

AN ACT Relating to improving government management, accountability, and performance; adding new sections to chapter 43.17 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 2.04 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

HB 1974 by Representatives Linville, Rodne, Morris, Anderson and Kenney

AN ACT Relating to creating the association of Washington generals; and adding new sections to chapter 43.31 RCW.

Referred to Committee on International Trade & Economic Development.

SHB 1987 by House Committee on Education (originally sponsored by Representatives Priest, Ormsby, Curtis and Anderson)

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

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 1999 by Representatives Nixon, Flannigan, McDonald and Wood

AN ACT Relating to clarifying civil liability for traffic infractions when vehicle title is transferred; and amending RCW 46.12.102.

Referred to Committee on Transportation.

2SHB 2030 by House Committee on Appropriations (originally sponsored by Representatives Roberts and Kagi)

AN ACT Relating to guardianship of dependent children; amending RCW 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232, 13.34.233, 13.34.234, 13.34.236, and 13.32A.030; reenacting and amending RCW 74.15.020; adding new sections to chapter 13.34 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 2058 by Representatives Quall, Talcott, P. Sullivan, Anderson, Appleton, O'Brien, Lovick, Darneille, Haigh, Holmquist and Ericks

AN ACT Relating to school employees convicted of or pleading guilty to sex crimes; and amending RCW 43.43.845.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2096 by Representatives Buri, Haler, McDonald, Linville, Ormsby, Holmquist, Grant, Cox, McDermott, Armstrong, Pearson, Morrell, Serben, Newhouse, Conway, Chase and Santos

AN ACT Relating to studying the economic and social contribution of agricultural fairs to Washington state; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2124 by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Simpson, Hudgins, Upthegrove, Sells, Wallace, Dickerson, B. Sullivan, Moeller, Kenney and Hasegawa)

AN ACT Relating to increasing state participation in public transportation service and planning; amending RCW 47.01.081, 47.66.030, and 47.66.040; adding new sections to chapter 47.01 RCW; adding a new section to chapter 47.66 RCW; and creating a new section.

Referred to Committee on Transportation.

ESHB 2128 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby and Roach)

AN ACT Relating to banks, savings banks, and mutual savings banks branches; amending RCW 30.38.005, 30.38.010, 32.04.030, and 32.32.228; adding a new section to chapter 30.38 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2156 by House Committee on Children & Family Services (originally sponsored by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams)

AN ACT Relating to dependency and termination of parental rights; amending RCW 13.34.138, 13.34.145, 13.34.132, and 13.34.190; and creating new sections.

Referred to Committee on Human Services & Corrections.

ESHB 2171 by House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn)

AN ACT Relating to allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130; amending RCW 36.70A.130; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 2188 by Representatives Lantz, Kessler, Sells, Tom, McDermott, Conway, Kenney and Santos

AN ACT Relating to conservation of the state art collection; and amending RCW 28A.335.210, 28B.10.025, 28B.10.027, 43.17.200, 43.17.210, and 43.19.455.

Referred to Committee on Ways & Means.

HB 2206 by Representatives Haigh and Nixon

AN ACT Relating to connection of limited areas of more intensive rural development for recreational or tourist use to existing public facilities; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

EHCR 4404 by Representatives Kenney, Cox, Sells, Priest, Jarrett, Conway, Ormsby and Linville

Approving the 2004 update to the state comprehensive plan for work force training.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

PERSONAL PRIVILEGE

Senator Haugen: "Well today we're going to be doing a series of transportation bills and for some of us this is going to be really kind of a special day because we're going to go and go to a service for Ruth Fisher who was the transportation queen of the House. I think we'll make her proud today because you'll find that we work in a very bi-partisan way over here and most of our bills will be passing out of here rather rapidly. She was an extraordinary person who sometimes questioned the Senate but we're going to prove to her today that the Senate can do it's work and do it rapidly. I think it's kind of ironic that we're doing license plate bills today because most of you know that she hated these things. She did have a soft spot in her heart and finally gave in so today we'll be doing those. But today as we work on transportation let's not forget that great lady who got us where we are today in transportation as far as public transportation and regional governments. She was really an extraordinary individual, a little rough around the edges at times but she really was a sweetheart and we all love her and going to miss her greatly."

SECOND READING

SENATE BILL NO. 5229, by Senators Swecker, Jacobsen, Doumit, Fraser, Kohl-Welles and Rasmussen

Authorizing endangered wildlife license plates.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5229 was substituted for Senate Bill No. 5229 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5230, by Senators Swecker, Jacobsen, Oke, Doumit, Fraser, Rockefeller, Kohl-Welles and Rasmussen

Establishing the Washington's Wildlife license plate collection.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5230.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5316, by Senators Jacobsen, Swecker, Haugen, Parlette, Kohl-Welles and Oke

Authorizing state parks and recreation commission license plates.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5316 was substituted for Senate Bill No. 5316 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5423, by Senators Haugen and Swecker

Authorizing creation of thematic collections of special plates.

MOTION

On motion of Senator Haugen, Senate Bill No. 5423 was not substituted for Senate Bill No. 5423 and the substitute bill was not adopted.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The following special license plate series created by the legislature may be personalized: (a) RCW 46.16.301 as currently law; (b) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997; (c) RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and (2); (d) RCW 46.16.324; (e) RCW 46.16.385; or (f) RCW 46.16.745.

(2) Personalized special plates issued under this section may be personalized only by using numbers or letters, or any combination thereof not exceeding seven positions, and not less than one position, to the extent that there are no conflicts with existing license plate series. A personalized special license plate is subject to the same requirements as personalized license plates listed in RCW 46.16.575, 46.16.580, 46.16.590, 46.16.595, and 46.16.600.

(3) In addition to any other fees and taxes due at the time of registration, applicants for a personalized special license plate must pay both the fees to purchase and renew a special plate as set out in the statute creating the special plate and the personalized plate as required in RCW 46.16.585 and 46.16.606. The special plate fee must be distributed in accordance with the requirements set out in the statute creating the special plate. The personalized plate fee must be distributed under RCW 46.16.605 and 46.16.606, except ten dollars of the original or renewal fee must be deposited into the pedestrian and bicycle grant program account created under section 9 of this act. The transfer of personalized special plates is to be administered under RCW 46.16.316.

Sec. 2. RCW 46.16.316 and 2004 c 223 s 4, 2004 c 221 s 5, 2004 c 48 s 5, and 2004 c 35 s 5 are each reenacted and amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; ~~((or))~~ (b) approved by the special license plate review board under RCW 46.16.715 through 46.16.775; or (c) under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 3. RCW 46.16.385 and 2004 c 222 s 1 are each amended to read as follows:

(1) The department shall design and issue disabled parking emblem versions of special license plates issued under (a) RCW 46.16.301; (b) RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW 73.04.115; ~~((or))~~ (g) RCW 46.16.301(1) (a), (b), or (c), as it existed before

amendment by section 5, chapter 291, Laws of 1997; (h) RCW 46.16.565; or (i) plates issued under section 1 of this act. The disabled parking emblem version of the special plate must display the universal symbol of access that may be used in lieu of the parking placard issued to persons who qualify for special parking privileges under RCW 46.16.381. The department may not charge an additional fee for the issuance of the special disabled parking emblem license plate, except the regular motor vehicle registration fee, the fee associated with the particular special plate, and any other fees and taxes required to be paid upon registration of a motor vehicle. The emblem must be incorporated into the design of the special license plate in a manner to be determined by the department, and under existing vehicular licensing procedures and existing laws.

(2) Persons who qualify for special parking privileges under RCW 46.16.381, and who have applied and paid the appropriate fee for any of the special license plates listed in subsection (1) of this section, are entitled to receive from the department a special disabled parking emblem license plate. The special disabled parking emblem license plate may be used for one vehicle registered in the disabled person's name. Persons who have been issued the parking privileges or who are using a vehicle displaying the special disabled parking emblem license plate may park in places reserved for mobility disabled persons.

(3) The special disabled parking emblem license plate must be administered in the same manner as the plates issued under RCW 46.16.381.

(4) The department shall adopt rules to implement this section.

Sec. 4. RCW 46.16.570 and 1986 c 108 s 1 are each amended to read as follows:

Except for personalized plates issued under section 1 of this act, the personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

Sec. 5. RCW 46.16.600 and 1979 c 158 s 143 are each amended to read as follows:

(1) The director of licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

(2) Upon direction by the board, the department shall adopt a rule limiting the ability of organizations and governmental entities to apply for more than one license plate series.

Sec. 6. RCW 46.16.690 and 2003 c 361 s 502 are each amended to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of ~~((one thousand five))~~ two hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of ~~((five))~~ one hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

Sec. 7. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the legislative transportation committee;

(b) Report annually to the legislative transportation committee on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until June 1, 2007. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 8. RCW 46.16.745 and 2003 c 196 s 301 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section. ~~((If the sponsoring organization cannot meet the payment requirements of subsection (2) of this section, then the organization must meet the requirements of subsection (3) of this section.))~~

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under RCW 46.16.755~~((3))~~ (4);

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for ~~((the))~~ each special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; ~~((and))~~

(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735;

(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.

~~(3) ((If the sponsoring organization is not able to meet the payment requirements of subsection (2)(a) of this section and can demonstrate this fact to the satisfaction of the department, the sponsoring organization shall:~~

~~(a) Submit an application and nonrefundable fee of two thousand dollars, for deposit in the motor vehicle account, to the department;~~

~~(b) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of two thousand intended purchases of the special license plate;~~

~~(c) Provide a proposed license plate design;~~

~~(d) Provide a marketing strategy outlining short and long term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;~~

~~(e) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and~~

~~(f) Provide proof of organizational qualifications as determined by the department as provided in RCW 46.16.735.~~

~~((4))~~ After an application is approved by the special license plate review board, the application need not be reviewed again by the board for a period of three years.

NEW SECTION. Sec. 9. A new section is added to chapter 47.30 RCW to read as follows:

(1) The pedestrian and bicycle grant program account is created in the custody of the state treasurer. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the account must be disbursed subject to the following conditions and limitations:

(a) The department of transportation shall oversee the program and grants.

(b) The department of transportation shall adopt rules regarding the distribution of funds within this account. However, such rules must include the following requirements:

(i) Only a governmental subdivision may apply for and receive funds;

(ii) The entity applying for funds must supply matching funds;

(iii) Grants are limited to expansion of projects in order to take advantage of the cost saving provided by adding onto a construction project; and

(iv) Grants are limited to the creation and/or expansion of bicycle and pedestrian pathways and projects.

NEW SECTION. Sec. 10. Section 1 of this act takes effect March 1, 2007."

Senator Haugen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Senate Bill No. 5423.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.385, 46.16.570, 46.16.600, 46.16.690, 46.16.725, and 46.16.745; reenacting and amending RCW 46.16.316; adding a new section to chapter 46.16 RCW; adding a new section to chapter 47.30 RCW; and providing an effective date."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Haugen yield to a question? I'm curious. So, if there is legislation to require everybody to have a special license plates, would that be affected by the moratorium?"

Senator Haugen: "No, they'd have to buy the ones that are there which probably some people would like."

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pridemore - 2

ENGROSSED SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5424, by Senators Haugen, Swecker, Jacobsen, Hargrove and Doumit

Authorizing the "Washington Lighthouses" special plate.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5424.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pridemore - 2

SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kastama: "I'd like to take this opportunity to introduce to my colleagues one of my daughters. She's standing up to the right of the President. Her name is Anna Laura. As you see she's very pretty. I would like everybody here to be nice to me today and I've already had the questions, of course, 'Why is she so smart?' and Why is she so attractive-if she's my daughter? Well, anyway, I want you to welcome her. She's a wonderful daughter. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator McCaslin: "I had the very good fortune of meeting his daughter in the wings. She's on the left of the president, Senator Kastama. See, this is left and this is right. I just wanted to straighten him out on that."

SECOND READING

SENATE BILL NO. 5832, by Senators Jacobsen, Kohl-Welles and Rasmussen

Authorizing the "Washington's National Park Fund" special license plate.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5832 was substituted for Senate Bill No. 5832 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5832.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

SUBSTITUTE SENATE BILL NO. 5832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5833, by Senator Brown

Authorizing special license plates to recognize the Gonzaga University alumni association.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Johnson and McCaslin spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hewitt: "Would Senator Johnson yield to a question? Thank you Senator Johnson. Where is Whitman College?"

Senator Johnson: "It's heavily in wine country in Southeast Washington... I think."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5833.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5833 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Poulsen - 1

Excused: Senator Pridemore - 1

SENATE BILL NO. 5833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. Having had my arm twisted on that last vote, I just wanted to express to fellow members my deep feeling, and also having heard the name of William F. Buckley, wanted to remember to allow my dearly beloved colleagues on the other side to imbibe of the water of life that we so admire here in Seattle. You may notice that one of your colleagues, Senator Pflug just voted 'Aye' on that last vote as a result of having had a good cup of this stuff so just a reminder that your voting records will improve if you have a cup of this. The machine is in full throttle over here."

PERSONAL PRIVILEGE

Senator Deccio: "If Senator McCaslin runs out of places to put decals on his license plate he can always use his forehead."

SECOND READING

SENATE BILL NO. 5977, by Senators Oke and Regala

Authorizing the "we love our pets" license plate.

The measure was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Carrell - 1

Excused: Senator Pridemore - 1

SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators Regala, Brandland, Hargrove, Weinstein, Esser, Kohl-Welles and Oke

Creating the "Keep Kids Safe" license plate series.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5623, by Senators Haugen and Esser

Clarifying that sales and use tax does not apply to certain regional transit authority service agreements. Revised for 1st Substitute: Modifying the excise taxation of maintenance service agreements for regional transit authorities.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5623 was substituted for Senate Bill No. 5623 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

Senators Honeyford and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5623.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5623 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Schoesler, Stevens and Zarelli - 14

Excused: Senator Pridemore - 1

SUBSTITUTE SENATE BILL NO. 5623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5089, by Senators Sheldon, Fraser and Kline

Limiting nuisance noise from off-road vehicles.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following striking amendment by Senators Sheldon, Fraser and Poulsen be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) A task force on off-road vehicle noise management is established. The task force consists of the following members:

(i) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(iii) Participants invited by the legislative members, including but not limited to persons representing the following:

(A) Three county commissioners, one representing counties with a population of two hundred thousand or more people and two representing counties with populations of fewer than two hundred thousand people;

(B) A representative of port districts;

(C) A representative of the department of natural resources, selected by the commissioner of public lands;

(D) A representative of the department of ecology, selected by the director of ecology;

(E) A representative of the interagency committee for outdoor recreation, selected by the director of the committee;

(F) A representative of the parks and recreation commission, selected by the director of the commission;

(G) A person representing manufacturers of off-road vehicles;

(H) A representative of the United States forest service;

(I) Recreational users; and

(J) Interested citizens.

(b) The committee shall choose its chair from among its membership.

(2) The committee shall review the following issues:

(a) The appropriateness and enforceability of current decibel requirements for off-road vehicles;

(b) The appropriateness of any off-road vehicle usage requirements that would minimize nuisance noise impacts on those not operating the off-road vehicle;

(c) The applicability and consistency of local ordinances concerning noise and off-road vehicle usage; and

(d) The availability of, and barriers to, using public lands or other large ownerships to create areas where off-road vehicles can be operated with minimum noise disturbance of neighbors.

(3)(a) The committee shall be staffed by the house office of program research and senate committee services.

(b) Legislative members of the committee will be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) The committee shall report its findings and recommendations in the form of draft legislation to the legislature by December 1, 2005.

(5) This section expires July 1, 2006."

Senators Sheldon and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheldon, Fraser and Poulsen to Senate Bill No. 5089.

The motion by Senator Sheldon carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5089.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Brown, Poulsen and Rockefeller - 4

Excused: Senator Pridemore - 1

ENGROSSED SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5262, by Senators Haugen and Swecker

Providing administrative review before the suspension of driving privileges. Revised for 1st Substitute: Changing provisions relating to withholding of driving privileges.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5121, by Senators Keiser, Swecker, Poulsen, Schmidt and Haugen

Creating the airport siting council. Revised for 1st Substitute: Assessing long-term air transportation needs.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 3, line 17, after "act," insert "and to the extent funds are appropriated to the department for this purpose,"
Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 17 to Substitute Senate Bill No. 5121.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Schmidt, Haugen, Esser and Swecker spoke in favor of passage of the bill.

Senators Shin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Shin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTIONS OF SPECIAL GUESTS

The President introduced and welcomed the family of Senator Benton; wife Jill, daughters Ashely and Anna, friend Andy and his grandson Dane who were seated in the gallery.

INTRODUCTIONS OF SPECIAL GUESTS

The President introduced and welcomed Cassandra Campos, daughter of staff person Paul Campos, who was paging for the day and seated at the rostrum.

SECOND READING

SENATE BILL NO. 5518, by Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

Increasing certain fees of licensing subagents.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "This could be the longest speech I've ever made in twenty-five years, so bear with me. One thing that I posse that no one other on this floor is twenty-fives years on this floor. Senator Deccio could of caught up with me, but he went home for four years to be a county commissioner. Something bothered me last night and I didn't get to sleep until after three o'clock and I woke up about five twenty-two. You know I have one of those LED clocks and unfortunately you roll over and you can read the time. What bothered me to keep me awake-because of twenty-five years, not much bothers me on the floor - the majority leader pointed out, and I'm not implying she's imputed our motives or impugned our motives. All I'm saying is, she mentioned the fact that we put forward twenty-two amendments and we passed six. Now, I can't read her mind so I don't know why she said that. That's not too bad, I think that's about twenty-seven percent passage. Now the reason it bothered me is I've got to go back to 1981. None of you were here. Senator Deccio was here, but I'm not sure that he remembers it. No pun intended Senator. This body, I don't know if the President was here as a Senator then, I don't think he was. I think you were in the House, sir. We went into a committee of the whole. Honest. I don't know if there is a record of it in the Journal, but we went to the committee of the whole and we was in the majority, so we allowed the minority to go into the committee of the whole. Now, in the committee of the whole, as you all know, no votes are recorded. So why did we go into the committee of the whole? We went into the committee of the whole to allow the Democrats not to offer amendments but actually to move new bills. Bills that had not been through the process. Aren't we kind? I mean this is serious. I don't know how many hours we spent. Motion after motion for taxes, because then we were a billion dollars in the hole. So after twenty-five we gain, we've now 2.2 billion in the hole. So I sat through that, never uttered a word, I was learning, I was a freshman then. Senator Weinstein's stays here as long as I have, you'll be leaving in 2030. Just think about that Senator. 2030 I don't know how old you'll be but you'll be twenty-five years older. Anyway it bothered me that the amendments were brought up because that's the part of the minority plays. We learned from the Democrats. We had one Senator then, I think he come in a year before I did. We called him 'Captain Amendment.' He was a brilliant guy. He offered amendment after amendment after amendment after amendment. I don't think we called for the previous question, we listened intently. We may not have liked it, but that's the role of the minority, is to bring up amendments. I'm sorry it bothered anyone over there. It didn't bother me because in twenty-five years I'm not sure I've offered five amendments on this floor. If I have offered five that's .5 per year so you can't blame me for offering amendments. Although I offered one and it carried. I was shocked. I was absolutely shocked. I almost fell out of my chair, Senator Kastama. I just went upstairs to the fourth floor in memory lane, I looked at the '81 pictures. Fifteen have passed away, I haven't yet, you may think I have but I haven't passed away yet including our beloved President Cherberg. Terrific guy, I loved him dearly. So I think you and I are privileged. Each one of us are one out of six million. Think about that. You're one out of six million. We're forty-nine out of six million. We hold a special place in state government. Each of us should be extremely proud of what we've achieved and what we're doing for a hundred or a hundred-twenty-thousand people. We're doing the best we can. We're just trying to get there with a different philosophy and a different avenue. Now, we've had two senators last night saying we impugned or imputed their motives. For them I apologize; if you really think we impugned your motives. Your motives are the same as ours. Really. It's the same. You may not think so. We all want to do good for the public and for the state of Washington. So I don't think we'll impunge or impute your motives. I don't think you did Senator. Because there's a Christian love we share in here for each of us. Right Senator? Amen to you. Anyway that bothered me. I only got a few hours sleep. I don't know why that bothered me, most things don't bother me, otherwise I wouldn't of been here so long. Don't pay any attention to the cob webs from my desk to me, because I actually move around once in a while and try to think things out. But anyway, that bothered me, I didn't get any sleep. I hope it doesn't come up again, but there'll be other nights like that. In '81 I think we were here one night, I got to bed at 5:30 in the morning. We went to one, two, three, four, five o'clock in the morning. Why did we do that? Because the minority kept offering amendment after amendment after amendment after amendment and we voted them down. Most to the counts in 1981 were 25-24, 25-24. You folks stuck together and we stuck together and that's just the process. There's no use getting upset about it. There's no use getting mad at anyone. We just have to accept it and move on. I'm delighted to be here. I really am and I hope that your all delighted and wish everyone here the best. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Deccio: "I was going to speak against the motion but I didn't have a chance to. Senator McCaslin offered... you see he's so full of himself. Senator McCaslin actually offered eight amendments and they were all defeated."

PERSONAL PRIVILEGE

Senator McAuliffe: "I like to take this opportunity Senator McCaslin, to thank you for sharing the institutional memory that you have for this place. It brings a great deal of respect to the work we do and to the institution itself. Thank you."

SECOND READING

SENATE BILL NO. 5270, by Senators Haugen, Swecker, Kastama, Oke, Spanel, Esser, Jacobsen and Shin

Assisting vessel registration enforcement.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5270 was substituted for Senate Bill No. 5270 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5729, by Senators Rockefeller, Oke, Regala, Spanel, Sheldon, Shin, Poulsen, Jacobsen and Kohl-Welles

Considering prepurchase of multiple ferry fares. Revised for 1st Substitute: Expanding considerations in setting ferry fares.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Oke and Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5729.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5966, by Senators McCaslin, Haugen and Honeyford

Vehicle immobilization.

The measure was read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and McCaslin be adopted.

On page 1, after line 9, insert the following:

"(3) A violation of this section is a gross misdemeanor."

Senators Haugen and McCaslin spoke in favor of adoption of the amendment.

MOTIONS

On motion of Senator Regala, Senators Pridemore and Kline were excused.

On motion of Senator Mulliken, Senator Esser was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and McCaslin on page 1, after line 9 to Senate Bill No. 5966.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5966.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Kline, Poulsen and Pridemore - 3

ENGROSSED SENATE BILL NO. 5966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 11:00 a.m.
The Senate was called to order at 11:00 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5414, by Senators Haugen and Swecker

Continuing funding of airport maintenance. Revised for 1st Substitute: Adjusting aviation fees and taxes.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5414 was substituted for Senate Bill No. 5414 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5414 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Esser - 1

Absent: Senator Doumit - 1

SUBSTITUTE SENATE BILL NO. 5414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5969, by Senators Swecker, Haugen, Esser and Spanel

Modifying city and town use of state fuel tax distributions.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5969 was substituted for Senate Bill No. 5969 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Benton - 1
SUBSTITUTE SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5709, by Senators Parlette, Swecker, Honeyford, Mulliken, Sheldon and Benton

Exempting vehicles in inaccessible national recreation areas from license renewal fees.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5709 was substituted for Senate Bill No. 5709 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5709 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5709.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5709 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Kohl-Welles and Pridemore - 2

Excused: Senator Shin - 1

SUBSTITUTE SENATE BILL NO. 5709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5822, by Senators Haugen, Swecker, Poulsen, Kastama, Spanel, Schmidt, Berkey, Schoesler, Hewitt, Esser, Mulliken and Jacobsen

Recovering costs for motorist information signs.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5822 was substituted for Senate Bill No. 5822 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5822 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5822.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5822 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Esser - 1

Excused: Senator Shin - 1

SUBSTITUTE SENATE BILL NO. 5822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION

8645

By Senators Esser, Poulsen, Brown, Finkbeiner, Regala, Zarelli, Kastama, Benton, Rasmussen, Carrell, Franklin, Pridemore, Eide, Sheldon, Doumit and Benson

WHEREAS, The Ventures were the first nationally known, popular recording group to come out of Tacoma, Washington; and

WHEREAS, The Ventures have recorded over 3000 songs and released over 250 albums, including 14 top 100 singles in the 1960s; and

WHEREAS, Having sold over 90 million albums world-wide, with such hits as "Walk Don't Run," "Perfidia," "Lullaby of the Leaves," "Diamond Head," "2,000 Pound Bee," and a version of the Hawaii Five-O theme song, the Ventures have become the world's all-time #1 rock instrumental group; and

WHEREAS, Don Wilson, Bob Bogle, Nokie Edwards, Gerry McGee, and Leon Taylor, son of long-time drummer Mel Taylor, are still entertaining millions around the world with their albums, tapes, CDs, and live performances; and

WHEREAS, The Ventures are America's ambassadors of Rock and Roll to the non-English speaking world, having sold over 40 million albums in Japan alone; and

WHEREAS, While retaining their trademark sound, the Ventures' musical stylings have adapted to shifting trends in popular music, as they experimented with blues, calypso, Latin, twist, country, pop, funk, disco, reggae, swamp, garage, TV themes, and psychedelic music; and

WHEREAS, They were willing to experiment with wildly innovative concepts, such as combining different dance crazes in one of their few vocal songs: "The Twomp." *It ain't the Twist. It ain't the Stomp. It's the Twomp!*; and

WHEREAS, Generations of guitar players have been inspired by the Ventures to twiddle with the reverb and tremolo knobs on their amplifiers; and

WHEREAS, The Ventures even had a distinctive "Ventures model" guitar and bass built for them by Mosrite; and

WHEREAS, The Ventures received the coveted "Lifetime Achievement Award" from *Guitar Player Magazine*; and

WHEREAS, The Ventures have yet to be inducted into their rightful place in the Rock and Roll Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Ventures for their many contributions to Rock and Roll and hereby proclaim that the Ventures deserve a place in the Rock and Roll Hall of Fame; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Ventures and to the Rock and Roll Hall of Fame.

Senators Esser, Poulsen, Benson, Brown, Franklin, Rockefeller and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "The President has the great privilege and honor to being able to introduce these incredible musicians and contributors to rock and roll from right here in the state of Washington. To my left, playing drums, is Leon Taylor. Leon's

dad Mel Taylor played with the Ventures for many, many years. On guitar is Don Wilson, also cared for by Senator Rasmussen's daughter at Tacoma General Hospital. All the way to my right is Nokie Edwards, he played bass and lead guitar, and then Bob Bogle who also played bass and lead guitar, if I remember correctly. Now, I got to tell you a little story about Bob. In 1960, Bob was working on this capital building as a mason. He was working in masonry. He was approached by some law enforcement officers. They came up to him, of course him wondering why he was being approached by law enforcement officers. They merely wanted to know if was one of the Ventures, he said 'Yes, he was' and they asked for autographs. One week later, he was in New York and they were on American Bandstand. We just finished one-hundred million dollar project on this beautiful building that you helped care for in the 1960's. Ladies and Gentlemen, the Ventures."

REMARKS BY DON WILSON

Don Wilson: "Well, first I want to say you people are absolutely wonderful and thank you so much. It's quite an honor to be before you here today, especially knowing your busy schedule, you've taken time out to honor us today. Absolutely great. You know I always and don't worry, we're never going to do any rap, ok. We've done a lot of music trends, but that's not one of them. I think it's a oxymoron rap music, I don't think so. Anyway, there's probably a lot of people who go for rap, I don't know, we just don't. We'll never do it. Anyway, you know I always tells people, we're kind of the Rodney Dangerfield's of the rock world. You know, we just don't seem to get any respect but you know we have done many things, many firsts and as was told earlier all the things that should be recognized by the Rock and Roll Hall of Fame and we've been passed up now for about twenty years we've been eligible. I don't know if it goes on your merits or who you know or whatever. I just don't know but obviously it's not on your merits. We're either going to get in the Rock and Roll Hall of Fame or we're going to make them so mad. But anyway, on behalf, oh and, by the way I don't know if you know this, but we've known, and we call him 'Brad' because we have deserved that. We've known each other now, Ventures and Brad Owen, for about fifteen years, so yeah we've known each other a long time. As a matter of fact when we went out on the road when he was a state senator, he opened for us. He and his group and we got to know him that way and we've been friends ever since. But on behalf of Nokie Edwards, Bob Bogle, Leon Taylor, myself, Don Wilson, thank you so much."

REMARKS BY THE PRESIDENT

President Owen: "In order to continue the effort to try to get The Ventures into their deserved place in the Rock and Roll Hall of Fame, there's going to be a concert tonight at the Premier Club in Seattle where we're going to rally together and show our support for these great musicians."

"The person that is the primary impetus behind this whole effort, that is working very, very hard, from 97.3 KBSG 'Golden Oldies,' from the racks and stacks of the best on wax, one of the great guys, he's a great mid-day personality on 97.3, I'd like to introduce, in our gallery today, Mr. Mark Christopher."

MOTION

At 11:48 a.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, March 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SECOND DAY, MARCH 12, 2005

2005 REGULAR SESSION

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 14, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Deccio, Hargrove, Oke, Parlette, Pflug, Poulsen, Rasmussen, Sheldon and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Carter Manning and Elise Markley, presented the Colors. Pastor Tandi Rogers, Program Consultant for the Pacific Northwest District of the Unitarian Universalist Association, Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

PERSONAL PRIVILEGE

Senator Eide: "Well, ladies and gentlemen of the Senate. I want to take this opportunity to thank the Lt. Governor for a fun evening, Saturday night. We went to the Ventures. We had a ball. We had the opportunity to see, Gretchen from Fleetwood, Roger Fisher, he's a guitarist from Heart. We got to see J.C. Morris from Puyallup Tracey Moore. He sang 'Blue Swede Shoes', and Senator Kohl-Welles, her husband, Val Stevens and her husband, Senator Poulsen, Senator Esser and myself and my husband. We couldn't stand still all night. We danced our night away and I must say, I did dance with your lovely wife, Linda. We had a great time. But most of all, I was quite impressed with our Lt. Governor. He can play the saxophone, he can play the guitar and he can sing. You are the master when it comes to the saxophone. Thank you so much for a fun evening."

REPLY BY THE PRESIDENT

President Owen: "Thank you. But we're still not going to have rock music in the chamber. Oh, and the Wailers with Louie Louie."

PERSONAL PRIVILEGE

Senator Jacobsen: "I was one of the members involved in having 'Louie Louie' declared the state song and it might have succeeded if the women that wrote 'Washington, My sweet home' or something like that, hadn't lived in Senator Snyder's district."

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Reappointment No. 9179, Doug Sayan, as a member of the Board of Trustees, Olympic Community College District No. 3, be confirmed.
Senators Rockefeller and Johnson spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Benton and Oke were excused.

REAPPOINTMENT OF DOUG SAYAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9179, Doug Sayan as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9179, Doug Sayan as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 9; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 38

Absent: Senators Brown, Deccio, Hargrove, Parlette, Pflug, Poulsen, Rasmussen, Sheldon and Zarelli - 9

Excused: Senators Benton and Oke - 2

Gubernatorial Reappointment No. 9179, Doug Sayan, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

MOTIONS

On motion of Senator Thibaudeau, Senators Prentice and Doumit were excused.

On motion of Senator Hewitt, Senators Brown, Deccio, Hargrove, Parlette, Pflug, Rasmussen Poulsen, Sheldon and Zarelli were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial appointment No. 9138, Sid Morrison, as a member of the Board of Trustees, Central Washington University, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF SID MORRISON

The President declared the question before the Senate to be the confirmation of Gubernatorial appointment No. 9138, Sid Morrison as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial appointment No. 9138, Sid Morrison as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 40

Voting nay: Senator Benton - 1

Excused: Senators Deccio, Doumit, Hargrove, Oke, Prentice, Rasmussen, Sheldon and Zarelli - 8

Gubernatorial appointment No. 9138, Sid Morrison, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Mulliken, moved that Gubernatorial Reappointment No. 9218, Judy Yu, as a member of the Board of Trustees, Central Washington University, be confirmed.

Senators Mulliken and Shin spoke in favor of the motion.

REAPPOINTMENT OF JUDY YU

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9218, Judy Yu as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9218, Judy Yu as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Excused: Senators Doumit, Oke, Prentice and Zarelli - 4

Gubernatorial Reappointment No. 9218, Judy Yu, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1220 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Schual-Berke, Cody, Simpson, Campbell, Williams, Chase, Kenney, O'Brien, Clibborn, Conway, Green, Kagi and Upthegrove)

AN ACT Relating to establishing a task force on long-term care financing and chronic care management; and creating new sections.

Referred to Committee on Health & Long-Term Care.

ESHB 1252 by House Committee on Education (originally sponsored by Representatives Quall, Curtis, Anderson, Talcott, Eickmeyer, Kirby, Haigh, DeBolt, Dunshee, McDonald, Morrell, Buri, Miloscia, Rodne, Lovick, O'Brien, Shabro, P. Sullivan, Wood, Sells, Chase, Ormsby and Kilmer)

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

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 1290 by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos)

AN ACT Relating to community mental health services; amending RCW 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.240, 71.24.300, 71.24.420, and 71.05.020; reenacting and amending RCW 71.24.015 and 71.24.035; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 1344 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Simpson and Dunn)

AN ACT Relating to a web site for information on fugitives; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

2SHB 1346 by House Committee on Appropriations (originally sponsored by Representatives Buck, B. Sullivan, Kretz, DeBolt, Blake, Eickmeyer and Takko)

AN ACT Relating to regulatory reform of the hydraulic project approval program; amending RCW 77.55.330, 77.55.150, 77.55.270, 77.55.280, 77.55.300, 77.55.130, 77.55.010, 77.55.200, 77.55.220, 77.55.340, 77.55.210, 77.55.290, 77.55.160, 77.55.350, 77.55.230, 77.55.090, 77.55.120, 77.55.140, 77.55.170, 77.55.180, 77.55.040, 77.55.050, 77.55.060, 77.55.320, 76.09.050, 77.12.865, and 77.65.250; adding new sections to chapter 77.55 RCW; adding a new chapter to Title 77 RCW; creating a new section; recodifying RCW 77.55.330, 77.55.030, 77.55.360, 77.55.150, 77.55.270, 77.55.020, 77.55.280, 77.55.300, 77.55.130, 77.55.200, 77.55.220, 77.55.340, 77.55.210, 77.55.290, 77.55.160, 77.55.010, 77.55.350, 77.55.230, 77.55.090, 77.55.120, 77.55.260, 77.55.140, 77.55.170, 77.55.180, 77.55.040, 77.55.050, 77.55.060, 77.55.070, 77.55.080, 77.55.310, 77.55.320, and 77.55.240; and repealing RCW 77.55.100, 77.55.110, 77.55.190, 77.55.250, and 77.55.370.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1353 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Morrell, Cody, Clibborn, Campbell, Williams, Conway and Santos)

AN ACT Relating to funding a central resource center for the nursing work force; amending RCW 43.70.110 and 43.70.250; adding a new section to chapter 18.79 RCW; creating a new section; repealing RCW 18.79.---; repealing 2005 c ... s 1 (uncodified); and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 1365 by House Committee on Health Care (originally sponsored by Representatives Appleton, Bailey and Cody)

AN ACT Relating to home and community services' case management responsibilities; and amending RCW 74.09.520, 74.39A.009, 74.39A.030, 74.39A.090, 74.39A.095, and 74.39A.240.

Referred to Committee on Health & Long-Term Care.

HB 1386 by Representatives Takko, Haler, Haigh, Ericks, Hankins, McCoy and Chase

AN ACT Relating to the surcharge for preservation of historical documents; and amending RCW 36.22.170.

Referred to Committee on Government Operations & Elections.

SHB 1387 by House Committee on Transportation (originally sponsored by Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, Appleton, Murray, Hudgins, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille)

AN ACT Relating to Washington state patrol vehicle accident investigations and corrective action procedures; adding a new section to chapter 43.43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1394 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Condotta and Kenney)

AN ACT Relating to the department of licensing; amending RCW 18.96.050, 19.105.380, and 64.36.225; adding a new section to chapter 43.24 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1460 by House Committee on Transportation (originally sponsored by Representatives Green, Shabro, Flannigan, Talcott, Morrell and Lantz)

AN ACT Relating to county contracts for construction, maintenance, or repair of a marine vessel; amending RCW 39.08.100; and declaring an emergency.

Referred to Committee on Transportation.

HB 1466 by Representatives Flannigan, Woods, Darneille, Condotta, Kirby, Orcutt, Simpson, Haigh, Nixon, Chase, Strow, Hunt, Blake, Campbell and Kagi

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1487 by Representatives Ormsby, Dunshee, Serben and Crouse

AN ACT Relating to payment agreements; and amending RCW 39.96.020.

Referred to Committee on Government Operations & Elections.

SHB 1502 by House Committee on Finance (originally sponsored by Representatives Takko and DeBolt)

AN ACT Relating to tax abatements for property damaged or destroyed by natural disasters; and amending RCW 84.70.010.

Referred to Committee on Ways & Means.

HB 1533 by Representatives Appleton, Bailey, Cody, Morrell, Skinner, Hinkle, Curtis and Campbell

AN ACT Relating to inspection of hospitals; and amending RCW 70.41.120 and 70.41.122.

Referred to Committee on Health & Long-Term Care.

2SHB 1542 by House Committee on Appropriations (originally sponsored by Representatives Lantz, Hinkle, Appleton, Rodne, Lovick, Newhouse, Buri, Darneille, Williams, McDermott, Clibborn, Schual-Berke, O'Brien, McIntire, Kagi, Hasegawa, Dickerson, Green, Kenney and Kilmer)

AN ACT Relating to indigent defense services; amending RCW 10.101.005 and 10.101.030; adding new sections to chapter 10.101 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1599 by Representatives Takko, Wallace and Woods

AN ACT Relating to the definition of "county engineer"; and amending RCW 36.75.010.

Referred to Committee on Transportation.

HB 1600 by Representatives Takko, Wallace and Woods

AN ACT Relating to county road construction projects reporting requirements; and amending RCW 36.77.065 and 36.81.130.

Referred to Committee on Transportation.

E2SHB 1605 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos)

AN ACT Relating to protecting children from area-wide soil contamination; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

ESHB 1635 by House Committee on Local Government (originally sponsored by Representatives Kessler, Haler, Clibborn, Jarrett, O'Brien, Hankins, Ericks, Grant, Buck, Chase and Kenney)

AN ACT Relating to ambulance and emergency medical service funding; amending RCW 35.21.766; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1648 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Appleton, Orcutt, Lovick, Campbell, Strow and Hinkle)

AN ACT Relating to increasing the penalty for intercepting, recording, or divulging private communications in executive sessions; amending RCW 42.30.020; adding a new section to chapter 42.30 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 1690 by Representatives Cody and Moeller

AN ACT Relating to the applicability of certain taxes and assessments to state funded health care services; and amending RCW 48.14.0201 and 48.41.090.

Referred to Committee on Ways & Means.

ESHB 1696 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Buck, Takko, Holmquist, McCune, Condotta, Hinkle and B. Sullivan)

AN ACT Relating to enhanced fish and wildlife penalties; amending RCW 77.15.070, 77.15.370, 77.15.410, 77.15.420, and 77.15.450; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1703 by House Committee on Finance (originally sponsored by Representatives Jarrett and Sells)

AN ACT Relating to fare cards for transportation facilities and services; and amending RCW 63.29.010 and 63.29.190.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 1711 by House Committee on Transportation (originally sponsored by Representatives Wallace, Woods, Simpson, Morrell, Lovick, Flannigan, Chase, Moeller and Kilmer)

AN ACT Relating to parking places for persons with disabilities; amending RCW 46.61.581, 46.16.381, 46.16.385, and 46.16.390; and reenacting and amending RCW 46.55.113 and 73.04.110.

Referred to Committee on Transportation.

HB 1742 by Representatives Clibborn, Haler, Appleton, Ericks, Simpson, Kristiansen, Linville, Schindler and Quall

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Ways & Means.

E2SHB 1794 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Sommers, Fromhold, Priest, Sells, Moeller, Hasegawa, Conway, Ormsby, McCoy, Roberts, Kessler, Darneille, O'Brien, Murray, Dickerson, Lantz, Williams, Chase, Hunter, Lovick, Dunshee, Kagi, Morrell, Haigh, McDermott, Wood and Hudgins)

AN ACT Relating to expanding access to baccalaureate degree programs; amending RCW 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.020, 28B.50.030, 28B.50.140, 28B.15.069, and 28B.76.230; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1798 by House Committee on Transportation (originally sponsored by Representatives Simpson, Skinner, Lovick, Armstrong, B. Sullivan, Schindler, Upthegrove, Murray and Hudgins)

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; reenacting and amending RCW 47.36.320; creating a new section; and repealing RCW 47.36.325.

Referred to Committee on Transportation.

SHB 1817 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Ericks, Hinkle, Simpson, Buck, Murray, Hankins, Williams, Haigh and McDermott)

AN ACT Relating to ensuring the lawful transport and handling of recyclable materials; amending RCW 70.95.305; reenacting and amending RCW 70.95.020; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SHB 1854 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest, Haler, Walsh and Williams)

AN ACT Relating to withholding of the driving privilege; amending RCW 46.20.265, 46.20.270, 46.20.285, 46.20.289, 46.20.324, 46.20.334, and 46.63.110; adding a new section to chapter 46.20 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

E2SHB 1896 by House Committee on Appropriations (originally sponsored by Representatives Appleton, Eickmeyer, Chase and Haigh)

AN ACT Relating to geoduck harvest in Hood Canal; adding new sections to chapter 79.96 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1951 by House Committee on Education (originally sponsored by Representatives Quall, Talcott, Haler, Morrell, Campbell, O'Brien, Hankins, Kagi and McDermott)

AN ACT Relating to vision exams for school-aged children; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1975 by House Committee on Finance (originally sponsored by Representatives Springer, Tom, B. Sullivan, O'Brien, Cody, Kagi, Blake, Orcutt, McIntire, Nixon, Hinkle, Condotta, Haigh and Kenney)

AN ACT Relating to the excise taxation of trail maintenance and construction services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2081 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh)

AN ACT Relating to creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2085 by House Committee on Transportation (originally sponsored by Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby, B. Sullivan, Dickerson, Chase, Wood and Ericks)

AN ACT Relating to cleanup of waste tires; amending RCW 70.95.510, 70.95.530, 70.95.555, 70.95.560, and 70.95.903; adding new sections to chapter 70.95 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SHB 2086 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives McCoy, Eickmeyer, Chase, Wallace, Blake, Linville, Morrell, Uptegrove, Appleton and Hunt)

AN ACT Relating to authorizing extension or expansion of sewage treatment systems in rural areas when necessary to address Hood Canal concerns; creating new sections; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

ESHB 2097 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton)

AN ACT Relating to establishing a management program for Hood Canal rehabilitation; adding new sections to chapter 90.--RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 2105 by Representatives Chase, DeBolt, Eickmeyer, Hinkle, Kessler, O'Brien, McCune, Ormsby, Hankins, Clements, Hasegawa, Ericks, Upthegrove, Moeller, Flannigan, Appleton, Hunt and McCoy

AN ACT Relating to including the Hood Canal area in the state's on- site sewage grant program; amending RCW 90.71.100; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

HB 2282 by Representatives Sommers, O'Brien, Haler and Skinner

AN ACT Relating to the costs of transporting offender property upon transfer; amending RCW 72.02.045; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1487 which was referred to the Committee on Government Operations & Elections.

MOTION

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

SECOND READING

SENATE BILL NO. 5330, by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

Creating the economic development grants program.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5330.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 43

Absent: Senators Deccio and Stevens - 2

Excused: Senators Doumit, Oke, Prentice and Zarelli - 4

SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5992, by Senators Kohl-Welles and Parlette

Modifying self-insurer assessments under the second injury fund.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5992 was substituted for Senate Bill No. 5992 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5992 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5992.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5992 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Absent: Senator Hargrove - 1

Excused: Senators Doumit, Oke, Prentice and Zarelli - 4

SUBSTITUTE SENATE BILL NO. 5992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators Johnson, Kline and Rockefeller

Creating the uniform estate tax apportionment act.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, Oke and Prentice - 3

SUBSTITUTE SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5237, by Senators Keiser, Kohl-Welles, Parlette, Honeyford, Prentice and Shin

Requiring mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5551, by Senators Hargrove, Hewitt, Schoesler, Mulliken, Parlette and Oke

Studying the minimum wage.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5551 was substituted for Senate Bill No. 5551 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Voting nay: Senators Fairley and Thibaudeau - 2

SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Keiser: "I would like to say thank you to the President of the Senate for your kind consideration with the event on Friday. I appreciate that neither myself nor my colleague, Senator Rockefeller, were graveled down for our antics in the aisle. I do appreciate that and I also appreciate your kind thoughts and the signed CD."

REPLY BY THE PRESIDENT

President Owen: "You're welcome."

SECOND READING

SENATE BILL NO. 5614, by Senators Keiser, Parlette, Rasmussen, Hargrove, Honeyford, Mulliken, Berkey, Oke and Kohl-Welles

Requiring annual audits of the state industrial insurance fund. Revised for 1st Substitute: Requiring industrial insurance fund audits.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5614 was substituted for Senate Bill No. 5614 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator McAuliffe, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SUBSTITUTE SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5325, by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore

Promoting economic development and community revitalization.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Brown and Shin spoke in favor of passage of the bill.

Senator Pridemore spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Fairley, Honeyford and Pridemore - 3

SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5699, by Senators Oke, Jacobsen, Spanel, Doumit, Kline, Rockefeller and Rasmussen

Preventing and controlling aquatic invasive species and algae.

MOTION

On motion of Senator Oke, Substitute Senate Bill No. 5699 was substituted for Senate Bill No. 5699 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Jacobsen be adopted.

On page 6, after line 1, insert the following:

"NEW SECTION. Sec. 7. Section 2 of this act expires June 30, 2012."

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Jacobsen on page 6, after line 1 to Engrossed Substitute Senate Bill No. 5699.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Benton, Mulliken and Stevens - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5583, by Senators Regala, Hargrove, McAuliffe, Stevens, Carrell, Kline, Rasmussen and Kohl-Welles

Older child victims of abuse.

The measure was read the second time.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala, Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

(1) The department shall develop a curriculum designed to train the staff of the department's children's administration who assess or provide services to adolescents on how to screen and respond to referrals to child protective services when those referrals may involve victims of abuse or neglect between the ages of eleven and eighteen. At a minimum, the curriculum developed pursuant to this section shall include:

(a) Review of relevant laws and regulations, including the requirement that the department investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under eighteen;

(b) Review of policies of the department's children's administration that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;

(c) Explanation of safety assessment and risk assessment models;

(d) Case studies of situations in which the department has received reports of alleged abuse or neglect of older children and adolescents;

(e) Discussion of best practices in screening and responding to referrals involving older children and adolescents; and

(f) Discussion that may involve victims of abuse or neglect referrals related to adolescents are investigated and when law enforcement must be notified.

(2) As it develops its curriculum pursuant to this section, the department shall request that the office of the family and children's ombudsman review and comment on its proposed training materials. The department shall consider the comments and recommendations of the office of the family and children's ombudsman as it develops the curriculum required by this section.

(3) The department shall complete the curriculum materials required by this section no later than December 31, 2005.

(4) The department shall train the child protective services workers who screen intake calls on how to screen and respond to referrals that may involve victims of abuse or neglect between the ages of eleven and eighteen. The training shall be based substantially on the curriculum developed pursuant to this act and shall be completed by December 31, 2005.

(5) The department shall use the curriculum to train all children's administration staff responsible for assessing or providing services to older children and adolescents by April 30, 2006.

(6) The department shall include the curriculum in its training of all new employees of children's administration.

(7) The department shall keep a record of all of the employees who have attended the training required by this section.

(8) The department shall review a sampling of not less than thirty percent of the screening decisions by child protective services related to children between the ages of eleven and eighteen on a quarterly basis through June 30, 2007. The department shall use the results of the quarterly reviews required by this section to improve practice and to improve the curriculum required by this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Regala to Engrossed Senate Bill No. 5583.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "neglect;" strike the remainder of the title and insert "adding a new section to chapter 26.44 RCW; and declaring an emergency."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5583.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5584, by Senators Jacobsen, Swecker and Haugen

Authorizing a customer facility charge on rental car customers to finance consolidated rental car facilities.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5584 was substituted for Senate Bill No. 5584 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

Senator Benton spoke on final passage of the bill.

PARLIAMENTARY INQUIRY

Senator Benton: "I know that some of you might think, 'Well, gee this is only effects the folks in Seattle and no folks at Sea Tac.' I would say that that's not true unfortunately, if it were true then I wouldn't be standing right now. It affects everybody that

comes to the great state of Washington, that flies into Seattle. And what were asking the folks here on the floor today to do is to vote for a tax increase to help private companies build new facilities. Quite frankly, I think that's wrong. I also think its unconstitutional and the fact of the matter is, if we keep raising these fees on rental cars, people are going to start renting cars in Portland and driving to Seattle. I mean there's already significant fees on rental cars in Seattle. Well, gee, a tax on those folks that have come here and it doesn't tax our citizens per se. My argument against that is it costs us a lot of money. When people start adding up the cost of what the hotel tax, the sales tax, the gas tax and now your going to add another very hefty fee on the one that is already is heavily taxed, rental cars. It will eventually affect the tourist that come to Washington state and so that will hurt all the business. We have to be competitive with other markets that draw tourism. If you think that tourist don't check on these things, you're wrong. They do. They look to see how much their vacation is going cost and especially if they come here once and they turn in their rental car, they go, 'Wow.' They get whacked with a twenty or thirty dollar fee in addition to all the other taxes, then they won't come here again. So, I ask you to take careful look at this. If the rental car companies, I know they've testified in favor of it; if they want to build a new facility there to help rent more of their cars and make is easier for their customers, then why aren't they paying for it? Why are we asking the citizens of the state and taxpayers that come and rent the cars to pay for this facility? And finally, Mr. President, I'd like to ask for a ruling on the constitutional question as to whether or not this is public support of a private enterprise, which is specifically forbidden in the Washington state constitution?"

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5584 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5775, by Senator Mulliken

Providing funds for the maintenance and preservation of small city and town streets. Revised for 1st Substitute: Authorizing the creation of a small city or town street and sidewalk improvement program.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5775 was substituted for Senate Bill No. 5775 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 16, 2005."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 16, 2005.

SECOND READING

SENATE BILL NO. 5902, by Senators Eide, Shin, Zarelli, Doumit, Rasmussen and Pflug

Establishing a small business innovation research program proposal review process.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5902 was substituted for Senate Bill No. 5902 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, Pflug and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5902.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5902 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5788, by Senators Doumit, Kastama, Mulliken, Haugen, Morton, Poulsen, Pridemore and Berkey

Improving recycling.

MOTION

On motion of Senator Doumit, Substitute Senate Bill No. 5788 was substituted for Senate Bill No. 5788 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Doumit moved that the following striking amendment by Senators Doumit and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to improve recycling, eliminate illegal disposal of recyclable materials, protect consumers from sham recycling, and to further the purposes of RCW 70.95.020 and the goal of consistency in jurisdictional treatment of the statewide solid waste management plan adopted by the department of ecology.

Sec. 2. RCW 70.95.020 and 1998 c 156 s 1 and 1998 c 90 s 1 are each reenacted and amended to read as follows:

The purpose of this chapter is to establish a comprehensive statewide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling, including that all sites where recyclable materials are generated and transported from shall provide a separate container for solid waste;

(4) To encourage the development and operation of waste recycling facilities needed to accomplish the management priority of waste recycling, ~~((and))~~ to promote consistency in the requirements for such facilities throughout the state, and to ensure that recyclable materials diverted from the waste stream for recycling are routed to facilities in which recycling occurs;

(5) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(6) To encourage storage, proper disposal, and recycling of discarded vehicle tires and to stimulate private recycling programs throughout the state; and

(7) To encourage the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling and to promote consistency in the permitting requirements for such facilities and activities throughout the state.

It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

Sec. 3. RCW 70.95.305 and 1998 c 156 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, the department may by rule exempt from the requirements to obtain a solid waste handling permit any category of solid waste handling facility that it determines to:

(a) Present little or no environmental risk; and

(b) Meet the environmental protection and performance requirements required for other similar solid waste facilities.

(2) This section does not apply to any facility or category of facilities that:

(a) Receives municipal solid waste destined for final disposal, including but not limited to transfer stations, landfills, and incinerators;

(b) Applies putrescible solid waste on land for final disposal purposes;

(c) Handles mixed solid wastes that have not been processed to segregate solid waste materials destined for disposal from other solid waste materials destined for a beneficial use or recycling;

(d) Receives or processes organic waste materials into compost in volumes that generally far exceed those handled by municipal park departments, master gardening programs, and households; or

(e) Receives solid waste destined for recycling or reuse, the operation of which is determined by the department to present risks to human health and the environment.

(3) Rules adopted under this section shall contain such terms and conditions as the department deems necessary to ensure compliance with applicable statutes and rules. If a facility does not operate in compliance with the terms and conditions established for an exemption under subsection (1) of this section, the facility is subject to the permitting requirements for solid waste handling under this chapter.

(4) This section shall not be deemed to invalidate the exemptions or determinations of nonapplicability in the department's solid waste rules as they exist on June 11, 1998, which exemptions and determinations are recognized and confirmed subject to the department's continuing authority to modify or revoke those exemptions or determinations by rule.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

(1) For the purposes of this section and section 5 of this act, "transporter" means any person or entity that transports recyclable materials from commercial or industrial generators over the public highways of the state of Washington for compensation, and who are required to possess a permit to operate from the Washington utilities and transportation commission under chapter 81.80 RCW. "Transporter" includes commercial recycling operations of certificated solid waste collection companies as provided in chapter 81.77 RCW. "Transporter" does not include:

(a) Carriers of commercial recyclable materials, when such materials are owned or being bought or sold by the entity or person, and being carried in their own vehicle, when such activity is incidental to the conduct of an entity or person's primary business;

(b) Entities or persons hauling their own recyclables or hauling recyclables they generated or purchased and transported in their own vehicles;

(c) Nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, drop box, or from a commercial or industrial generator of recyclable materials;

(d) City municipal solid waste departments or city solid waste contractors; or

(e) Common carriers under chapter 81.80 RCW whose primary business is not the transportation of recyclable materials.

(2) All transporters shall register with the department prior to the transportation of recyclable materials. The department shall supply forms for registration.

(3) A transporter who transports recyclable materials within the state without a transporter registration required by this section is subject to a civil penalty in an amount up to one thousand dollars per violation.

NEW SECTION. Sec. 5. A new section is added to chapter 70.95 RCW to read as follows:

(1) A transporter may not deliver any recyclable materials for disposal to a transfer station or landfill.

(2) A transporter shall keep records of locations and quantities specifically identified in relation to a generator's name, service date, address, and invoice, documenting where recyclables have been sold, delivered for processing, or otherwise marketed. These records must be retained for two years from the date of collection, and must be made accessible for inspection by the department and the local health department.

(3) A transporter who violates the provisions of this section is subject to a civil penalty of up to one thousand dollars per violation.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW to read as follows:

Any person damaged by a violation of sections 4 through 8 of this act may bring a civil action for such a violation by seeking either injunctive relief or damages, or both, in the superior court of the county in which the violation took place or in Thurston county. The prevailing party in such an action is entitled to reasonable costs and attorneys' fees, including those on appeal.

NEW SECTION. Sec. 7. A new section is added to chapter 70.95 RCW to read as follows:

(1) All facilities that recycle solid waste, except for those facilities with a current solid waste handling permit issued under RCW 70.95.170, must notify the department and jurisdictional health department in writing within thirty days prior to operation, or ninety days from the effective date of this section for existing recycling operations, of the intent to conduct recycling in accordance with this section. Notification must be in writing, and include:

- (a) Contact information for the person conducting the recycling activity;
- (b) A general description of the recycling activity;
- (c) A description of the types of solid waste being recycled; and
- (d) A general explanation of the recycling processes and methods.

(2) Each facility that recycles solid waste, except those facilities with a current solid waste handling permit issued under RCW 70.95.170, shall prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail recycling activities during the previous calendar year and include the following information:

- (a) The name and address of the recycling operation;
- (b) The calendar year covered by the report;
- (c) The annual quantities and types of waste received, recycled, and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and

(d) Any additional information required by written notification of the department that is needed to determine progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4).

(3) Any facility, except for product take-back centers, that recycles solid waste materials within the state without first obtaining a solid waste handling permit under RCW 70.95.170 or completing a notification under this section is subject to a civil penalty of up to one thousand dollars per violation.

(4) Facilities that collect, recover, process, or otherwise recycle scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal are exempt from the requirements of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

(1) The department may adopt rules that establish financial assurance requirements for recycling facilities that do not already have financial assurance requirements under this chapter, or are not already specifically exempted from financial assurance requirements under this chapter. The financial assurance requirements must take into consideration the amounts and types of recyclable materials recycled at the facility, and the potential closure and postclosure costs associated with the recycling facility; which assurance may consist of posting of a surety bond in an amount sufficient to meet these requirements or other financial instrument, but in no case less than ten thousand dollars.

(2) A recycling facility is required to meet financial assurance requirements adopted by the department by rule, unless the facility is already required to provide financial assurance under other provisions of this chapter.

(3) Facilities that collect, recover, process, or otherwise recycle scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal are exempt from the requirements of this section.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Doumit and Morton spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Roach: "Will Senator Doumit yield to a question? I'm reading in the background. It says that if you're a solid waste company and you are, it says, it essentially says here if you are in a city, the city's regulations take effect. But the way I'm reading this, if you happen to be in a county then we're asking the state to do the regulation. My question to you is: 'Why wouldn't it fall naturally, if your picking up refuse in a county, that the county, one of the thirty-nine counties would not be the regulations as the cities are allowed to do?'"

Senator Doumit: "Currently I don't know of any counties that do that type of regulations. That they, the state, do it for them. The cities do handle waste in a different manner and I would have to do more research to give you a better answer than that."

Senator Roach: "Thank you, thank you Senator."

Senator Doumit: "The UTC is the state agency which generally is regulating the garbage and waste handling for the counties."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit and Poulsen to Substitute Senate Bill No. 5788.

The motion by Senator Doumit carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 70.95.305; reenacting and amending RCW 70.95.020; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Substitute Senate Bill No. 5788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5788.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5788 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Franklin, Fraser, Pflug, Stevens and Thibaudeau - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Haugen, Oke, Jacobsen, Swecker, Poulsen, Spanel and Shin

Authorizing the department of transportation to impose impact fees. Revised for 1st Substitute: Authorizing the department of transportation to impose mitigation or mitigation fees.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5164 was substituted for Senate Bill No. 5164 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, line 12, after "facilities" strike all material through "department" on line 14

On page 2, line 30, after "facilities" strike all material through "36.70A.030" on line 31

On page 3, line 18, after "facilities" strike all material through "36.70A.030" on line 19

On page 3, line 37, after "significance" strike all material through "36.70A.030" on page 4, line 1

Senator Roach spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 12 to Substitute Senate Bill No. 5164.

The motion by Senator Roach failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, line 6, after "within" strike "six" and insert "three"
On page 3, line 11, after "within" strike "six" and insert "three"
Senator Benton spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 6 to Substitute Senate Bill No. 5164.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 2, line 36 after "activity" strike ";" and insert ". The formula or method for calculating the amount of mitigation or mitigation fees shall be approved by the legislature prior to implementation by the department of transportation;"

Senator Esser spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 2, line 36 to Substitute Senate Bill No. 5164.

MOTION

Senator Esser demanded a division.

The motion by Senator Esser failed and the amendment was not adopted by a rising vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 3, line 14, after "development" strike "meeting the criteria of "affordable housing" as defined in RCW 43.63A.510"

Senator Mulliken spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 3, line 14 to Substitute Senate Bill No. 5164.

MOTION

Senator Haugen demanded a division.

The motion by Senator Mulliken failed and the amendment was not adopted by a rising vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 3, line 15, after "43.63A.510;" strike "or"

On page 3, line 19, after "36.70A.030" strike "." and insert "; or"

On page 3, after line 19, insert the following:

"(c) Development within counties with a population density of less than sixty people per square mile, and within any city within such a county."

Senators Mulliken and Sheldon spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 3, line 15 to Substitute Senate Bill No. 5164.

MOTION

Senator Sheldon demanded a division.

The motion by Senator Mulliken failed and the amendment was not adopted by a rising vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.
On page 3, line 16, after "than" strike "twenty-five" and insert "thirty-five"

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton to Substitute Senate Bill No. 5164 was withdrawn.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Haugen be adopted.
On page 3, line 19, after "36.70A.030." insert the following:
"However, development activity subject to this exemption may choose, at the developer's option, to subject the development activity to the provisions of this section."
Senators Hargrove and Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Haugen on page 3, line 19 to Substitute Senate Bill No. 5164.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Swecker and Haugen be adopted.

On page 6, after line 7, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 47.04 RCW to read as follows:

The department of transportation may impose and collect latecomer fees on behalf of another entity for infrastructure improvement projects initially funded partially or entirely by private sources. However, there must be an agreement in place between the department of transportation and the entity before the imposition and collection of any such fees, that specifies (1) the collection process; (2) the maximum amount that may be collected; and (3) the period of time during which the collection may occur."

Renumber the section following consecutively and correct any internal references accordingly.

Senators Zarelli and Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Swecker and Haugen on page 6, line 7 to Substitute Senate Bill No. 5164.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 6, line 8, strike all of section 6

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 6, line 8 to Substitute Senate Bill No. 5164.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens be adopted.

On page 6, line 8 strike "2005" and insert "2007"

Senator Stevens spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 6, line 8 to Substitute Senate Bill No. 5164.

The motion by Senator Stevens failed and the amendment was not adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted.
In line 4 of the title, after "adding" strike "a new section" and insert "new sections"
In line 3 of the title, after "RCW;" insert "and" and in line 4 of the title, after "RCW" strike everything through "date"
in line 5

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Haugen and Swecker spoke in favor of passage of the bill.
Senator Esser spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon, Stevens and Zarelli - 21

Absent: Senator McAuliffe - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Rockefeller and Kastama were excused.

SECOND READING

SENATE BILL NO. 5872, by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt

Creating the department of family and children's services.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5872 was substituted for Senate Bill No. 5872 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A task force on the administrative organization, structure, and delivery of services to children and families is created to determine the most appropriate and effective administrative structure for delivery of social and health services to children and families, including juvenile rehabilitation services. The task force shall study how best to ensure that an administration has defined lines of responsibility for delivering services to families and children in need and the best means for the public to hold government accountable for delivery of those services. The task force shall compare the effectiveness of including children and families services delivery within an umbrella agency, such as the current department of social and health services, with establishing a separate department for children and family services whose director reports directly

to the governor and is not under the administration of an umbrella agency. The task force shall, as part of the comparison, examine the administrative structures used in other states for the delivery of services to children and families.

NEW SECTION. Sec. 2. (1) The task force created in section 1 of this act shall consist of the following members appointed by the governor:

(a) The dean of the school of social work at the University of Washington or an academic professor from a list recommended by the dean;

(b) Two members of the senate, from names recommended by the chair of the senate committee on human services and corrections, which must include one member from the minority party;

(c) Two members of the house of representatives, from names recommended by the chair of the committee on children and family services, which must include one member from the minority party;

(d) An academic professor with expertise in the management of public agencies, from a list of names recommended by the dean of the University of Washington's Daniel J. Evans graduate school of public administration;

(e) A juvenile court administrator, from a list of names recommended by the juvenile court administrators' association;

(f) A family superior court judge, from a list of names recommended by the superior court judges' association;

(g) A law enforcement officer with experience in working with child protective services investigations, from a list of names recommended by the Washington association of sheriffs and police chiefs;

(h) The director of the office of public defense;

(i) The director of the office of the family and children's ombudsman;

(j) A line worker from the department of social and health services, juvenile rehabilitation administration's community supervision and placement services, from a list of names recommended by the federation of state employees;

(k) A line social worker from the department of social and health services with a master's degree in social work and fifteen years' experience in the public or private sector investigating child abuse or neglect and referring families and children to alcohol and substance abuse services, from a list of names recommended by the federation of state employees;

(l) A private vendor of mental health services to families of children and children in both in-home and out-of-home placements as a result of abuse or neglect or for juvenile rehabilitation, from a list of names recommended by the Washington state coalition of children's residential services;

(m) The director of the department of social and health services, children's administration, office of legislative affairs; and

(n) A representative of the governor's office.

(2) The dean of the school of social work at the University of Washington or the academic professor appointed by the governor shall be the chair of the task force.

NEW SECTION. Sec. 3. (1) The task force shall study and report findings and recommendations on which administrative and service delivery structures will best accomplish positive outcomes for children and families and efficiencies in administration, including but not limited to:

(a) Reducing the number of children at risk for abuse or neglect and increasing the safety and well-being of children;

(b) Increasing the ability of families to care for their own children and reducing the number of children in foster care;

(c) Increasing placement stability and permanency for children in out-of-home care and reducing unsafe and inappropriate placements;

(d) Delivering appropriate and timely mental health services;

(e) Providing adequate and appropriate staff training and education;

(f) Promoting foster parent recruitment, training, and retention;

(g) Reducing the frequency and duration of sibling separation;

(h) Delivering adequate and timely services to adolescents;

(i) Increasing responsibility and accountability for achieving goals; and

(j) Improving any other measurable outcomes for children and families.

(2) The task force shall study and report findings and recommendations on the costs, benefits, savings, or reductions in services of the various administrative and service delivery structures described in section 1 of this act.

NEW SECTION. Sec. 4. The first meeting of the task force shall be no later than May 1, 2005, with subsequent meetings as needed. The task force may consult with others as is needed.

NEW SECTION. Sec. 5. The final report of the findings and recommendations shall be provided to appropriate committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Stevens and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Substitute Senate Bill No. 5872.

The motion by Senator Stevens carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "creating the joint task force on the administration and delivery of services to children and families; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5872.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Brown, Carrell, Deccio and Doumit - 4

Excused: Senators Kastama and Rockefeller - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Thibaudeau moved adoption of the following resolution:

SENATE RESOLUTION

8634

By Senators Thibaudeau, Kohl-Welles, Parlette and Weinstein

WHEREAS, Founded in 1972, Pacific Northwest Ballet is one of the largest and most highly regarded ballet companies in the nation; and

WHEREAS, Dance Magazine writer Marion Horosko described Pacific Northwest Ballet School as "one of the leading, if not the definitive, professional training school in the country"; and

WHEREAS, In 1977, Pacific Northwest Ballet hired co-artistic directors, Kent Stowell and Francia Russell, and modeled the company after New York City Ballet; and

WHEREAS, As principal choreographer, Stowell created more full-length ballets than any other American artistic director of a major dance company; and

WHEREAS, As school director, Russell developed a complete dance curriculum, attracting talented dancers, artists, choreographers, and staff; and

WHEREAS, For more than 27 years, Stowell and Russell's vision, passion, and commitment to excellence have made Pacific Northwest Ballet a world-class dance organization for generations of artists; and

WHEREAS, Stowell and Russell have received many awards, including the Governor's Arts Award and Honorary Doctorate of Humane Letters from Seattle University; and

WHEREAS, Stowell and Russell are retiring after 27 years at Pacific Northwest Ballet; and

WHEREAS, They will be remembered for their commitment to the arts and dedication to broadening and enriching cultural appreciation, expression, and celebration in the community; and

WHEREAS, Pacific Northwest Ballet has captivated a devoted, supportive, and continually growing audience while maintaining a strong financial foundation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the artistic leadership of Stowell and Russell, who transformed Pacific Northwest Ballet into an organization of international distinction and provide excellence in dance training and superior performances for all generations; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Kent Stowell and Francia Russell, co-artistic directors of Pacific Northwest Ballet, and Peter A. Horvitz, president of Pacific Northwest Ballet.

Senators Thibaudeau, Keiser and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

The motion by Senator Thibaudeau carried and the resolution was adopted by voice vote.

MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Eide, moved that Gubernatorial Reappointment No. 9177, James K. Rottle, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senators Eide and Johnson spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Pflug, Mulliken and Swecker were excused.

REAPPOINTMENT OF JAMES K. ROTTLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9177, James K. Rottle as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9177, James K. Rottle as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Benson, Deccio, Delvin and Finkbeiner - 4

Excused: Senators Mulliken, Pflug, Rockefeller and Swecker - 4

Gubernatorial Reappointment No. 9177, James K. Rottle, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

MOTION

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

SECOND READING

SENATE BILL NO. 5060, by Senators Haugen, Swecker and Jacobsen

Regulating automated traffic safety cameras. Revised for 1st Substitute: Regulating the use of automated traffic safety cameras.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5060 was substituted for Senate Bill No. 5060 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, line 10, after "ordinance" insert "approved by the state department of transportation"

Senator Roach spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 10 to Substitute Senate Bill No. 5060.

The motion by Senator Roach failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 10 after "detect" strike all material through "zone" on line 11, and insert "railroad crossing"

On page 1, line 18, after "restricted to" strike "two-arterial intersections, railroad crossings, and school speed zones" and insert "railroad crossings"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 10 to Substitute Senate Bill No. 5060.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 16, after "section" strike ", but are not required to enact an authorizing ordinance." and insert ". Such a local government must discontinue its use of traffic safety cameras until it has passed an authorizing ordinance in compliance with this act."

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton the amendment to Substitute Senate Bill No. 5060 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, line 2, after "only." insert "However, automated traffic safety cameras may not be used on any state highway."

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton the amendment to Substitute Senate Bill No. 5060 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 3, line 15, after "infractions" strike all material through line 17 and insert "However, all of the revenue generated shall be distributed to the highway safety account."

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton the amendment to Substitute Senate Bill No. 5060 was withdrawn.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 3, line 17, after "46.20.270(3)." insert "However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 17 to Senate Bill No. 5060.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens be adopted.

On page 6, after line 2, insert the following:

"**NEW SECTION. Sec. 4.** This act shall take effect July 01, 2007. "

On page 1, line 3 of the title, after "46.63. RCW" insert "; and providing an effective date"

Senator Stevens spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 6, after line 2 to Substitute Senate Bill No. 5060.

The motion by Senator Stevens failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Oke, Fairley and Swecker spoke in favor of passage of the bill.

Senators Hargrove, Carrell, Sheldon and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5060.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Deccio, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens and Zarelli - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5213, by Senators Brandland, Hargrove, Esser, Regala, McAuliffe, Thibaudeau, Stevens, Kohl-Welles and Shin

Supporting the long-term success of families with children by removing barriers to Temporary Assistance for Needy Families and the WorkFirst programs.

MOTION

On motion of Senator Brandland, Second Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senators Brandland and Regala be adopted: Strike everything after the enacting clause and insert the following:

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

(1) Too many families with children in Washington are unable to afford shelter, clothing, and other necessities of life; basic necessities that are at the core of economic security and family stability.

(2) Parents who lack resources for shelter, clothing, and transportation are less likely to obtain employment or have the ability to adequately provide for their children's physical and emotional well-being and educational success.

(3) Washington's temporary assistance for needy families helps financially struggling families find jobs, keep their jobs, get better jobs, and build a better life for their children through the WorkFirst program.

(4) Participation in the WorkFirst program through temporary assistance for needy families is an important step towards self-sufficiency and decreased long-term reliance on governmental assistance.

(5) Removing this barrier to participation in temporary assistance for needy families and WorkFirst will serve to strengthen families and communities throughout the state.

(6) Preventing even one percent of these individuals from reoffending by extending economic and employment opportunities will result in law enforcement and correctional savings that substantially exceed the cost of temporary assistance for needy families and WorkFirst services.

Sec. 2. RCW 74.08.025 and 2004 c 54 s 5 are each amended to read as follows:

(1) Public assistance may be awarded to any applicant:

(a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and

(b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant;

and

(c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

(2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, using the eligibility rules and other definitions established under this chapter, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state.

(3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt.

~~(4) ((In order to be eligible for temporary assistance for needy families benefits, any applicant with a felony conviction after August 21, 1996, involving drug use or possession, must: (a) Have been assessed as chemically dependent by a chemical dependency program approved under chapter 70.96A RCW and be participating in or have completed a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and (b) have not been convicted of a felony involving drug use or possession in the three years prior to the most current conviction.~~

~~(5)) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(1) and (2) to ensure eligibility for temporary assistance for needy families benefits and federal food assistance.~~

NEW SECTION. Sec. 3. This act takes effect September 1, 2005."

Senator Brandland spoke in favor of adoption of the striking amendment.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the striking amendment be adopted.

Beginning on page 2, line 37 of the amendment, after "(4)" strike all material through "(5))" on page 3, line 8, and insert "In order to be eligible for temporary assistance for needy families benefits, any applicant with a felony conviction (~~after August 21, 1996,~~) involving drug use or possession (~~must: (a) Have been assessed as chemically dependent by a chemical dependency program approved under chapter 70.96A RCW and be participating in or have completed a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and (b) have not been convicted of a felony involving drug use or possession in the three years prior to the most current conviction~~) after August 21, 1996, and who is found eligible for temporary assistance for needy families benefits after the effective date of this act, shall become ineligible to receive such benefits if he or she is convicted of more than one subsequent felony for drug use or possession after the effective date of this act.

(5)"

Senator Carrell spoke in favor of adoption of the amendment to the striking amendment.

Senators Brandland and Regala spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 37 to the striking amendment to Second Substitute Senate Bill No. 5213.

The motion by Senator Carrell failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brandland and Regala to Second Substitute Senate Bill No. 5213.

The motion by Senator Brandland carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 74.08.025; creating a new section; and providing an effective date."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5213.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Carrell and Swecker - 2

Excused: Senator Pflug - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

SECOND READING

SENATE BILL NO. 5064, by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles, Weinstein and Keiser

Studying the use of electronic medical records.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Voting nay: Senator Roach - 1

Absent: Senator Thibaudeau - 1

Excused: Senators McAuliffe and Pflug - 2

SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5158, by Senators Keiser, Brandland, Kastama, Parlette and Benson

Modifying the uniform health care information act.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5158 was substituted for Senate Bill No. 5158 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 7, line 21, after "name", strike ", address,".

Senators Keiser and Deccio spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 7, line 21 to Substitute Senate Bill No. 5158.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5178, by Senators Kastama, Keiser, Benson and Brandland

Issuing a moratorium on licensing specialty hospitals.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Stevens and Swecker - 3

Excused: Senators McAuliffe and Pflug - 2

SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Rasmussen, Roach, Shin, Jacobsen, Delvin, Carrell, Rockefeller, Fraser, Franklin, Kastama, Regala and Pridemore

Creating the military department capital account and rental and lease account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators Poulsen, Swecker, Pridemore, Kline, Fraser and Rockefeller

Providing lien authority to the department of ecology to facilitate the recovery of remedial action costs under the model toxics control act.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 36

Voting nay: Senators Benton, Deccio, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Roach, Schoesler, Sheldon, Stevens and Zarelli - 12

Excused: Senator Pflug - 1

SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5552, by Senators Kohl-Welles, McAuliffe, Benton, Johnson, Shin, Carrell, Rasmussen, Mulliken and Roach

Requiring school districts to request information from employment applicants' out-of-state employers.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Schmidt and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5552.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Pflug - 1

SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5606, by Senators Pridemore, Schmidt, McAuliffe and Kohl-Welles

Concerning the activation of the national guard.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 2, after line 21, insert the following:

"**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Pridemore and Schmidt spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Weinstein, Senator Fairley was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, after line 21 to Senate Bill No. 5606.

The motion by Senator Pridemore carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "guard;" strike "and"

On page 1, line 2 of the title, after "38.24.010" insert "; and declaring an emergency"

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Schmidt spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

ENGROSSED SENATE BILL NO. 5606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:02 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 3:45 p.m.
The Senate was called to order at 3:45 p.m. by President Owen.

MOTION

At 3:46 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 4:46 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6012, by Senators Spanel, Oke, Weinstein, Esser and Rasmussen

Making transportation services an authorized purpose for parking and business improvement areas.

The measure was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Hewitt, Mulliken and Stevens - 3

Absent: Senator Hargrove - 1

SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6022, by Senator Prentice

Revising provisions relating to wastewater treatment and conveyance system projects. Revised for 1st Substitute:
Changing provisions relating to surety bonds or insurance for public building or construction contracts.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6022 was substituted for Senate Bill No. 6022 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

Senators Prentice and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5789, by Senators Prentice and Parlette

Expanding the role of self-insurers in the workers' compensation system.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5789 was substituted for Senate Bill No. 5789 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5789.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Benton that Senate Bill 5584 takes a two-thirds vote on final passage under statutes enacted by Initiative Number 601 because it imposes a tax, the President finds and rules as follows:

The President has long differentiated between taxes and fees for purposes of I-601 provisions, but a brief review of this precedent is instructive. A "tax" raises revenue for general government purposes. By contrast, a "fee" is charged to a specific class of payors to provide for a specific service, program, or facility. The analysis does not turn on whether a measure calls a specific revenue increase a tax or fee, but rather upon the nexus between the class of those paying and the purpose for which the funds are to be used.

In this case, only those renting cars from an airport will pay this fee. The fee proceeds will be used only to design and construct consolidated rental car facilities at airports, and to provide shuttle service between airport terminals and those facilities. No other class of persons will be paying this amount, and no funds raised by the fee will be used for any purpose other than those specifically related to airport rental car facilities. As a result, this revenue is properly characterized as a fee and not a tax.

For these reasons, I-601's supermajority provisions are not triggered, and Senator Benton's point is not well-taken. Only a simple majority vote of this body is needed for final passage of this measure.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5584 which had been deferred earlier in the day.

MOTION

Senator Benton moved that the rules be suspended and that Substitute Senate Bill No. 5584 be returned to second reading for the purposes of amendment.

Senators Haugen and Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Benton to suspend the rules and return Substitute Senate Bill No. 5584 to second reading for the purposes of amendment. The motion by Senator Benton failed and Substitute Senate Bill No. 5584 was not returned to second reading by voice vote.

POINT OF PARLIAMENTARY INQUIRY

Senator Jacobsen: "I understand that the rule is in effect that every member can only speak one time on the bill and I think Senator Benton spoke earlier, and if, he did he certainly went on for long enough."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5584. Senators Benton and Swecker spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 31

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon and Stevens - 18

SUBSTITUTE SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5513, by Senators Haugen, Shin, Kohl-Welles, Rasmussen, Fairley and Prentice

Restructuring certain transportation agencies.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5513 was not substituted for Senate Bill No. 5513 and the substitute bill was not adopted.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the interest of the state to restructure the roles and responsibilities of the state's transportation agencies in order to improve efficiency and accountability. The legislature also finds that continued citizen oversight of the state's transportation system remains an important priority. To achieve these purposes, the legislature intends to provide direct accountability of the department of transportation to the governor, in his or her role as chief executive officer of state government, by making the secretary of transportation a cabinet-level official. Additionally, it is essential to clearly delineate between the separate and distinct roles and responsibilities of the transportation commission and the department of transportation. Finally, consolidating the research and audit functions of the state's transportation agencies under a single citizen-governed entity, the transportation commission, will better serve the state.

Departmental Governance

Sec. 2. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission))~~ governor with the consent of the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the transportation commission without a vote. ~~((The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it.))~~ The secretary shall serve ~~((until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final))~~ at the pleasure of the governor.

Sec. 4. RCW 47.01.061 and 1987 c 364 s 2 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 5. RCW 47.01.071 and 1981 c 59 s 2 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state (~~and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session~~);

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) (~~To establish the policy of the department to be followed by the secretary on each of the following items:~~

~~(a))~~ To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

~~((b))~~ (3) In conjunction with the provisions under section 6 of this act, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

~~((c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;~~

~~(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;~~

~~(3))~~ (4) To (~~direct the secretary to~~) prepare (~~and submit to the commission~~) a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the governor and the legislature and applicable state and federal laws. (~~After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session.~~) The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter. (~~A preliminary plan shall be submitted to such committees by January 1, 1979.~~)

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

~~((4))~~ (5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~((5) To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;~~

~~(6) To review and authorize all departmental requests for legislation;~~

~~(7))~~ (6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

~~((8))~~ (7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

~~((9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;~~

~~(10))~~ (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation commission shall provide a forum for the development of transportation policy in Washington state. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of

the department. It may further hold hearings and explore ways to improve the mobility of the citizenry. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report that outlines the transportation priorities of the ensuing biennium. The report must:

- (a) Consider the citizen input gathered at the forums;
- (b) Be developed with the assistance of state transportation-related agencies and organizations;
- (c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, and key transportation stakeholders;
- (d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;
- (e) Be submitted by the commission to the governor by October 1st of each even-numbered year for consideration by the governor.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(4) In order to promote a better transportation system, the commission shall offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

- (a) Transportation finance;
- (b) Preserving, maintaining, and operating the statewide transportation system;
- (c) Transportation infrastructure needs;
- (d) Promoting best practices for adoption and use by transportation-related agencies and programs;
- (e) Transportation efficiencies that will improve service delivery and/or coordination;
- (f) Improved planning and coordination among transportation agencies and providers; and
- (g) Use of intelligent transportation systems and other technology-based solutions.

Sec. 7. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are each reenacted and amended to read as follows:

The secretary shall have the authority and it shall be his or her duty (~~(, subject to policy guidance from the commission):~~):

- (1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;
- (2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;
- (3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;
- (4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
- (5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;
- (6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;
- (7) To provide, under contract or interagency agreement, full staff support to the commission to assist it in carrying out its functions, powers, and duties (~~(and to execute the policy established by the commission pursuant to its legislative authority)~~);
- (8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation (~~(and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and H highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances.)~~);
- (9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and
- (10) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 8. RCW 47.05.021 and 2002 c 56 s 301 are each amended to read as follows:

(1) The (~~(transportation commission is hereby directed to)~~) department shall conduct periodic analyses of the entire state highway system, report (~~(thereon)~~) to the commission and the chairs of the transportation committees of the senate and house of representatives, (~~(including one copy to the staff of each of the committees, biennially and based thereon,)~~) any subsequent recommendations to subdivide, classify, and subclassify (~~(according to their function and importance)~~) all designated state highways (~~(and those added from time to time and periodically review and revise the classifications)~~) into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) ~~((In making the functional classification))~~ The transportation commission shall adopt ~~((and))~~ a functional classification of highways. The commission shall consider the recommendations of the department and testimony from the public and local municipalities. The commission shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

- (a) Urban population centers within and without the state stratified and ranked according to size;
- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 47.05.030 and 2002 c 5 s 402 are each amended to read as follows:

The transportation commission shall adopt a comprehensive ~~((six-year))~~ ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program must be revised ~~((biennially, effective on July 1st of odd-numbered years))~~ based on directions by the office of financial management. The investment program must be based upon the needs identified in the state-owned highway component of the statewide transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ~~((six-year))~~ ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining ~~((four))~~ eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ~~((six-year))~~ ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ~~((six-year))~~ ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive ~~((six-year))~~ ten-year investment program to the governor and the legislature ~~((in support of the biennial budget request under RCW 44.40.070 and 44.40.080))~~ as directed by the office of financial management.

Sec. 10. RCW 47.05.035 and 2002 c 5 s 403 are each amended to read as follows:

(1) The department ~~((and the commission))~~ shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department ~~((and the commission))~~ can determine

the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the ~~((transportation commission))~~ department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the ~~((commission))~~ department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The ~~((commission))~~ department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The commission shall review the results of the department's findings and shall consider those findings in the development of the ten-year program.

Sec. 11. RCW 47.05.051 and 2002 c 189 s 3 are each amended to read as follows:

(1) The comprehensive ~~((six-year))~~ ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

(ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ~~((six-year))~~ ten-year program.

(b) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

(i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

(ii) The cost-effective movement of people and goods;

(iii) Accident and accident risk reduction;

(iv) Protection of the state's natural environment;

(v) Continuity and systematic development of the highway transportation network;

(vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

(A) Support for development in and revitalization of existing downtowns;

(B) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

(C) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

(D) Opportunities for multimodal transportation; and

(E) Extent to which the project accommodates planned growth and economic development;

(vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

(viii) Public views concerning proposed improvements;

(ix) The conservation of energy resources;

(x) Feasibility of financing the full proposed improvement;

(xi) Commitments established in previous legislative sessions;

(xii) Relative costs and benefits of candidate programs.

(d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(2) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

(3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

Transportation Policy Institute

NEW SECTION. Sec. 12. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation policy institute is established within the transportation commission. The institute shall conduct research, prepare studies, and periodically submit recommendations to the legislature, governor, and transportation commission regarding transportation policy issues of statewide significance.

To this end, the purposes of the institute include:

(a) To conduct research on transportation policy and programs for the governor, the legislature, the transportation commission, and the transportation performance audit board;

(b) To educate and promote the dissemination of transportation research to the public, and to state and local government policymakers including legislators and associated staff; and

(c) To serve as a repository of federal, state, local, and private transportation research on financing and programming.

(2) The institute is governed by a board of directors composed of (a) the chairs and ranking minority members of the transportation committees of the legislature, or their designees, (b) the chair and vicechair of the transportation commission, and (c) the secretary of transportation. The executive director of the Washington state transportation center shall serve on the board as an ex officio nonvoting member. The staff coordinators of the transportation committees of the house and senate shall serve on the board as ex officio nonvoting members. The board of directors shall establish the research priorities of the institute. The board shall meet periodically and may schedule regular meetings during the legislative interim. The board may adopt rules and procedures necessary for its orderly operation. To the extent funds are appropriated, the transportation commission shall provide staff support to the institute, and the transportation commission administrator shall also serve as administrator for the institute. The administrator, subject to the approval of the commission, may contract with and consult with private independent professional and technical experts to conduct studies directed by the institute.

(3) The institute may establish working groups to conduct specific research in order to report back to the institute regarding recommendations as appropriate. The institute may appoint to a working group any member of the transportation committees of the legislature, or any nonlegislators, as deemed appropriate.

(4) Legislative members of the institute and its working groups will receive allowances while attending meetings of the institute, including working group meetings, and while engaged in other authorized business of the institute, as provided in RCW 44.04.120. Nonlegislative members of the institute and its working groups will receive allowances as provided in RCW 43.03.050 and 43.03.060.

Transportation Performance Audits

Sec. 13. RCW 44.75.020 and 2003 c 362 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Economy and efficiency audit" has the meaning contained in chapter 44.28 RCW.

~~((2)) ("Joint legislative audit and review committee" means the agency created in chapter 44.28 RCW, or its statutory successor.~~

~~((3))~~ ((3)) "Legislative auditor" has the meaning contained in chapter 44.28 RCW.

~~((4))~~ ((4)) "Legislative transportation committee" means the agency created in chapter 44.40 RCW, or its statutory successor.

~~((5))~~ ((5)) (3) "Performance audit" has the meaning contained in chapter 44.28 RCW.

~~((6))~~ ((6)) (4) "Performance review" means an outside evaluation of how a state agency uses its performance measures to assess the outcomes of its legislatively authorized activities.

~~((7))~~ ((7)) (5) "Program audit" has the meaning contained in chapter 44.28 RCW.

~~((8))~~ (6) "Transportation performance audit board" or "board" means the board created in RCW 44.75.030.

~~((9))~~ (7) "Transportation-related agencies" or "agency" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. Counties, cities, and port districts are not transportation-related agencies under this subsection.

Sec. 14. RCW 44.75.030 and 2003 c 362 s 3 are each amended to read as follows:

(1) The transportation performance audit board is created.

(2) The board will consist of four legislative members, ~~((five))~~ three citizen members with transportation-related expertise, two citizen members with performance measurement expertise, one member of the transportation commission, one ex officio nonvoting member, and one at large member. The legislative auditor is the ex officio nonvoting member. The majority and minority leaders of the house and senate transportation committees, or their designees, are the legislative members. The governor shall appoint the at large member to serve for a term of four years. The citizen members must be ~~((nominated by professional associations chosen by the board's legislative members and))~~ appointed by the governor for terms of four years, except that at least half the initial appointments will be for terms of two years. The citizen members may not be currently, or within one year, employed by the Washington state department of transportation. ~~The ((citizen members will consist of))~~ governor, when appointing the citizen members with transportation-related expertise, may consult with appropriate professional associations and shall consider the following transportation-related experiences:

(a) ~~((One member with expertise in))~~ Construction project planning, including permitting and assuring regulatory compliance;

(b) ~~((One member with expertise in))~~ Construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) ~~((One member with expertise in))~~ Construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(d) ~~((One member with expertise in))~~ Project management, including design estimating, contract packaging, and procurement; and

(e) ~~((One member with expertise in))~~ Transportation planning and congestion management.

(3) The governor may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, of malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

Sec. 15. RCW 44.75.040 and 2003 c 362 s 4 are each amended to read as follows:

(1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members.

(2) Each member of the transportation performance audit board will be compensated from the general appropriation for the ~~((legislative))~~ transportation ~~((committee))~~ commission in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The transportation performance audit board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) Staff support to the transportation performance audit board must be provided by the ~~((legislative))~~ transportation ~~((committee))~~ commission, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. ~~((The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.))~~ Additionally, the commission shall designate, subject to board approval, a staff person to serve as the board administrator. The board administrator serves as an exempt employee and at the pleasure of the board.

(5) Each member of the transportation performance audit board shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding all performance reviews and performance audits conducted under this chapter.

Sec. 16. RCW 44.75.050 and 2003 c 362 s 5 are each amended to read as follows:

(1) The transportation performance audit board may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, these reviews can also determine whether effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems, and administration of grants and loans.

(2) The board shall, as soon as practicable, conduct a review of the comprehensive ten-year investment program process, including the required criteria, under RCW 47.05.030 and 47.05.051.

(3) In conducting these reviews, the transportation performance audit board may work in consultation with the ~~((legislative transportation committee, the))~~ joint legislative audit and review committee, the office of financial management, and other state agencies.

Sec. 17. RCW 44.75.080 and 2003 c 362 s 8 are each amended to read as follows:

After reviewing the performance or outcome measures and benchmarks of an agency or department, or at any time it so determines, the transportation performance audit board shall ~~((recommend to the executive committee of the legislative transportation committee whether))~~ direct a full performance or functional audit of the agency or department, or a specific program within the agency or department ~~((, is appropriate. Upon the request of the legislative transportation committee or its executive committee, the joint legislative audit and review committee shall add the full performance or functional audit to its biennial performance audit work plan. If the request duplicates or overlaps audits already in the work plan, or was performed under the previous biennial work plan, the executive committees of the legislative transportation committee and the joint legislative audit and review committee shall meet to discuss and resolve the duplication or overlap))~~.

Sec. 18. RCW 44.75.090 and 2003 c 362 s 9 are each amended to read as follows:

~~((1))~~ To the greatest extent possible, ~~((or when requested by the executive committee of the legislative transportation committee))~~ and to the extent funds are appropriated, the ~~((legislative auditor))~~ board administrator shall, subject to board approval, contract with and consult with private independent professional and technical experts to optimize the independence of the reviews and performance audits. In determining the need to contract with private experts, the ~~((legislative auditor))~~ board administrator shall consider the degree of difficulty of the review or audit, the relative cost of contracting for expertise, and the need to maintain auditor independence from the subject agency or program. The board administrator may, subject to board approval, contract with the legislative auditor to serve as the contract manager of the reviews and performance audits.

~~((2))~~ After consultation with the executive committee of the legislative transportation committee on the appropriateness of costs, the legislative transportation committee shall reimburse the joint legislative audit and review committee or the legislative auditor for the costs of carrying out any requested performance audits, including the cost of contracts and consultant services.

~~((3))~~ The executive committee of the legislative transportation committee must review and approve the methodology for performance audits recommended by the transportation performance audit board.

Sec. 19. RCW 44.75.100 and 2003 c 362 s 10 are each amended to read as follows:

(1) Before releasing the results of a performance audit originally directed by the transportation performance audit board to the legislature or the public, the board administrator shall submit the preliminary performance audit report to the transportation performance audit board for review and comments solely on the management of the audit. Any comments by the transportation performance audit board must be included as a separate addendum to the final performance audit report. However, the board administrator is not required to submit the preliminary performance audit report if the legislative auditor submits it under RCW 44.28.088.

(2) Completed performance audits must be presented to the transportation performance audit board ~~((and the legislative transportation committee))~~. Published performance audits must be made available to the public through the ~~((legislative transportation committee and the joint legislative audit and review committee's))~~ board's web site and through customary public communications. Final reports must also be transmitted to the affected agency, the director of financial management, and the appropriate policy and fiscal standing committees of the legislature.

Sec. 20. RCW 44.75.110 and 2003 c 362 s 11 are each amended to read as follows:

The ~~((legislative auditor))~~ board administrator, or the legislative auditor if contracted under RCW 44.75.090, shall determine in writing the scope of any performance audit ~~((requested))~~ directed by the ~~((legislative transportation committee or its executive committee))~~ transportation performance audit board, subject to the review and approval of the final scope of the audit by the transportation performance audit board ~~((, and the legislative transportation committee or its executive committee))~~. In doing so, the ~~((legislative auditor,))~~ board administrator, or legislative auditor if contracted under RCW 44.75.090, and the transportation performance audit board ~~((, and the legislative transportation committee or its executive committee))~~ shall consider inclusion of the following elements in the scope of the audit:

- (1) Identification of potential cost savings in the agency, its programs, and its services;
- (2) Identification and recognition of best practices;
- (3) Identification of funding to the agency, to programs, and to services that can be eliminated or reduced;
- (4) Identification of programs and services that can be eliminated, reduced, or transferred to the private sector;
- (5) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (6) Analysis and recommendations for pooling information technology systems;
- (7) Analysis of the roles and functions of the agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (8) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions expressly vested in the department by statute; and
- (9) Verification of the reliability and validity of department performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090.

Sec. 21. RCW 44.75.120 and 2003 c 362 s 12 are each amended to read as follows:

When conducting a full performance audit of an agency or department, or a specific program within an agency or department, or multiple agencies, in accordance with RCW 44.75.110, the ~~((legislative auditor))~~ board administrator shall solicit input from appropriate industry representatives or experts. The audit report must make recommendations regarding the continuation, abolition, consolidation, or reorganization of each affected agency, department, or program. The audit report must identify opportunities to develop government partnerships, and eliminate program redundancies that will result in increased quality, effectiveness, and efficiency of state agencies.

Sec. 22. RCW 44.28.161 and 2003 c 362 s 13 are each amended to read as follows:

In addition to any other audits developed or included in the audit work plan under this chapter, the legislative auditor shall manage transportation-related performance audits ~~((directed by the executive committee of the legislative transportation committee under RCW 44.75.080. If directed to perform or contract for audit services under RCW 44.75.080, the legislative auditor or joint legislative audit and review committee will receive from the legislative transportation committee an interagency reimbursement equal to the cost of the contract or audit services))~~ if contracted to do so under RCW 44.75.090.

Transfer

NEW SECTION. Sec. 23. (1)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the legislative transportation committee shall be delivered to the custody of the transportation commission for the exclusive support of the transportation policy institute. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the legislative transportation committee shall be made available to the transportation commission for the exclusive support of the transportation policy institute. All funds, credits, or other assets held by the legislative transportation committee shall be assigned to the transportation commission for the exclusive support of the transportation policy institute.

(b) Any appropriations made to the legislative transportation committee shall, on the effective date of this section, be transferred and credited to the transportation commission for the exclusive support of the transportation policy institute.

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

(2) All employees of the legislative transportation committee are transferred to the jurisdiction of the transportation commission for the exclusive support of the transportation policy institute. However, the commission may, if staffing needs warrant, assign the employees to other commission functions.

(3) All existing contracts and obligations shall remain in full force and shall be performed by the transportation commission.

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

References to LTC

Sec. 101. RCW 35.58.2796 and 1989 c 396 s 2 are each amended to read as follows:

The department of transportation shall develop an annual report summarizing the status of public transportation systems in the state. By September 1st of each year, copies of the report shall be submitted to the ~~((legislative transportation committee))~~ transportation committees of the legislature and to each municipality, as defined in RCW 35.58.272, and to individual members of the municipality's legislative authority. ~~((The department shall prepare and submit a preliminary report by December 1, 1989-))~~

To assist the department with preparation of the report, each municipality shall file a system report by April 1st of each year with the state department of transportation identifying its public transportation services for the previous calendar year and its objectives for improving the efficiency and effectiveness of those services. The system report shall address those items required for each public transportation system in the department's report.

The department report shall describe individual public transportation systems, including contracted transportation services and dial-a-ride services, and include a statewide summary of public transportation issues and data. The descriptions shall include the following elements and such other elements as the department deems appropriate after consultation with the municipalities and the ~~((legislative transportation committee))~~ transportation committees of the legislature:

- (1) Equipment and facilities, including vehicle replacement standards;
- (2) Services and service standards;
- (3) Revenues, expenses, and ending balances, by fund source;
- (4) Policy issues and system improvement objectives, including community participation in development of those objectives and how those objectives address statewide transportation priorities;
- (5) Operating indicators applied to public transportation services, revenues, and expenses. Operating indicators shall include operating cost per passenger trip, operating cost per revenue vehicle service hour, passenger trips per revenue service

hour, passenger trips per vehicle service mile, vehicle service hours per employee, and farebox revenue as a percent of operating costs.

Sec. 102. RCW 36.78.070 and 1999 c 269 s 1 are each amended to read as follows:

The county road administration board shall:

- (1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;
- (2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;
- (3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;
- (4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;
- (5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the (~~legislative transportation committee and the~~) house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;
- (6) Administer the rural arterial program established by chapter 36.79 RCW and the program funded by the county arterial preservation account established by RCW 46.68.090, as well as any other programs provided for in law.

Sec. 103. RCW 41.40.037 and 2004 c 242 s 63 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) Except as provided in (b) of this subsection, a retiree from plan 1 who enters employment with an employer at least one calendar month after his or her accrual date may continue to receive pension payments while engaged in such service for up to eight hundred sixty-seven hours of service in a calendar year without a reduction of pension.

(b) A retiree from plan 1 who enters employment with an employer at least three calendar months after his or her accrual date and:

(i) Is hired into a position for which the employer has documented a justifiable need to hire a retiree into the position;

(ii) Is hired through the established process for the position with the approval of: A school board for a school district; the chief executive officer of a state agency employer; the secretary of the senate for the senate; the chief clerk of the house of representatives for the house of representatives; the secretary of the senate and the chief clerk of the house of representatives jointly for the joint legislative audit and review committee, (~~the legislative transportation committee,~~) the joint committee on pension policy, the legislative evaluation and accountability program, the legislative systems committee, and the statute law committee; or according to rules adopted for the rehiring of retired plan 1 members for a local government employer;

(iii) The employer retains records of the procedures followed and decisions made in hiring the retiree, and provides those records in the event of an audit; and

(iv) The employee has not already rendered a cumulative total of more than one thousand nine hundred hours of service while in receipt of pension payments beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a calendar year. The one thousand nine hundred hour cumulative total under this subsection applies prospectively to those retiring after July 27, 2003, and retroactively to those who retired prior to July 27, 2003, and shall be calculated from the date of retirement.

(c) When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(d) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

Sec. 104. RCW 43.10.101 and 1995 2nd sp.s. c 14 s 527 are each amended to read as follows:

The attorney general shall prepare annually a report to the ~~((legislative transportation committee))~~ transportation committees of the legislature, the transportation commission, and the transportation performance audit board comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 105. RCW 43.79.270 and 1998 c 177 s 1 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate ~~((, if the legislature is in session,))~~ at the same time as it is transmitted to the governor. ~~((During the legislative interim, any such proposal must be submitted to the legislative transportation committee.))~~

Sec. 106. RCW 43.79.280 and 1998 c 177 s 2 are each amended to read as follows:

(1) If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate. ~~((During the legislative interim, all estimate approvals endorsed by the governor along with a statement of the amount approved in the form of an allotment amendment must be transmitted simultaneously to the legislative transportation committee.))~~

Sec. 107. RCW 43.88.020 and 2000 2nd sp.s. c 4 s 11 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives(~~and, where appropriate, the legislative transportation committee~~).

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast (~~including estimates of revenues to support financial plans under RCW 44.40.070~~), that are prepared by the office of financial management in consultation with the transportation revenue forecast council.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

Sec. 108. RCW 43.88.030 and 2004 c 276 s 908 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. ~~((The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided.))~~ The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast ~~((including those revenues anticipated to support the six year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council))~~. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources ~~((and at existing rates for those agencies required to submit six year program and financial plans under RCW 44.40.070))~~. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium ~~((, and those anticipated for the ensuing six year period to support the six year programs and financial plans required under RCW 44.40.070))~~;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2005-07 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium ~~((, as well as those required to support the six year programs and financial plans required under RCW 44.40.070))~~;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

- (h) Common school expenditures on a fiscal-year basis;
 - (i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and
 - (j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.
- (3) A separate capital budget document or schedule shall be submitted that will contain the following:
- (a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;
 - (b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Insomuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;
 - (c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;
 - (d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;
 - (e) A statement of the reason or purpose for a project;
 - (f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;
 - (g) A statement about the proposed site, size, and estimated life of the project, if applicable;
 - (h) Estimated total project cost;
 - (i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;
 - (j) Estimated total project cost for each phase of the project as defined by the office of financial management;
 - (k) Estimated ensuing biennium costs;
 - (l) Estimated costs beyond the ensuing biennium;
 - (m) Estimated construction start and completion dates;
 - (n) Source and type of funds proposed;
 - (o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;
 - (p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;
 - (q) Such other information bearing upon capital projects as the governor deems to be useful;
 - (r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;
 - (s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, (~~legislative transportation committee,~~) legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 109. RCW 43.88.230 and 1996 c 288 s 40 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the joint legislative audit and review committee, (~~the legislative transportation committee,~~) the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

Sec. 110. RCW 43.105.160 and 1999 c 80 s 9 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records,

information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor((?)) and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives((, and, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the approved plan must be submitted to the legislative transportation committee, instead of the standing transportation committees)).

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190;

(e) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

(f) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor((?)) and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives((, and, during the legislative session, the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the report must be submitted to the legislative transportation committee, instead of the standing transportation committees)).

Sec. 111. RCW 43.105.190 and 1999 c 80 s 12 are each amended to read as follows:

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects based on the demonstrated business needs and benefits; cost; technology scope and feasibility; impact on the agency's information technology portfolio and on the statewide infrastructure; and final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted((, during the legislative session,)) to the chairs and ranking minority members

of the transportation committees of the senate and the house of representatives. ~~((During the legislative interim, the project evaluations must be submitted to the legislative transportation committee.))~~

Sec. 112. RCW 44.04.260 and 2003 c 295 s 12 are each amended to read as follows:

The joint legislative audit and review committee, ~~((the legislative transportation committee,))~~ the select committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

Sec. 113. RCW 44.28.088 and 2003 c 362 s 14 are each amended to read as follows:

(1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Except as provided in subsection (3) of this section, before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

(3) If contracted to manage a transportation-related performance audit under RCW 44.75.090, before releasing the results of a performance audit originally ~~((requested))~~ directed by the ~~((executive committee of the legislative transportation committee))~~ transportation performance audit board to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the ~~((executive committee of the joint committee and the executive committee of the legislative transportation committee))~~ transportation performance audit board for review and comments solely on the management of the audit. Any comments by the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation performance audit board must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review and comments of the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation performance audit board, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public.

Sec. 114. RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

~~((In addition to the powers and duties authorized in RCW 44.40.020, the committee and))~~ The standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, ~~((and/or))~~ and analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the ~~((legislative))~~ transportation committees of the legislature in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

Sec. 115. RCW 46.01.320 and 1996 c 315 s 2 are each amended to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations ~~((when requested by the legislative transportation committee, or on its~~

~~own initiative,))~~ about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(3).

Sec. 116. RCW 46.01.325 and 1996 c 315 s 3 are each amended to read as follows:

(1) The director shall prepare, with the advice of the title and registration advisory committee, an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions approved by the title and registration advisory committee to the ~~((legislative))~~ senate and house transportation committees by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation, and requested by the title and registration advisory committee.

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

(a) Unique and significant financial, legislative, or other relevant developments that may impact fees;

(b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;

(c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;

(d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;

(e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

Sec. 117. RCW 46.16.705 and 2003 c 196 s 101 are each amended to read as follows:

(1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor and who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. No member may be appointed for more than three consecutive terms.

(4) The ~~((legislative transportation committee))~~ respective appointing authority may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

Sec. 118. RCW 46.16.715 and 2003 c 196 s 102 are each amended to read as follows:

(1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the ~~((legislative transportation committee))~~ department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department of licensing shall provide administrative support to the board, which must include at least the following:

(a) Provide general staffing to meet the administrative needs of the board;

(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

(c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization;

(d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.

~~((5) The legislative transportation committee shall provide general oversight of the board, which must include at least the following:~~

~~(a) Process and approve board member compensation requests;~~

~~(b) Review the annual financial reports submitted to the board by sponsoring organizations;~~

~~(c) Review annually the list of the board's approved and rejected special license plate proposals submitted by sponsoring organizations.))~~

Sec. 119. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the ~~((legislative))~~ senate and house transportation committees;

(b) Report annually to the ~~((legislative))~~ senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees.

Sec. 120. RCW 46.73.010 and 1985 c 333 s 1 are each amended to read as follows:

The Washington state patrol may adopt rules establishing standards for qualifications and hours of service of drivers for private carriers as defined by RCW 81.80.010(6). Such standards shall correlate with and, as far as reasonable, conform to the regulations contained in Title 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on July 28, 1985. ~~((At least thirty days before filing notice of the proposed rules with the code reviser, the state patrol shall submit them to the legislative transportation committee for review.))~~

Sec. 121. RCW 47.01.280 and 1999 c 94 s 10 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system;

(c) Will affect any other improvements planned by the department; and

(d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

~~((4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.))~~

Sec. 122. RCW 47.04.210 and 2001 2nd sp.s. c 14 s 601 are each amended to read as follows:

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation account.

The department of transportation shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

Sec. 123. RCW 47.04.220 and 2001 2nd sp.s. c 14 s 602 are each amended to read as follows:

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the ~~((legislative))~~ senate and house transportation committees and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

Sec. 124. RCW 47.06.110 and 1996 c 186 s 512 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;
- (4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;
- (5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and
- (6) Recommends a statewide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit ~~((an initial report))~~ to the ~~((legislative))~~ senate and house transportation committees by December ~~((1, 1993, and shall provide annual))~~ 1st of each year, reports summarizing the plan's progress ~~((each year thereafter)).~~

Sec. 125. RCW 47.06A.020 and 1999 c 216 s 1 are each amended to read as follows:

- (1) The board shall:
 - (a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;
 - (b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and
 - (c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the ~~((legislative))~~ senate and house transportation committees.

- (2) The board may:
 - (a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;
 - (b) Provide technical assistance to project applicants;
 - (c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;
 - (d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and
 - (e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.
- (3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) ~~((From June 11, 1998, through the biennium ending June 30, 2001,))~~ The board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

Sec. 126. RCW 47.10.790 and 1985 c 406 s 1 are each amended to read as follows:

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall ~~((consult with the legislative transportation committee prior to the adoption of))~~ adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission~~((, in consultation with the legislative transportation committee,))~~ may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state ~~((that are identified as category C improvements in RCW 47.05.030)).~~

Sec. 127. RCW 47.10.801 and 1999 c 94 s 13 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2), (3), and (4) of this section, upon the request of the Washington state transportation commission a total of four hundred sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the

transportation commission shall ~~((consult with the legislative transportation committee prior to the adoption of))~~ adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements ~~((in RCW 47.05.030))~~;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in RCW 43.160.074 and 47.01.280.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission ~~((, in consultation with the legislative transportation committee,))~~ determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

(4) The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section and increase the amount of bonds authorized in subsection (1)(a) or (b) of this section, or both by an amount equal to the decrease in subsection (1)(c) of this section. The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section only if the legislature appropriates an equal amount of funds from the motor vehicle fund - basic account for the purposes enumerated in subsection (1)(c) of this section.

Sec. 128. RCW 47.10.802 and 1986 c 290 s 1 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. ~~((The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a).))~~ The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 129. RCW 47.17.850 and 1984 c 7 s 139 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

~~((The legislative transportation committee, the house and senate transportation committees, and the department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.))~~

Sec. 130. RCW 47.26.167 and 1991 c 342 s 62 are each amended to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the ~~((legislative))~~ senate and house transportation committees by November 15 each year any recommended jurisdictional transfers.

Sec. 131. RCW 47.26.170 and 1994 c 179 s 16 are each amended to read as follows:

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the commission ~~((and the legislative transportation committee)).~~

Sec. 132. RCW 47.46.030 and 2002 c 114 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part public or private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. ~~((The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration.))~~ Forty-five days after the submission to the ~~((legislative transportation committee))~~ commission of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections ~~((42))~~ (11) and ~~((43))~~ (12) of this section, the department shall require an advisory vote as provided under subsections (5) through ~~((40))~~ (9) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections ~~((42))~~ (11) and ~~((43))~~ (12) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a statewide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW ~~((29.01.120))~~ 29A.04.121.

(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

~~(9) ((The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.~~

~~(10))~~ Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW ~~((29.13.020))~~ 29A.04.330 that is at least sixty days but, if authorized under RCW ~~((29.13.020))~~ 29A.04.330, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

~~((11))~~ (10) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

~~((12))~~ (11) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

~~((13))~~ (12) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

Sec. 133. RCW 47.46.040 and 2002 c 114 s 16 are each amended to read as follows:

(1) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(2) Agreements may provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement may provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state may lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(3) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this section. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the

Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(4) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(5) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(6) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(7) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(8) Agreements entered into under this section shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(9)(a) In carrying out the public involvement process required in subsection (8) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the (~~legislative transportation committee and~~) local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(10) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 134. RCW 79A.05.125 and 1999 c 301 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the ~~((legislative)) senate and house~~ transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 2006.

Sec. 135. RCW 81.80.395 and 1988 c 138 s 1 are each amended to read as follows:

The Washington utilities and transportation commission may enter into an agreement or arrangement with a duly authorized representative of the state of Idaho, for the purpose of granting to operators of commercial vehicles that are properly registered in the state of Idaho, the privilege of operating their vehicles in this state within a designated area near the border of their state without the need for registration as required by chapter 81.80 RCW if the state of Idaho grants a similar privilege to operators of commercial vehicles from this state. The initial designated area shall be limited to state route 195 from the Idaho border to Lewiston, and SR 12 from Lewiston to Clarkston. ~~((The utilities and transportation commission shall submit other proposed reciprocal agreements in designated border areas to the legislative transportation committee for approval.))~~

Sec. 136. RCW 81.104.110 and 1998 c 245 s 165 are each amended to read as follows:

The legislature recognizes that the planning processes described in RCW 81.104.100 provide a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate decisions unless key study assumptions are reasonable.

To assure appropriate system plan assumptions and to provide for review of system plan results, an expert review panel shall be appointed to provide independent technical review for development of any system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chairs of the ~~((legislative)) senate and house~~ transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(3) The chair of the expert review panel shall be designated by the appointing authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060. Reimbursement shall be paid from within the existing resources of the local authority planning under this chapter.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. ~~((Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.))~~

(6) The expert panel shall review all reports required in RCW 81.104.100(2) and shall concentrate on service modes and concepts, costs, patronage and financing evaluations.

(7) The expert panel shall provide timely reviews and comments on individual reports and study conclusions to the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the

submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews, comments, and conclusions to the representatives of the adjoining state or Canadian province.

(8) The ~~((legislative transportation committee))~~ local authority planning under this chapter shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the ~~((legislative transportation committee))~~ local authority and shall be paid from ~~((appropriations for that purpose from the high capacity transportation account))~~ within the local authority's existing resources.

Sec. 137. RCW 82.33.020 and 1992 c 231 s 34 are each amended to read as follows:

(1) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives ~~((and the chair of the legislative transportation committee))~~, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall co-locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor shall provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

Sec. 138. RCW 82.70.060 and 2003 c 364 s 6 are each amended to read as follows:

The commute trip reduction task force shall determine the effectiveness of the tax credit under RCW 82.70.020, the grant program in RCW 70.94.996, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the ~~((legislative))~~ senate and house transportation committees and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

Sec. 139. RCW 82.80.070 and 2002 c 56 s 413 are each amended to read as follows:

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, ~~((82.80.020,))~~ 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

- (a) First, the project serves a multijurisdictional function;
- (b) Second, it is necessitated by existing or reasonably foreseeable congestion;
- (c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

- (e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. ~~((The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.))~~

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

Sec. 140. RCW 90.03.525 and 1996 c 285 s 1 and 1996 c 230 s 1617 are each reenacted and amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water control facilities that directly reduce state highway runoff impacts or implementation of best management practices that will reduce the need for such facilities. By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in RCW 90.78.010. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the annual plan prescribed in subsection (2) of this section. ~~((If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee.))~~ If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, ~~((and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report.))~~ either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

(4) The legislature finds that the federal clean water act (national ~~((pollution [pollutant]))~~ pollutant discharge elimination system, 40 C.F.R. parts 122-124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter ~~((90.70))~~ 90.71 RCW, mandate the treatment and control of storm water runoff from state highway rights of way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state.

NEW SECTION. Sec. 141. The following acts or parts of acts are each repealed:

- (1) RCW 44.40.010 (Creation--Composition--Appointments-- Vacancies--Rules) and 1999 sp.s. c 1 s 616, 1980 c 87 s 39, 1971 ex.s. c 195 s 1, 1967 ex.s. c 145 s 68, 1965 ex.s. c 170 s 64, & 1963 ex.s. c 3 s 35;
- (2) RCW 44.40.013 (Administration) and 2001 c 259 s 5;
- (3) RCW 44.40.015 (Executive committee--Selection--Duties) and 2001 c 259 s 6 & 1999 sp.s. c 1 s 617;
- (4) RCW 44.40.030 (Participation in activities of other organizations) and 1982 c 227 s 17, 1977 ex.s. c 235 s 7, 1971 ex.s. c 195 s 3, & 1963 ex.s. c 3 s 38;
- (5) RCW 44.40.040 (Members' allowances--Procedure for payment of committee's expenses) and 2001 c 259 s 7, 1979 c 151 s 157, 1977 ex.s. c 235 s 8, 1975 1st ex.s. c 268 s 3, 1971 ex.s. c 195 s 4, & 1963 ex.s. c 3 s 39;
- (6) RCW 44.40.090 (Delegation of powers and duties to senate and house transportation committees) and 2001 c 259 s 8, 1977 ex.s. c 235 s 10, & 1973 1st ex.s. c 210 s 2;
- (7) RCW 44.40.140 (Review of policy on fees imposed on nonpolluting fuels--Report) and 1983 c 212 s 2;
- (8) RCW 44.40.150 (Study--Recommendations for consideration--Staffing) and 1998 c 245 s 88 & 1989 1st ex.s. c 6 s 14;
- (9) RCW 44.40.161 (Audit review of transportation-related agencies) and 2003 c 362 s 16;
- (10) RCW 53.08.350 (Moratorium on runway construction or extension, or initiation of new service--Certain counties affected) and 1992 c 190 s 2;
- (11) RCW 44.40.020 (Powers, duties, and studies) and 1996 c 129 s 9, 1977 ex.s. c 235 s 5, 1975 1st ex.s. c 268 s 1, & 1963 ex.s. c 3 s 36;
- (12) RCW 44.40.070 (State transportation agencies--Comprehensive programs and financial plans) and 1998 c 245 s 87, 1988 c 167 s 10, 1979 ex.s. c 192 s 3, 1979 c 158 s 112, 1977 ex.s. c 235 s 9, & 1973 1st ex.s. c 201 s 1;
- (13) RCW 44.40.080 (State transportation agencies--Recommended budget--Preparation and presentation--Contents) and 1973 1st ex.s. c 201 s 2;
- (14) RCW 44.40.100 (Contracts and programs authorized) and 2001 c 259 s 9, 1977 ex.s. c 235 s 11, 1975 1st ex.s. c 268 s 7, & 1973 1st ex.s. c 210 s 3;
- (15) RCW 46.23.040 (Review of agreement by legislative transportation committee) and 1982 c 212 s 4;
- (16) RCW 47.01.145 (Study reports available to legislators upon request) and 1984 c 7 s 76, 1971 ex.s. c 195 s 6, & 1967 ex.s. c 145 s 78;
- (17) RCW 47.05.090 (Application of 1993 c 490--Deviations) and 1993 c 490 s 6;
- (18) RCW 47.12.360 (Advanced environmental mitigation--Reports) and 1997 c 140 s 5;
- (19) RCW 47.76.340 (Evaluating program performance) and 1993 c 224 s 13 & 1990 c 43 s 8;
- (20) RCW 47.74.010 (Multistate Highway Transportation Agreement enacted, terms) and 1983 c 82 s 1; and
- (21) RCW 47.74.020 (Appointment of delegates to represent state) and 1983 c 82 s 2.

NEW SECTION. Sec. 142. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 143. (1) RCW 44.40.120 is recodified as a section in chapter 44.04 RCW.

(2) RCW 44.40.025 is recodified as a section in chapter 43.88 RCW.

NEW SECTION. Sec. 144. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005, except for section 103 of this act which takes effect July 1, 2006.

NEW SECTION. Sec. 145. Section 138 of this act expires July 1, 2013."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 2, line 15, after "governor with the" insert "advice and"

On page 2, at the beginning of line 16, strike "and" and insert "but may serve no more than one year unless and until confirmed by the senate. The secretary"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 15 to the striking amendment to Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Doumit, Esser, Hewitt, Honeyford, Johnson, Mulliken, Oke, Parlette, Roach, Schmidt, Schoesler, Stevens and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

MOTION

Senator Haugen moved that the following amendment by Senators Haugen Swecker to the striking amendment be adopted.

On page 2, line 15, after "governor with the" insert "advice and"

Senators Haugen and Swecker spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Benton and Swecker on page 2, line 15 to the striking amendment to Senate Bill No. 5513.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Haugen to Senate Bill No. 5513.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 43.17.020, 47.01.041, 47.01.061, 47.01.071, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.28.161, 35.58.2796, 36.78.070, 41.40.037, 43.10.101, 43.79.270, 43.79.280, 43.88.020, 43.88.030, 43.88.230, 43.105.160, 43.105.190, 44.04.260, 44.28.088, 44.40.025, 46.01.320, 46.01.325, 46.16.705, 46.16.715, 46.16.725, 46.73.010, 47.01.280, 47.04.210, 47.04.220, 47.06.110, 47.06A.020, 47.10.790, 47.10.801, 47.10.802, 47.17.850, 47.26.167, 47.26.170, 47.46.030, 47.46.040, 79A.05.125, 81.80.395, 81.104.110, 82.33.020, 82.70.060, and 82.80.070; reenacting and amending RCW 47.01.101 and 90.03.525; adding new sections to chapter 47.01 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 43.88 RCW; creating new sections; recodifying RCW 44.40.120 and 44.40.025; repealing RCW 44.40.010, 44.40.013, 44.40.015, 44.40.030, 44.40.040, 44.40.090, 44.40.140, 44.40.150, 44.40.161, 53.08.350, 44.40.020, 44.40.070, 44.40.080, 44.40.100, 46.23.040, 47.01.145, 47.05.090, 47.12.360, 47.76.340, 47.74.010, and 47.74.020; providing effective dates; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Benton and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Carrell, Schoesler and Sheldon - 3

Absent: Senator Stevens - 1

ENGROSSED SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:37 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5157, by Senators Regala, Carrell, Kline, Roach, Zarelli, Kastama, Oke, Franklin, Brandland, McCaslin and Shin

Revising provisions relating to local law enforcement automatic fingerprint identification systems.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5157.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 47

Absent: Senator Zarelli - 1

Excused: Senator Stevens - 1

SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Mulliken: "I just wanted to take a moment to inform the body that, while we were at dinner break, Senator Steven's husband was admitted into the hospital with some heart irregularities and thought it would be appropriate if we offered a moment of prayer or thought, good thoughts for Keith Stevens."

MOMENT OF SILENCE

The Senate observed a moment of silence for Mr. Keith Stevens, husband of Senator Val Stevens, who had been admitted to the hospital.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 5702, by Senators Zarelli, Kline, Fairley, Regala, Rasmussen and McAuliffe

Creating the developmental disabilities community trust account. Revised for 1st Substitute: Creating the Dan Thompson memorial developmental disabilities community trust account.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 47

Excused: Senators Stevens and Zarelli - 2

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6014, by Senators Kline, Parlette, Kohl-Welles and Keiser

Concerning industrial insurance claims made due to disaster response.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6014 was substituted for Senate Bill No. 6014 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6014 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Stevens - 1

SUBSTITUTE SENATE BILL NO. 6014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5454, by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles

Revising trial court funding provisions.

MOTION

On motion of Senator Kline, Second Substitute Senate Bill No. 5454 was substituted for Senate Bill No. 5454 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

Beginning on page 2, after line 5, strike all material through "subsection." on page 5, line 30 and insert the following:

"PART I - COMPENSATION FOR JURY SERVICE

Sec. 101. RCW 2.36.150 and 2004 c 127 s 1 are each amended to read as follows:

Jurors shall receive for each day's or partial day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following expense payments:

(1) Grand jurors ~~((may))~~ shall receive up to twenty-five dollars but in no case less than ten dollars for the first day or partial day in attendance and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter;

(2) Petit jurors ~~((may))~~ shall receive up to twenty-five dollars but in no case less than ten dollars for the first day or partial day in attendance and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter;

(3) Coroner's jurors ~~((may))~~ shall receive up to twenty-five dollars but in no case less than ten dollars for the first day or partial day in attendance and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter;

(4) District court jurors ~~((may))~~ shall receive up to twenty-five dollars but in no case less than ten dollars ~~((= PROVIDED, That))~~ for the first day or partial day in attendance and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter;

(5) The state shall reimburse the county for fifty percent of juror compensation for each day or partial day of jury service and fifty percent of the cost of juror mileage.

However, a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances ~~((= PROVIDED FURTHER, That))~~. The state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution ~~((= PROVIDED FURTHER, That))~~. The expense payments paid to jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

Sec. 102. RCW 3.50.135 and 1984 c 258 s 126 are each amended to read as follows:

In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the court. The fee shall be apportioned among the requesting parties. Each juror ~~((may))~~ shall receive up to twenty-five dollars but in no case less than ten dollars for ((each)) the first day or partial day in attendance ((upon the municipal court)) and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060 ~~((= PROVIDED, That))~~. The compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. The state shall reimburse the city for fifty percent of juror compensation for each day or partial day of jury service and fifty percent of the cost of juror mileage.

Jury trials shall be allowed in all criminal cases unless waived by the defendant.

Sec. 103. RCW 35.20.090 and 1987 c 202 s 195 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror (~~may~~) shall receive up to twenty-five dollars but in no case less than ten dollars for (~~each~~) the first day or partial day in attendance (~~upon the municipal court~~) and shall receive up to forty-five dollars but in no case less than thirty dollars for each day or partial day thereafter, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060(~~(- PROVIDED, That)~~). The compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. The state shall reimburse the city for fifty percent of juror compensation for each day or partial day of jury service and fifty percent of the cost of juror mileage.

Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

NEW SECTION. Sec. 104. A new section is added to chapter 2.36 RCW to read as follows:

(1) The compensation to be paid jurors by counties and cities in RCW 2.36.150, 3.50.135, and 35.20.090 shall only take effect and shall only remain in effect upon an appropriation by the state legislature in each ensuing biennium to reimburse counties and municipalities for fifty percent of the cost of juror compensation and fifty percent of the cost of jury mileage.

(2) For each period for which a county or city seeks reimbursement for the expense of juror mileage and juror fees under RCW 2.36.150, 3.50.135, and 35.20.090, the jurisdiction shall submit documentation sufficiently detailing the total amount of mileage paid to all jurors, the total number of individuals reporting for at least one day or partial day of jury service and the total number of days or partial days served by the jurors so reporting.

(3) The amount of reimbursement for which each jurisdiction is eligible shall be calculated by summing the total amount of mileage paid multiplied by fifty percent and the total number of individual jurors reporting multiplied by fifty percent of the amount set by the local jurisdiction for the first day of service and the total number of days served by reporting jurors less the total number of individuals reporting for jury service multiplied by fifty percent of the amount set by the local jurisdiction.

(4) A sum equal to fifty percent of any savings realized by a county or city by result of the adoption of this act shall be deposited in the local trial court improvement account. The calculation of the amount to be deposited in the local trial court improvement account shall be the sum total of the amount to be reimbursed a jurisdiction under subsection (3) of this section minus fifty percent of the sum total of the total amount of mileage paid and the total number of days served by reporting jurors multiplied by ten dollars."

Correct any references accordingly.

Beginning on page 5, line 34, after "chapter" strike all material through "3.50.080(3)" on page 6, line 1

On page 6, beginning on line 2, after "account." strike all material through "account." on line 5

On page 6, beginning on line 10, after "chapter" strike all material through "3.50.080(3)" on line 12

On page 6, beginning on line 13, after "account." strike all material through "account." on line 15

On page 6, beginning on line 22, after "account." strike all material through "account." on line 25

On page 6, beginning on line 30, after "chapter" strike all material through "RCW 35.20.160(3)" on line 32

Beginning on page 6, line 33, after "account." strike all material through "account." on page 7, line 1

On page 1, beginning on line 1 of the title, after "amending RCW" strike all material through "35.20.160," on line 2 and insert "2.36.150, 3.50.135, 35.20.090,"

On page 1, line 4 of the title, after "36.18.020;" insert "adding a new section to chapter 2.36 RCW;"

Senator Carrell spoke in favor of adoption of the amendment.

Senators Delvin and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, after line 5 to Second Substitute Senate Bill No. 5454.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

PARLIAMENTARY INQUIRY

Senator Hargrove: "We have two amendments here that amend the same line with different amounts. Can you tell me how we proceed through this. This amendment and amendment 326 amend the same page, same line and are just changing the amounts in different ways so if the President could give us some instruction please."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, if you pass one amendment, then the other amendment would be out of order."

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and McCaslin be adopted.

On page 14, line 37, after "~~((thirty))~~" strike "sixty" and insert "thirty-eight"

On page 15, line 2, after "~~((thirty))~~" strike "sixty" and insert "thirty-eight"

Senators Carrell and Johnson spoke in favor of adoption of the amendment.

Senators Hargrove and Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 14, line 37 to Second Substitute Senate Bill No. 5454.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen be adopted.

On page 14, line 37, after "~~((thirty))~~" strike "sixty" and insert "forty-five"

On page 15, line 2, after "~~((thirty))~~" strike "sixty" and insert "forty-five"

Senators Rasmussen and Johnson spoke in favor of adoption of the amendment.

Senators Kline, Hargrove and Delvin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 14, line 37 to Second Substitute Senate Bill No. 5454.

MOTION

Senator Johnson demanded a division.

The motion by Senator Rasmussen carried and the amendment was adopted by a rising vote.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted.

On page 16, after line 2, insert the following:

"NEW SECTION. Sec. 312. A new section is added to chapter 3.62 RCW to read as follows:

A county legislative body may impose a fee of up to twenty dollars for processing an ex parte order only in those district courts which provide a full-time judicial position devoted exclusively to the consideration and entry of ex parte orders. The fees collected pursuant to this section shall be deposited in the county trial court improvement account created in section 203 of this act.

NEW SECTION. Sec. 313. A new section is added to chapter 36.18 RCW to read as follows:

A county legislative body may impose a fee of up to twenty dollars for processing an ex parte order only in those superior courts which provide a full-time judicial position devoted exclusively to the consideration and entry of ex parte orders. The fees collected pursuant to this section shall be deposited in the county trial court improvement account created in section 203 of this act."

On page 1, line 7 of the title, after "adding" strike "a new section to chapter 3.62 RCW" and insert "new sections to chapter 3.62 RCW; adding a new section to chapter 36.18 RCW"

WITHDRAWAL OF AMENDMENT

On motion of Senator Kline the amendment to Second Substitute Senate Bill No. 5454 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson and Hargrove spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Carrell and McCaslin - 3

Excused: Senator Stevens - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5922, by Senators Stevens, Hargrove, Roach, Schmidt, Zarelli, Carrell and Finkbeiner

Changing procedures for investigations of child abuse or neglect.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5922 was substituted for Senate Bill No. 5922 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens be adopted.

Beginning on page 4, line 34, after "investigation." strike all material through "report." on page 5, line 1, and insert "The department or law enforcement agency must advise a parent who is the subject of an abuse or neglect investigation of the complaints and allegations against him or her at the initial contact with that parent after he or she is identified as the subject, consistent with the laws maintaining the confidentiality of persons making complaints or allegations, unless such notice will jeopardize the safety or protection of the child or the course of the investigation."

On page 6, beginning on line 14, after "investigations" strike ". at the initial time of contact with the department or law enforcement."

On page 6, line 19, after "report" insert ", unless such notice will jeopardize the safety or protection of the child or the course of the investigation"

On page 7, line 23, after "rights of" insert "the child and"

On page 8, line 3, after "section" insert ", unless such notice will jeopardize the safety or protection of the child or the course of the investigation"

Senators Hargrove and Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 4, line 34 to Substitute Senate Bill No. 5922.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5922 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Brandland spoke in favor of passage of the bill.
Senators Haugen and Fairley spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5922.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5922 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Finkbeiner, Franklin, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Doumit, Fairley, Fraser, Haugen, Prentice and Spanel - 6

Excused: Senator Stevens - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5922, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5979, by Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke

Prohibiting interference with search and rescue dogs.

The measure was read the second time.

MOTION

On motion of Senator Benson, the rules were suspended, Senate Bill No. 5979 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5979.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5979 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SENATE BILL NO. 5979, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5717, by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen and Kohl-Welles

Providing a funding formula for skill centers.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5717.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5311, by Senators Rasmussen, Jacobsen, McAuliffe, Mulliken, Stevens, Roach, Shin, Kohl-Welles and Spanel

Creating an autism task force.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Roach, Parlette and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5311.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SENATE BILL NO. 5311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5710, by Senators Poulsen, Swecker, Brown, Rockefeller, Regala, Pridemore, Kline, Rasmussen and Kohl-Welles

Requiring the removal of mercury components from end-of-life motor vehicles.

The measure was read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Stevens be adopted.

On page 4, after line 32, insert the following:

"(e) Any person or entity holding legal title to a motor vehicle shall be held harmless for liabilities arising from the release of mercury from any mercury-added component installed in such a vehicle, delivered to motor vehicle recyclers or scrap recyclers, or transferred to the manufacturer or its agent or contractor."

Senators Mulliken and Poulsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Stevens on page 4, after line 32 to Senate Bill No. 5710.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

Senator Morton moved that the following striking amendment by Senator Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that protecting human health and the environment is of the utmost importance to the citizens of the state of Washington.

(2) Mercury is introduced into the environment in a variety of ways via end of life of products including bilge pumps, oven doors, sump pumps, agricultural equipment, thermostats, clothes irons, and freezer door switches.

(3) It is the intent of the legislature to study the most appropriate and cost-effective manner to collect and recover all mercury-added components at the end of a product's useful life.

(4) The department of ecology shall convene a stakeholder group including representatives of manufacturers, recyclers, and consumers to study the most appropriate and cost-effective way to collect and recover mercury-added components at the end of a product's life and report the recommendations of the stakeholder group back to the legislature by December 31, 2005. The recommendations must include a list of all products that contain mercury-added components at the end of the product's life and a recommendation for appropriately disposing of those products, including an analysis of the cost to carry out the recommendations of the stakeholder group."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "and creating a new section."

Senators Morton and Mulliken spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Senate Bill No. 5710.

The motion by Senator Morton failed and the striking amendment was not adopted by voice vote.

MOTION

Senator Mulliken moved that the following striking amendment by Senator Mulliken be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that protecting human health and the environment is of the utmost importance to the citizens of the state of Washington.

(2) Mercury is introduced into the environment in a variety of ways and although it is beyond the state's power to control all mercury emissions, there are many sources that can be controlled, including the mercury contained in automobiles.

(3) Mercury is or has historically been present in a number of auto components, including but not limited to: Hood and trunk light switches, antilock brake (ABS) sensors, lights, and navigational systems.

(4) The recycling of automobiles involves the crushing, shredding, and melting of auto scrap via thermal combustion. Preventing mercury or mercury-added components from entering thermal combustion units is an effective way to reduce mercury emissions into the environment.

(5) It is the intent of this chapter is to reduce the quantity of mercury released into the environment by:

(a) Removing mercury containing light switches and antilock brake sensors from end-of-life vehicles in the state of Washington; and

(b) Creating a collection and recovery program for mercury-added components removed from vehicles in the state of Washington.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "End-of-life vehicle" means any motor vehicle that is sold, given, or otherwise conveyed to a motor vehicle crusher, motor vehicle recycler, or scrap recycling facility.

(3) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that produced or assembled a new motor vehicle that used mercury-added components, or in the case of an imported motor vehicle, the importer or domestic distributor of the motor vehicle.

(4) "Mercury-added component" means mercury-containing light switches and antilock brake system sensors, which were intentionally installed in the motor vehicle.

(5) "Motor vehicle" includes any automobile, van, truck, motor home, motorcycle, travel trailer, or bus.

(6) "Motor vehicle recycler" means any person or entity licensed under chapter 46.80 RCW and engaged in the business of either acquiring or dismantling, or both, motor vehicles for the primary purpose of resale of their parts or materials.

(7) "Scrap recycling facility" means a fixed location, where machinery and equipment are utilized for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

NEW SECTION. Sec. 3. (1) On or after January 1, 2006, a motor vehicle recycler and a scrap recycling facility that intends to crush, bale, shear, or shred a motor vehicle that contains mercury light switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-added components, except components that cannot be removed due to damage to the vehicle, or otherwise ensure that all mercury-added components have already been removed.

(2) A mercury-added component removed from a motor vehicle is subject to hazardous waste rules and any other applicable rules adopted by the department pursuant to this chapter, including, but not limited to, standards for the handling of hazardous waste, standards for destination facilities, requirements for the tracking of universal waste shipments, import requirements, and the rules governing different products.

(3) Manufacturers shall, individually or as part of a group:

(a) Provide technical assistance to the department, including brochures that help to locate and remove mercury-added components; and

(b) Provide for the proper disposal of mercury-added components that have been removed by motor vehicle recyclers or scrap recycling facilities.

(4) The department shall provide technical assistance to businesses engaged in the dismantling or crushing of motor vehicles, including motor vehicle recyclers and scrap recycling facilities, concerning the safe removal and proper disposal of mercury-added components from motor vehicles, including information about entities that provide mercury recycling services.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

Senators Mulliken and Parlette spoke in favor of adoption of the striking amendment.

Senators Poulsen and Rockefeller spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Mulliken to Senate Bill No. 5710.

The motion by Senator Mulliken failed and the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. (1) The legislature finds that protecting human health and the environment is of the utmost importance to the citizens of the state of Washington. Mercury is introduced into the environment in a variety of ways through the disposal of products that are no longer operational, including bilge pumps, oven doors, sump pumps, agricultural equipment, thermostats, clothes irons, and freezer door switches. It is the intent of the legislature to study the most appropriate and cost-effective manner to collect and recover all mercury-added components when products are no longer operational.

(2) The department of ecology shall form a stakeholder group including representatives of manufacturers, recyclers, and consumers to study the most appropriate and cost-effective way to collect and recover mercury-added components of products and report recommendations of the stakeholder group back to the legislature by December 31, 2005. Those recommendations shall include a list of all products that contain mercury at the time of disposal and a recommendation for appropriately disposing of those products, including an analysis of the cost to carry out the recommendations of the stakeholder group."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 1, after "components" strike the remainder of the title and insert "; and adding a new section.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford the amendment to Senate Bill No. 5710 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, beginning on line 2, after "environment" strike all material through "Washington" on line 6

On page 2, beginning on line 9, strike all of subsection (1)

On page 2, line 13, strike all of subsection (3)

On page 2, beginning on line 23, strike all of subsection (6)

On page 2, line 29, after "switches" strike all material through "sensors"

On page 2, beginning on line 31, strike all of subsection (8)

Renumber the remaining subsections consecutively.

Beginning on page 3, after line 5, strike all of sections 3 through 8 and insert the following:

"NEW SECTION. Sec. 3. The department of ecology shall develop a memorandum of understanding between motor vehicle recyclers, scrap recycling facilities, auto manufacturers, and steel companies. The memorandum of understanding shall allocate between each of these parties an appropriate role in the collection and disposal of mercury-added components from end-of-life vehicles.

The department of ecology shall report to the legislature by December 31, 2006, on the progress made on the collection of mercury-added components from end-of-life vehicles."

On page 1, beginning on line 2 of the title, after "vehicles;" strike the remainder of the title and insert "and creating new sections."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 2 to Senate Bill No. 5710.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

Beginning on page 4, line 37, strike all of subsection (2) (a)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, line 37 to Senate Bill No. 5710.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Jacobsen moved to immediately reconsider the vote by which the amendment by Senator Honeyford on page 2, line 2 to Senate Bill No. 5710 was adopted earlier in the day.

POINT OF ORDER

Senator Esser: "In response to Senator Jacobsen, that I believe that it is not timely made and any objection he might have been, was waived by his failure to request a division on that particular vote. Now, we do not know who voted 'Aye' and 'Nay' but we would have had a division been called for."

PARLIAMENTARY INQUIRY

Senator Eide: "Rule 37? I'm taking a look. On reconsideration has nothing in here regarding division. It just says it can be brought up immediately."

REPLY BY THE PRESIDENT

President Owen: "There's not a question in the President's mind as to whether or not Senator Jacobsen can make the, can ask for the, make the motion to reconsider, since there's no way of determining in a voice vote who voted 'yes' and who voted 'no.' So that's not in our discussions at this point. Let me sort this out. It is timely by our rules and the question that is before the body at this point is Senator Jacobsen's motion to immediately reconsider the vote by which amendment by Senator Honeyford, Number 337, failed. When you vote on this, you will voting whether to vote on the amendment or not at this point. You're not actually voting on the amendment at this point."

PARLIAMENTARY INQUIRY

Senator Honeyford: "We have already failed another amendment and so we've gone on and proceeded with another amendment. Is it proper then to go back to a previous amendment?"

REPLY BY THE PRESIDENT

President Owen: "In our reading of the rules, yes it is. We're on the same order of business which is the amendments and the bill which is before us at this time."

POINT OF ORDER

Senator Jacobsen: "The previous amendment passed, it didn't fail."

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 2 to Senate Bill No. 5710 on reconsideration.

Senator Eide demanded a division.

The motion by Senator Honeyford failed and the amendment was not adopted by a rising vote on reconsideration.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 7, beginning on line 5, strike all of section 7

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "vehicles;" insert "and" and after "RCW" strike the remainder of the title.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 7, line 5 to Senate Bill No. 5710.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 7, after line 13, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The mercury switch removal program under sections 1 through 7 of this act shall be terminated June 30, 2012, as provided in section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed effective June 30, 2013:

(1) Section 1 of this act;

(2) Section 2 of this act;

(3) Section 3 of this act;

(4) Section 4 of this act;

(5) Section 5 of this act;

(6) Section 6 of this act; and

(7) Section 7 of this act."

On page 1, line 2 of the title, after "vehicles;" insert "adding new sections to chapter 43.131 RCW;"

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 7, line 13 to Senate Bill No. 5710.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Senate Bill No. 5710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen, Swecker and Rasmussen spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5710.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benson, Benton, Brandland, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schoesler and Sheldon - 13

Excused: Senator Stevens - 1

ENGROSSED SENATE BILL NO. 5710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "We've just received email from Senator Stevens and she tells us that her husband is in the hospital in Centralia with arrhythmia and everything else looks very good and he'll be kept over night and if it's all good then she'll be back tomorrow. She thanks everyone for their prayers and concerns."

SECOND READING

SENATE BILL NO. 5736, by Senator Spanel

Air ambulance services.

MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 5736 was substituted for Senate Bill No. 5736 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senator Spanel and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there is a need to assist island and rural citizens with the availability of affordable air ambulance service. The legislature further finds that there is a need to evaluate the feasibility of subscription air ambulance service offered by a vendor that solicits membership subscriptions, accepts membership applications, charges membership fees, and furnishes prepaid or discounted air ambulance service to subscription members and designated members of their households.

(2) The office of the insurance commissioner must perform an evaluation of the feasibility of subscription air ambulance service. This evaluation shall be geared toward allowing a person, entity, corporation, or nonprofit corporation to offer, sell, and provide subscription air ambulance service. The evaluation shall:

(a) Include consultation with public and private entities and individuals involved in offering, providing, and purchasing subscription air ambulance service;

(b) Assess the needs and concerns of likely subscription air ambulance vendors, including the costs of providing affordable air ambulance service to rural and island residents, as well as the burdens placed on vendors if held to the reporting and solvency requirements of the insurance code;

(c) Determine the implications of subscription air ambulance service on consumer protection issues; and

(d) Compare the state's need for affordable subscription air ambulance service to other states that allow this service, including an inquiry into the practices of out-of-state vendors who provide the service, as well as the applicability or nonapplicability of other states' insurance codes to the service.

(3) The office of the insurance commissioner must submit a report of its findings to the legislature by December 31, 2005, and the report must include recommendations based on the evaluation required under subsection (2) of this section.

(4) The subscription air ambulance service feasibility evaluation shall be funded by the office of the insurance commissioner."

Senators Spanel and Benson spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel and others to Substitute Senate Bill No. 5736.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 5736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5736.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Thibaudeau, Jacobsen, Fairley, Brown, Prentice, McAuliffe, Regala, Rockefeller, Fraser, Rasmussen, Weinstein, Kline, Keiser and Kohl-Welles

Requesting that the privatization of social security be rejected.

The measure was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senator Benton and others be adopted.

Strike everything after "follows:" on line 7, and insert the following:

"WHEREAS, Demographic changes and cost increases will drain the existing Social Security system; and

WHEREAS, Without significant changes to the system, costs will exceed revenues starting in 2018 and the system will not be able to pay any benefits by 2042; and

WHEREAS, Anyone born after the year 1970 will not receive any Social Security benefits if changes are not made to the system; and

WHEREAS, Not reforming the system will require a 50 percent tax increase on every working American or a 30 percent benefit cut; and

WHEREAS, Allowing younger workers to invest a portion of their income in personal retirement accounts will allow younger workers to have a greater rate of return and retirement security; and

WHEREAS, Allowing younger workers to invest a portion of their income in personal retirement accounts will avoid any benefits cut and/or tax increases;

NOW, THEREFORE, Your Memorialists request that our elected Representatives and Senators in the United States Congress support no increases in payroll taxes, no cuts to Social Security benefits, and optional Social Security personal retirement accounts.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Senators Benton, Esser, Benson, Schoesler, Johnson, Finkbeiner spoke in favor of adoption of the striking amendment.
Senators Thibaudeau, Brown and Kastama spoke against adoption of the striking amendment.

POINT OF ORDER

Senator Benton: "I'm sure we'll be able to debate the underlying bill in a moment but I would like to ask that you ask the speaker to keep the remarks to the amendment that is before the body."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, it's quite often and appropriate that a person refers to the body of a measure when they are talking about the amendment to show the contrast. I believe that she's within order"

POINT OF INQUIRY

Senator Kline: "Would Senator Esser yield to a question? Senator, it is your understanding that when Congress, if they read this memorial, were to ever know that there had been rejected an alternative? Would that be an understanding under the rules of statutory construction?"

Senator Esser: "I believe so. I believe that the members of Congress take very seriously the joint memorials that we send to them and they will thoroughly research the legislative history 'cause, having met our congressional delegation, I know how seriously they take their jobs."

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Benton and others to Senate Joint Memorial No. 8014.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Benton and others was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Stevens - 1

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Thibaudeau, Franklin and Fraser spoke in favor of passage of the bill.
Senators Zarelli, Benson, Benton and Honeyford spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8014 and the memorial passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Swecker and Zarelli - 23

Excused: Senator Stevens - 1

SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Morton: "Mr. President, I respectfully move that we include the roll call vote on the transmittal of this memorial."

REPLY BY THE PRESIDENT

President Owen: "Senator Morton, for clarification because the vote is submitted with it, are you asking for individual vote count, I mean of each individual or are you asking for the 'Yeas' and 'Nays?'"

PERSONAL PRIVILEGE

Senator Morton: "The roll call count which includes the names."

PARLIAMENTARY INQUIRY

Senator Rockefeller: "Is there a precedent that would support taking such action? I'm not aware of it and perhaps you could cite us some precedent for doing this."

REPLY BY THE PRESIDENT

President Owen: "Perhaps I could, but I can't. The President can not, nor can any of us, recall where this action has been taken in the past."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Just inform the body if we do send it, this will set the precedent and I hope we do."

MOTION

At 9:58 p.m., on motion of Senator Eide, the Senate adjourned until 8:30 a.m. Tuesday, March 15, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 14, 2005

2005 REGULAR SESSION

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 15, 2005

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Deccio, Doumit, Pflug, Sheldon and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Marion Conley and Madeleine Roach, presented the Colors. Pastor Tandi Rogers, Program Consultant for the (Pacific Northwest District) of the Unitarian Universalist Association, offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1029,
SUBSTITUTE HOUSE BILL NO. 1065,
ENGROSSED HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1643,
SUBSTITUTE HOUSE BILL NO. 1834,
ENGROSSED HOUSE BILL NO. 1848,
SUBSTITUTE HOUSE BILL NO. 1918,
SUBSTITUTE HOUSE BILL NO. 2033,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
SECOND SUBSTITUTE HOUSE BILL NO. 2212,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 1074,
ENGROSSED SUBSTITUTE SENATE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1116,
SUBSTITUTE HOUSE BILL NO. 1236,
HOUSE BILL NO. 1429,
SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2259,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2053,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2194,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1408,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1802,
SECOND SUBSTITUTE HOUSE BILL NO. 1815,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1936,
ENGROSSED HOUSE BILL NO. 1998,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
SUBSTITUTE HOUSE BILL NO. 2173,
ENGROSSED HOUSE BILL NO. 2241,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6086 by Senators Honeyford, Hewitt, Poulsen, Morton, Mulliken and Rasmussen

AN ACT Relating to allowing retrofitting of domestic wells to maintain agricultural irrigation purposes during drought; amending RCW 43.83B.410; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 6087 by Senators Brown, Kline, Keiser, Fairley, Weinstein, Rockefeller and Kohl-Welles

AN ACT Relating to improving health care by increasing patient safety, reducing medical errors, reforming medical malpractice insurance, and resolving medical malpractice claims fairly without imposing mandatory limits on damage awards or fees; amending RCW 5.64.010, 4.24.260, 18.71.015, 18.130.160, 18.130.172, 43.70.510, 48.18.290, 48.18.2901, 48.18.100, 48.18.103, 48.19.043, 48.19.060, 4.16.190, 7.04.010, and 7.70.080; reenacting and amending RCW 69.41.010; reenacting RCW 4.16.350; adding a new section to chapter 18.130 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 48.19 RCW; adding a new section to chapter 48.18 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 7 RCW; creating new sections; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Judiciary.

INTRODUCTION & FIRST READING OF HOUSE BILLS

ESHB 1153 by House Committee on Local Government (originally sponsored by Representatives Springer, Nixon, Clibborn, Jarrett, Simpson, P. Sullivan, Shabro and B. Sullivan)

AN ACT Relating to equalizing the costs of providing municipal services to newly annexed areas; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

ESHB 1301 by House Committee on Capital Budget (originally sponsored by Representatives Hunt, Alexander, Ormsby, Jarrett, Dunshee, Williams and Moeller)

AN ACT Relating to state capitol campus governance; amending RCW 43.34.080 and 43.19.125; adding new sections to chapter 43.34 RCW; adding a new section to chapter 27.48 RCW; adding a new section to chapter 79.24 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1408 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Hinkle, Morrell, Jarrett, Darneille, McDonald, B. Sullivan, Kagi, Skinner, Schual-Berke, Chase, McIntire, McCoy, Hasegawa, Upthegrove, Ormsby, Woods, Miloscia, P. Sullivan, Santos and Simpson)

AN ACT Relating to individual development accounts; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

E2SHB 1418 by House Committee on Appropriations (originally sponsored by Representatives Kirby, Roach, Simpson, Santos, Campbell, Orcutt, Williams and Serben)

AN ACT Relating to regulating insurance overpayment recovery practices; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 1636 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Roberts, Kagi, Clements, Darneille, Hunt, Green, Kenney, Appleton, Chase, Jarrett, Kessler, Moeller, Morrell, Williams, Ormsby, Murray, Dickerson, Conway, Lantz, Wood, Haigh, McDermott, Santos and Hudgins)

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

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1802 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Kilmer, Walsh, Pettigrew, Strow, Wallace, Kenney, Clibborn, Hankins, McCoy, Haler, Blake, McCune, Linville, P. Sullivan, Grant, Kessler, Simpson, Morrell, Williams, O'Brien, Lantz, Eickmeyer, Chase, Haigh, Hasegawa, Hudgins and Moeller)

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding new sections to chapter 84.36 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

2SHB 1815 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller)

AN ACT Relating to a small business incubator competitive grant program; amending RCW 43.176.020; adding a new section to chapter 43.176 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

HB 1864 by Representatives Kilmer, Woods, Lantz, Appleton, Green and Hasegawa

AN ACT Relating to citizen advisory committees for toll charge oversight; amending RCW 47.46.090; and adding a new section to chapter 47.46 RCW.

Referred to Committee on Transportation.

ESHB 1865 by House Committee on Transportation (originally sponsored by Representatives Kilmer, Woods, Lantz, Appleton, Talcott, Green and Williams)

AN ACT Relating to sales and use taxes related to the state route 16 corridor improvements project; amending RCW 47.46.060; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

ESHB 1883 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives McCoy, Pearson, Eickmeyer, Upthegrove and Haigh)

AN ACT Relating to collection and preservation of oral histories about Hood Canal; adding a new section to chapter 28B.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SHB 1936 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Hinkle, Simpson, Priest, Miloscia, Schual-Berke, P. Sullivan, Williams, Hasegawa and O'Brien)

AN ACT Relating to allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.547; and providing an expiration date.

Referred to Committee on Ways & Means.

EHB 1998 by Representatives P. Sullivan and Santos

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

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2053 by House Committee on Transportation (originally sponsored by Representatives Hankins, Murray, Haler, Schual-Berke and Skinner)

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2126 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Kenney, Kessler, Rodne, Linville, Hankins, Grant, Takko, Newhouse, Williams, Flannigan, Sells, Ormsby, Chase and Serben)

AN ACT Relating to providing accommodations to dependent persons who are victims and witnesses; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

SHB 2173 by House Committee on Judiciary (originally sponsored by Representatives Serben, Lantz, Curtis, Darneille, Williams, Rodne, Ahern, Sump, Sells, Woods, Dunn, Springer, Haler, Talcott, Wallace, Conway, O'Brien, Kenney and P. Sullivan)

AN ACT Relating to service members' civil relief; adding a new chapter to Title 38 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

ESHB 2194 by House Committee on Local Government (originally sponsored by Representatives Springer and Simpson)

AN ACT Relating to public participation requirements of the growth management act; amending RCW 36.70A.035 and 36.70A.140; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

EHB 2241 by Representatives Dunshee, Lovick and O'Brien

AN ACT Relating to limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040; amending RCW 36.70A.030, 36.70A.060, and 36.70A.130; adding new sections to chapter 36.70A RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1865 which was referred to the Committee on Ways & Means.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9165, Kevin M. Raymond, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Deccio and Stevens were excused.

On motion of Senator Regala, Senators Brown, Doumit and Sheldon were excused.

REAPPOINTMENT OF KEVIN M. RAYMOND

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9165, Kevin M. Raymond as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9165, Kevin M. Raymond as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Pflug - 1

Excused: Senators Brown, Deccio, Doumit, Sheldon and Stevens - 5

Gubernatorial Reappointment No. 9165, Kevin M. Raymond, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9186, Martin F. Smith, as a member of the K-20 Educational Network Board, be confirmed.

Senators Kohl-Welles and Finkbeiner spoke in favor of the motion.

REAPPOINTMENT OF MARTIN F. SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9186, Martin F. Smith as a member of the K-20 Educational Network Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9186, Martin F. Smith as a member of the K-20 Educational Network Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Pflug - 1

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

Gubernatorial Reappointment No. 9186, Martin F. Smith, having received the constitutional majority was declared confirmed as a member of the K-20 Educational Network Board.

MOTION

On motion of Senator Mulliken, Senators Parlette and Pflug were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin, moved that Gubernatorial Appointment No. 9101, Joe Kosai, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

APPOINTMENT OF JOE KOSAI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9101, Joe Kosai as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9101, Joe Kosai as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

Gubernatorial Appointment No. 9101, Joe Kosai, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

MOTION

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

SECOND READING

SENATE BILL NO. 5611, by Senators Esser, Kline, Regala, Hewitt, Fairley, McCaslin, Zarelli, Weinstein, Stevens, Johnson, Brandland, Hargrove and Franklin

Changing the interest rate on legal financial obligations.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5611 was substituted for Senate Bill No. 5611 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5611.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5611 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Honeyford, Morton, Mulliken, Parlette and Schoesler - 6

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

SUBSTITUTE SENATE BILL NO. 5611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5154, by Senators Pridemore and Zarelli

Changing the leasehold excise tax exemption for certain historical property. Revised for 2nd Substitute: Providing a leasehold excise tax exemption for certain historical property.

MOTIONS

On motion of Senator Pridemore, Second Substitute Senate Bill No. 5154 was substituted for Senate Bill No. 5154 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Second Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Zarelli and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5154.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 44

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

SECOND SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5895, by Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles

Increasing coordination between the Puget Sound action team and other governmental entities. Revised for 1st Substitute: Increasing coordination between the Puget Sound recovery partnership and other governmental entities.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Rockefeller spoke in favor of passage of the bill.

Senators Roach, Morton, Schoesler, Honeyford and Pflug spoke against passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Swecker and Zarelli - 18

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5305, by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Keiser be adopted.

On page 1, line 9, after "meet" strike "any existing federal guideline" and insert "food and drug administration vaccine licensure requirements"

Senators Rasmussen and Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Keiser, on page 1, line 9 to Engrossed Substitute Senate Bill No. 5305.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Doumit, Sheldon and Stevens - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5899, by Senators Kohl-Welles, Brandland and Rasmussen

Changing provisions relating to background checks.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5899 was substituted for Senate Bill No. 5899 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Carrell and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5899.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5899 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Sheldon and Stevens - 3

SUBSTITUTE SENATE BILL NO. 5899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5479, by Senators Berkey, Benton, Prentice, Esser and McAuliffe

Revising time periods in landlord/tenant actions. Revised for 1st Substitute: Changing provisions relating to the unlawful detainer process under the residential landlord-tenant act.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Schmidt, Sheldon and Stevens - 4

SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5831, by Senators Morton and Poulsen

Concerning well construction.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5831.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Benton, Carrell, Honeyford, Johnson, McCaslin, Mulliken, Roach and Zarelli - 8

Excused: Senators Deccio, Schmidt, Sheldon and Stevens - 4

SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5599, by Senators Franklin, Kastama, Thibaudeau, Benson, Kline and McAuliffe

Nursing quality commission.

MOTION

On motion of Senator Franklin, Substitute Senate Bill No. 5599 was substituted for Senate Bill No. 5599 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following amendment by Senator Franklin be adopted.

On page 3, line 13, after "grants" strike "must" and insert "may".

Senator Franklin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 3, line 13 to Substitute Senate Bill No. 5599.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Parlette and Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5599.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Benton, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Pflug, Schmidt, Schoesler and Swecker - 13

Excused: Senators Deccio, Sheldon and Stevens - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. We have an honored guest with us today that's going to be allowed to address us for just a few minutes. We know our schedules are very tight. It's my honor and my pleasure to introduce to you Brigadier General Oscar Hilman. General Hilman was our Brigade Commander for about approximately 3.5 thousand National Guards soldiers that are just now finishing their term in Iraq. As most of you know also, General Hilman was responsible for the flag that we have here in the back of the chambers. He had sent it to us. It was the flag that was flown over camp Anaconda, which is our Brigade headquarters there in Iraq for many of our state residents. I don't have time to go into a personal story but General Hilman and I go back about thirteen years. We've known each other a long time. We've served each other in various capacities and I've always considered both him and his wife, Patty, as very good friends and I think it's an honor to have you here today, sir. We're glad to have you back home and we thank you for how you've represented all of us, the citizens in the state of Washington as being the commander of our citizen-soldiers as they were serving in a time like this. Welcome."

REMARKS BY THE PRESIDENT

President Owen: "Brigadier General Hilman assumed his duties as the Commander of the 81st armor Brigade on May 15, 2002 as the Brigade Commander. He's responsible for the readiness and mobilization preparedness of the separate heavy Brigade consisting of two army battalions, one mechanized infantry battalion, one direct support artillery battalion, one combat engineer battalion, one forward support battalion, one military intelligence company, one calvary troop, one air defense artillery and a headquarters and headquarters company. He began his very distinguished career in 1969. I'm very proud and honored to have this highly respected, decorated soldier with us today. General Hilman has just been noted, just returned from Iraq to lead the 81st Armor Brigade. It's my great privilege to be able to present him to you. General Hilman."

REMARKS BY GENERAL HILMAN

General Hilman: "Thank you very much. Mr. President, honorable members of the Washington State Senate. I am honored to be here today and I want to share with you with a profound sense of pride and accomplishment that these citizen-soldiers of the Washington Army National Guard and 81st Brigade and Combat Team, of successfully serving our nation and our state during Operation Iraqi Freedom two. Just a little over a year ago the 81st Brigade combat Team responding to a call to our nation, a symbol of our 'Evergreen State.' It was the largest call up since World War II. We arrived in Theatre with 3200 men and women from Washington state, augmented with proud soldiers from Minnesota and California, bringing our total strength to 4,000 soldiers in Saudi, Kuwait and Iraq. We took with us 1,200 vehicles, Abram tanks, Bradley fighting vehicles, and about over 300 Humvees. I'm privileged and proud to serve as the Commanding General of the 81st Brigade. It is reflected of what we strive to achieve. To serve our nation and our state. During the twelve months in Iraq, the 81st Brigade Combat Team represented Washington state with valor and noteworthy accomplishment. Our direct efforts to secure Iraq we're realized on June 28, with the early transfer of severingty and perhaps our greatest accomplishment was the first democratic election occurred on January 30. During our combat tour in Iraq, the 81st Brigade soldiers conducted 9,075 combat patrols, seventy-seven combat raids, 197 searches and succeeded in 162 combat engagements. I'm here to report to you that we accomplished our mission with professionalism, honor and pride and a job well done. Our success, however, came with the ultimate sacrifice of loss of nine soldiers, three from Washington state, five from California and one from Michigan. We mourn with the loss of these soldiers and we all continue to serve with honor and pride as testament to this patriotism. Most of the 81st Brigade soldiers are home now. We look forward to full return of our soldiers by April 3. After completing our demobilization at Fort Lewis, the soldiers will enjoy much-deserved time with their families. The soldiers will also return to their traditional National Guard roles in civilian employment within the next two to three months. This combat tour was a challenging and significant experience with the citizen-soldiers of Washington state. I'm proud to stand here today to salute you, the Legislature, the Governor and our citizens for their

outstanding support. Your warm welcome is also greatly appreciated by the men and women of the 81st Brigade soldiers and we thank you so much."

REMARKS BY THE PRESIDENT

President Owen: "The President would also like to recognize that General Hilman had his wife Patty with him and also with him today accompanying General Hilman in the south gallery are soldiers from the 81st Brigade. Senior Non Commissioned Officer of the 81st Brigade, Sergeant Major Robert J. Barr and his wife, Erin, are with us today. To the soldiers and General Hilman, thank you for your service. We appreciate it very much."

SECOND READING

SENATE BILL NO. 5705, by Senators Rockefeller, Schoesler, Rasmussen, Mulliken and McAuliffe

Avoiding fragmentation in bargaining units for classified school employees.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Schmidt spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benson, Carrell, Hewitt, Honeyford, Johnson and Morton - 6

Excused: Senators Deccio, Fairley and Stevens - 3

SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5370, by Senators Brown, Benson, Shin, Sheldon, Eide, Kohl-Welles and McAuliffe

Creating the economic development strategic reserve account.

MOTIONS

On motion of Senator Shin, Second Substitute Senate Bill No. 5370 was substituted for Senate Bill No. 5370 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Second Substitute Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Pflug, Brown and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5370.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Stevens - 2

SECOND SUBSTITUTE SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5809, by Senators Fairley and Kohl-Welles

Revising jurisdiction of youth courts.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Fairley and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5809.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5809 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Stevens - 2

SENATE BILL NO. 5809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:32 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:25 a.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 5492, by Senators Keiser, Deccio, Kline, Parlette, Mulliken and Pflug

Modifying hospital reporting of restrictions on health care practitioners.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Haugen - 2

SUBSTITUTE SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6025, by Senators Shin, Kohl-Welles, Thibaudeau and Rasmussen

Expanding the office of the Washington state trade representative. Revised for 1st Substitute: Appointing a trade policy professional to represent the office of the Washington state trade representative.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6025 was substituted for Senate Bill No. 6025 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator McCaslin - 1

Excused: Senators Deccio and Haugen - 2

SUBSTITUTE SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 5951, by Senators Rasmussen, Hewitt and Kohl-Welles

Affording certain information held by the horse racing commission the same protection from public inspection as other regulated entities.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5951 was substituted for Senate Bill No. 5951 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5951 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5951.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5951 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Roach - 1

Excused: Senators Deccio and Haugen - 2

SUBSTITUTE SENATE BILL NO. 5951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5069, by Senators Keiser, Kohl-Welles, Franklin, Thibaudeau, Brown, Kline and Regala

Establishing family leave insurance.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5069 was substituted for Senate Bill No. 5069 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, beginning on line 6, after "(1)" strike all material through "(2)" on line 13

On page 2, beginning on line 24, after "(6)" strike all material through "50.04.100" on line 26, and insert the following:
"(a) "Individual" means an employee who has been employed:

(i) For at least twelve months by the employer with respect to whom leave is requested under 29 U.S.C. 2612; and

(ii) For at least one thousand two hundred fifty hours of service with the employer during the previous twelve-month period.

(b) "Employee" does not include:

(i) Any federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (5 U.S.C. 6381 et seq.); or

(ii) Any employee of an employer who is employed at a worksite at which such employer employs less than fifty employees if the total number of employees employed by that employer within seventy-five miles of that worksite is less than fifty.

(c) For purposes of determining whether an employee meets the hours of service requirement specified in (a)(ii) of this subsection, the legal standards established under 29 U.S.C. 207 apply.

(7) "Employer" means any person engaged in commerce or in any industry or activity affecting commerce who employs fifty or more employees for each working day during each of twenty or more calendar workweeks in the current or preceding calendar year and includes:

(a) Any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer;

(b) Any successor in interest of an employer; and

(c) Any "public agency" as defined in 29 U.S.C. 203(x)."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 12, after "(14)" strike all material through "(15)" on line 16

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 5, beginning on line 5, after "(2)" strike all material through "(3)" on line 7

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 9, line 13, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 6 to Second Substitute Senate Bill No. 5069.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller be adopted.

On page 2, line 25, after "subdivisions." insert ""Employer" does not include a person or entity who employs eight or fewer individuals for each working day during each of twenty or more calendar workweeks in the current or preceding calendar year."

On page 12, line 1, after "(3)" insert "An employer of eight or fewer individuals may elect coverage under this chapter for all individuals. The employer must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(4)"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rockefeller the amendment to Second Substitute Senate Bill No. 5069 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, line 25, after "subdivisions." insert ""Employer" does not include a person or entity who employs fewer than fifty employees."

On page 12, line 1, after "(3)" insert "An employer of fewer than fifty employees may elect coverage under this chapter for all individuals. The employer must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(4)"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Second Substitute Senate Bill No. 5069.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen be adopted.

On page 5, line 5, after "least" strike "six hundred eighty" and insert "nine hundred sixty"

On page 5, line 6, after "year" insert "or has been continuously employed for the twelve months preceding the month during which the employee files for benefits, whichever is less"

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 5, line 5 to Second Substitute Senate Bill No. 5069.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 7, line 22, after "(1)" strike "For weeks of family leave beginning before July 1, 2007, the" and insert "The"

On page 7, line 25, after "week." strike all material through "June 30th." on line 32.

On page 15, line 21, after "director" strike "shall adjust" and insert "may reduce"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 7, line 22 to Second Substitute Senate Bill No. 5069.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Keiser be adopted.

On page 9, after line 12 of the amendment, strike all of section 10 and insert the following:

"NEW SECTION. Sec. 10. During a period in which an individual receives family leave insurance benefits under this chapter, the individual is entitled to family leave. Family leave for which an individual is receiving or received family leave insurance benefits under this chapter must be taken concurrently with leave under the federal family and medical leave act of 1993 (Act Feb.5, 1993, P.L. 103-3, 107 Stat. 6), chapter 49.78 RCW, or other applicable federal, state, or local law. At the established ending date of leave, the individual may be reinstated in his or her position with the employer from whom leave was taken under the applicable law most favorable to the individual. However, if the individual is not entitled to reinstatement on return from family leave under the federal family and medical leave act of 1993 (Act Feb.5, 1993, P.L. 103-3, 107 Stat. 6), chapter 49.78 RCW, or other applicable federal, state or local law, then there is no entitlement to reinstatement under this act."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Keiser on page 9, after line 12 to Second Substitute Senate Bill No. 5069.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 15, line 14, after "shall" strike "pay" and insert "submit"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 15, line 14 to Second Substitute Senate Bill No. 5069.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 15, line 31, after "section." insert "This subsection is not subject to collective bargaining."
Renumber the sections consecutively and correct any internal references accordingly.
Senators Hewitt and Zarelli spoke in favor of adoption of the amendment.
Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 15, line 31 to Second Substitute Senate Bill No. 5069.

MOTION

Senator Esser demanded a division.
The motion by Senator Hewitt failed and the amendment was not adopted by a rising vote.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 16, after line 21 insert the following:
"**NEW SECTION.** Sec. 22. This chapter shall only apply to cities with a population of five hundred thousand or more people."
Renumber the sections consecutively and correct any internal references accordingly.
Senators Sheldon, Pflug and Honeyford spoke in favor of adoption of the amendment.
Senator Brown spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 16, after line 21 to Engrossed Second Substitute Senate Bill No. 5069.

The motion by Senator Sheldon failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Keiser spoke in favor of passage of the bill.

POINT OF ORDER

Senator Esser: "I submit to you that the measure before us imposes a new tax and raises state revenue and therefore under the provisions of Initiative 601 requires a two-thirds vote of this body for approval."

Senator Esser spoke in favor of the motion.
Senator Eide spoke against the motion.

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute Senate Bill No. 5069 was deferred and the bill held its place on the third reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Berkey moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Prentice and Berkey

WHEREAS, Ms. Elizabeth Anne McLaughlin, lovingly referred to as "Miss Liz," touched the lives of so many citizens of the state of Washington; and

WHEREAS, Miss Liz lived in Everett for nearly 55 years and was truly dedicated to the service of her community; and
WHEREAS, Miss Liz was remarkable because she never "outgrew" her friends - at the end of her life, she was still involved with people she worked with early in her career; and

WHEREAS, Miss Liz was active in her Democratic Party and was respectful of and respected by her friends in the Republican Party and approachable by all people; and

WHEREAS, Miss Liz worked for the Everett Community College's Family Life Program for 19 years; and

WHEREAS, She served on the Snohomish County Council from 1986 until 1995, when she retired and was honored with a tribute written into the Congressional Record; and

WHEREAS, Miss Liz helped create the Public Housing Trust Fund, assisted in the formation of the Dispute Resolution Center in Everett, and raised funds for the Imagine Children's Museum; and

WHEREAS, She was able to cross partisan boundaries and worked to speak for those without a political voice; and

WHEREAS, A true humanitarian, she treated everyone equally regardless of political, social, or economic status; and

WHEREAS, She dedicated countless hours of service to council boards, community and social service organizations, and committees; and

WHEREAS, Her human services work, her commitment to children, the elderly, the developmentally disabled, and the homeless, and her devotion to her constituents will not be forgotten; and

WHEREAS, She was a civic and political leader who lived a life that exemplified service to the community; and

WHEREAS, After a difficult 19-month battle with lymphoma, Miss Liz passed away on October 30, 2004, in Everett; she will long be remembered for her leadership, compassion, and dedication to improving the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate hereby offer our deepest gratitude and honor the memory of Miss Liz, a shining example of democracy, and that we urge all citizens of the state of Washington to join us in recognizing this woman who was a model of service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the family of Elizabeth McLaughlin.

Senators Berkey, Prentice, Schmidt, Haugen, Shin, Franklin and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Berkey carried and the resolution was adopted by voice vote.

MOTION

At 12:32 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin, moved that Gubernatorial Appointment No. 9171, Martha Rice, as a member of the Professional Educator Standards Board, be confirmed.

Senator Delvin spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Pflug was excused.

APPOINTMENT OF MARTHA RICE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9171, Martha Rice as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9171, Martha Rice as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Kline, McAuliffe, Parlette and Stevens - 4

Excused: Senators Deccio and Pflug - 2

Gubernatorial Appointment No. 9171, Martha Rice, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTIONS

On motion of Senator Mulliken, Senators Stevens and Parlette were excused.

On motion of Senator Weinstein, Senators Kline and McAuliffe were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala, moved that Gubernatorial Appointment No. 9163, Karen L. Rademaker Simpson, as a member of the Professional Educator Standards Board, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF KAREN L. RADEMAKER SIMPSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9163, Karen L. Rademaker Simpson as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9163, Karen L. Rademaker Simpson as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pflug - 2

Gubernatorial Appointment No. 9163, Karen L. Rademaker Simpson, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5773, by Senators Fraser, Fairley, Kohl-Welles, Rockefeller, Kline and Pridemore

Protecting homeowners who hire contractors to remodel or build their homes.

MOTION

On motion of Senator Fraser, Second Substitute Senate Bill No. 5773 was substituted for Senate Bill No. 5773 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted.

On page 2, beginning on line 33, after "principals," strike all material through "have" on line 34 and insert "and the employee with the greatest executive,"

On page 2, line 28, after "section" strike "6" and insert "4"

On page 3, line 1, after "the" strike "six" and insert "three"

On page 3, beginning on line 11, after "principals," strike all material through "have" on line 12 and insert "and the employee with the greatest executive,"

On page 3, at the beginning of line 16, after "the" strike "six" and insert "three"

On page 4, line 5, after "homeowner." insert "Nothing in this section requires a contractor to create or maintain a separate account for each homeowner."

On page 5, line 27, after "against" insert "the prime residential contractor or"

On page 6, line 7, after "against" insert "the residential subcontractor or"

On page 7, line 4, after "the" strike "six" and insert "three"

On page 8, line 8, after "Within" strike "fourteen" and insert "thirty"

On page 8, line 10, after "within" strike "forty-two" and insert "sixty"

On page 10, line 6, after "perjury," insert "(a) a notarized statement stating that the homeowner paid the contractor for all amounts the contractor informed the homeowner were owed to the lien claimant, and that the homeowner did not receive written notice from the contractor, as provided under section 2(3)(b)(ii) of this act, indicating the contractor did not intend to fully pay the lien claimant; and (b)"

On page 10, line 17, after "filed." insert "The effective date of the suspension shall be the date that the contractor completes work on all construction projects in progress on the date of the notice from the department as provided for under subsection (5) of this section."

On page 21, line 16, after "other" strike "acknowledgement" and insert "~~((acknowledgement))~~ acknowledgment"

On page 27, line 4, after "of the" strike "six" and insert "three"

On page 27, beginning on line 9, after "principal." strike all material through "physical" on line 10 and insert "and the employee with the greatest executive, physical."

On page 32, beginning on line 8, after "principals." strike all material through "physical" on line 9 and insert "and the employee with the greatest executive, physical."

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 2, line 33 to Second Substitute Senate Bill No. 5773.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 32, after line 16, insert the following:

NEW SECTION. Sec. 12. A new section is added to chapter 64.38 RCW to read as follows:

(1) The governing documents may not prohibit the outdoor display of political yard signs by an owner or resident on the owner's or resident's property before any primary or general election. The governing documents may include reasonable rules and regulations regarding the placement and manner of display of political yard signs.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on the effective date of this section that is inconsistent with this section is void and unenforceable."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 4 of the title, after "RCW;" insert " adding a new section to chapter 64.38 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton the amendment to Second Substitute Senate Bill No. 5773 was withdrawn.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 60.04.250 and 1990 c 81 s 1 are each amended to read as follows:

The department of labor and industries shall prepare master documents that provide informational material about:

(1) Construction lien laws and available safeguards against real property lien claims. The material shall include methods of protection against lien claims, including obtaining lien release documents, performance bonds, joint payee checks, the opportunity to require contractor disclosure of all potential lien claimants as a condition of payment, and lender supervision under RCW 60.04.200 and 60.04.210. The material shall also include sources of further information, including the department of labor and industries and the office of the attorney general.

(2) The basics of lien law relating to owner-occupied residential improvements and new construction projects, including a list of available safeguards against real property lien claims, which the homeowner must consider, reject, or select. Before any building permit may be issued for the construction of a new owner-occupied single-family residence or for the improvement to an owner-occupied single-family residence for an amount in excess of one thousand dollars, if the construction will involve the services of a prime contractor, the permit issuing agency shall not issue any permit until the homeowner has personally, and not through an agent, acknowledged receipt of the document. When the homeowner completes the document by making selections, as indicated in the document, and submits it to the agency, the permit issuing agency shall maintain a copy of the completed document in the file of the permit issuing agency relating to the homeowner's permit application. The document shall be in substantially the following form and shall also include information describing the scope and limits of state contractor bonding requirements, the provisions of this act, and the availability of further information, including the department of labor and industries and the office of the attorney general.

Dear Homeowner:

You must complete the items below and select from the options below what protection, if any, you want against potential lien claims on your property as a result of the construction work for which you are contracting. If your contractor fails to pay subcontractors, suppliers, or laborers or neglects to make other legally required payments, those who are owed money can file a lien against your property for payment, even if you have paid your contractor in full. Anyone filing a valid lien claim may force the sale of your property to recover the unpaid amount. This is true if you have hired a contractor to build a new home or are buying a newly built home. It is also true when you remodel or improve your property.

People who supply materials or labor ordered by your contractor are permitted by law to file a lien only if they do so within ninety days of cessation of performance or delivery of materials. The time frame is spelled out in RCW 60.04.091.

If you enter into a contract to buy a newly built home, you may not receive a notice of a lien based on a claim by a contractor or material supplier. You should inquire of your lender and title insurer about title insurance coverage for liens that may arise from the construction of your home, but that are not recorded until after you take possession of your home. Be aware that a lien may be claimed even though you have not received a notice. Before making final payment on the project, obtain a completed lien release form from each contractor and material supplier. A sample of this release of lien form is available from the department of labor and industries, contractor registration section.

You have final responsibility for seeing that all bills are paid even if you have paid your contractor in full.

If you are dealing with a lending institution, ask your loan officer what precautions the lending institution takes to verify that subcontractors and material suppliers are being paid when mortgage money is paid to your contractor. You may want to request lender supervision if your lending institution is providing interim or construction financing.

If you receive a notice to enforce a lien, take the notice seriously. Let your contractor know you have received the notice. Find out what arrangements are being made to pay the sender of the notice.

When in doubt, or if you need more details, consult your attorney. When and how to pay your contractor is a decision that requires serious consideration. Washington law, RCW 18.27.114, requires contractors to give you this disclosure statement if your contract exceeds one thousand dollars.

Complete the following information, select below how you want to protect yourself from possible lien claims on your property, and inform your contractor of your selections or discuss your selections with your contractor.

I, (owner's name)

am agreeing to have (contractor's name)

perform the following construction work (basic description)

at (location of your property using an address, legal description or approximate address)

in the amount of \$ including all federal, state, and local taxes, and this amount may be adjusted only if authorized by me in writing.

To protect myself against possible lien claims in the future for this work, I (select one):

..... will only issue checks made payable jointly, naming the contractor and the subcontractor or supplier as payees.

..... will only issue checks to the contractor and subcontractors in the amounts equal to the amounts for which lien releases that release all lien rights to those amounts, as provided by RCW 60.04.071, have been provided to me by each lien claimant requesting payment.

..... want the contractor to post a bond to assure both performance of this construction work and payment to all subcontractors and suppliers in the amount of (select one) . . . the total contract amount . . . in the amount of \$ (Note: Your contractor may add the cost of this bond to your contract price.)

..... will be using as an escrow agent to disburse construction funds and to protect my interests. (NOTE: Before making this selection, find out whether the escrow agent you plan to use will protect you against liens when disbursing payments. If you are interested in using this alternative, consult your attorney.)

..... want this contractor to set up a trust account for all funds I pay to this contractor, and the trust funds must be disbursed in accordance with our construction agreement to subcontractors and suppliers.

..... DO NOT want any of the above protections from potential lien claims against my property as a result of this construction work.

In addition to the above selection, I choose ONE of the following: . . . WANT . . . DO NOT WANT the prime residential contractor to disclose all potential lien claimants as a condition of payment. (NOTE: A lien claimant must, under RCW 60.04.091, mail by certified or registered mail or by personal service a copy of the claim of lien to the owner within fourteen days of the time the lien is recorded. While an action is ongoing, the law, RCW 60.04.151, allows an owner to withhold from this prime residential contractor the amount of money for which a claim is recorded by a subcontractor, supplier, or laborer.)

More information about contractors is available by visiting the department of labor and industries on the Internet at www.LNI.wa.gov/SCS/contractors/ or by calling the contractor registration hotline at 1-800-647-0982. You may also call your local department of labor and industries office. See listings under "Washington state of" in the government section or the white pages of the telephone book.

Signed by (property owner):

Date signed:

Sec. 2. RCW 18.27.020 and 1997 c 314 s 3 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a gross misdemeanor for any contractor to:
 - (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
 - (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;
 - (c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; or
 - (d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.
- (3) It is not unlawful for a general contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the general contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.
- (4) All (~~misdemeanor~~) actions under this chapter shall be prosecuted in the county where the infraction occurs.
- (5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a citation from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.
- (6) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

Sec. 3. RCW 60.04.031 and 1992 c 126 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and 60.04.261, this notice shall also be given to the prime contractor as described in this subsection unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

- (a) Mailing the notice by certified or registered mail to the owner or reputed owner; or
- (b) Delivering or serving the notice personally upon the owner or reputed owner and obtaining evidence of delivery in the form of a receipt or other acknowledgement signed by the owner or reputed owner or an affidavit of service.

In the case of new construction, repair, alteration, or remodel of a single-family residence or garage appurtenant to a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is given as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

- (a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or
(c) Subcontractors who contract for the improvement of real property directly with the prime contractor, except as provided in subsection (3)(b) of this section.

(3) Persons who furnish professional services, materials, or equipment in connection with the new construction, repair, alteration, or remodel of ~~((an existing owner-occupied))~~ a single-family residence or appurtenant garage:

(a) Who contract directly with the ~~((owner-occupier or their))~~ owner or the owner's common law agent shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in RCW 60.04.021; or

(b) Who do not contract directly with the ~~((owner-occupier or their))~~ owner or the owner's common law agent shall give notice of the right to claim a lien to the ~~((owner-occupier))~~ owner. ~~((Liens of persons furnishing professional services, materials, or equipment who do not contract directly with the owner-occupier or their common law agent may only be satisfied from amounts not yet paid to the prime contractor by the owner at the time the notice described in this section is received, regardless of whether amounts not yet paid to the prime contractor are due. For the purposes of this subsection "received" means actual receipt of notice by personal service, or registered or certified mail, or three days after mailing by registered or certified mail, excluding Saturdays, Sundays, or legal holidays.))~~

(4) The notice of right to claim a lien described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.

PROTECT YOURSELF FROM PAYING TWICE

To:

Date:

Re: (description of property: Street address or general location.)

From:

AT THE REQUEST OF: (Name of person ordering the professional services, materials, or equipment)

THIS IS NOT A LIEN--THIS NOTICE IS MEANT TO PROVIDE YOU WITH INFORMATION NECESSARY TO PROPERLY MANAGE YOUR CONSTRUCTION PROJECT: This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY AND/OR NEW RESIDENTIAL PROPERTY

Under Washington law, those who furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. ~~((Claims may only be made against that portion of the contract price you have not yet paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you.))~~ If the improvement to your property is new construction, repair, alteration, or remodel of a single-family residence or its appurtenant garage, a lien may be claimed for some or all professional services, materials, or equipment furnished after a date that is ten days before this notice was given to you or mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL ~~((AND/OR NEW RESIDENTIAL))~~ PROPERTY

We have or will be providing professional services, materials, or equipment for the improvement of your commercial ~~((or new residential))~~ project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials, or equipment furnished after a date that is sixty days before this notice was given to you or mailed to you ~~((, unless the improvement to your property is the construction of a new single family residence, then ten days before this notice was given to you or mailed to you)).~~

Sender:

Address:

Telephone:

Brief description of professional services, materials, or equipment provided or to be provided:

IMPORTANT INFORMATION
ON REVERSE SIDE

IMPORTANT INFORMATION FOR YOUR PROTECTION

This notice is sent to inform you that we have or will provide professional services, materials, or equipment for the improvement of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.

COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE APPROPRIATE STEPS TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

* * * * *

(5) Every potential lien claimant providing professional services where no improvement as defined in RCW 60.04.011(5) (a) or (b) has been commenced, and the professional services provided are not visible from an inspection of the real property may record in the real property records of the county where the property is located a notice which shall contain the professional service provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser if the mortgagee or purchaser acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in RCW 60.04.011(5) (a) or (b) without notice of the professional services being provided. The notice described in this subsection shall be substantially in the following form:

NOTICE OF FURNISHING PROFESSIONAL SERVICES

That on the (day) day of (month and year) , (name of provider) began providing professional services upon or for the improvement of real property legally described as follows:

[Legal Description is mandatory]

The general nature of the professional services provided is

The owner or reputed owner of the real property is

(Signature)

(Name of Claimant)

(Street Address)

(City, State, Zip Code)

(Phone Number)

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the applicable provisions of this section."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 60.04.250, 18.27.020, and 60.04.031."

Senator Honeyford spoke in favor of adoption of the striking amendment.

Senator Fraser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Second Substitute Senate Bill No. 5773.

The motion by Senator Honeyford failed and the striking amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 60.04.031 and 1992 c 126 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and 60.04.261, this notice shall also be given to the prime contractor as described in this subsection unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

(a) Mailing the notice by certified or registered mail to the owner or reputed owner; or

(b) Delivering or serving the notice personally upon the owner or reputed owner and obtaining evidence of delivery in the form of a receipt or other ~~((acknowledgement))~~ acknowledgment signed by the owner or reputed owner or an affidavit of service.

In the case of new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after ~~((a date which is ten days before))~~ the notice is given as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

(a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or

(c) Subcontractors who contract for the improvement of real property directly with the prime contractor, except as provided in subsection (3)(b) of this section.

(3)(a) Persons who furnish professional services, materials, or equipment in connection with the new construction, repair, alteration, or remodel of ((an existing owner occupied)) a single-family residence or appurtenant garage for a residential homeowner:

~~((a))~~ (i) Who contract directly with the ~~((owner occupier or their))~~ owner or the owner's common law agent shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in RCW 60.04.021; or

~~((b))~~ (ii) Who do not contract directly with the ~~((owner occupier or their))~~ owner or the owner's common law agent shall give notice of the right to claim a lien to the ~~((owner occupier))~~ owner. Liens of persons furnishing professional services, materials, or equipment who do not contract directly with the ~~((owner occupier or their))~~ owner or the owner's common law agent may only be satisfied from actual amounts designated in the contract for the professional services, materials, or equipment supplied upon which the lien claim is based and not yet paid to the prime contractor by the owner at the time the notice described in this section is received, regardless of whether amounts not yet paid to the prime contractor are due. For lien claims under this subsection (3)(a)(ii) based on new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner, recoveries may not exceed ten percent of the total construction contract amount.

~~((For the purposes of this subsection))~~ (b) The definitions in this subsection apply throughout (a)(ii) of this subsection unless the context clearly requires otherwise.

(i) "Received" means actual receipt of notice by personal service, or registered or certified mail, or three days after mailing by registered or certified mail, excluding Saturdays, Sundays, or legal holidays.

(ii) "Professional services, materials, or equipment supplied" do not include any professional services, materials, or equipment supplied by a subcontractor performing the new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner.

(4) The notice of right to claim a lien described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.

PROTECT YOURSELF FROM PAYING TWICE

To: Date:

Re: (description of property: Street address or general location.)
From:

AT THE REQUEST OF: (Name of person ordering the professional services, materials, or equipment)
THIS IS NOT A LIEN--THIS NOTICE IS MEANT TO PROVIDE YOU WITH INFORMATION NECESSARY TO PROPERLY MANAGE YOUR CONSTRUCTION PROJECT: This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY AND/OR NEW RESIDENTIAL PROPERTY

Under Washington law, those who furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.
The law limits the amount that a lien claimant can claim against your property. If the improvement to your property is the new construction, repair, alteration, or remodel of a single-family residence or appurtenant garage for a residential homeowner, a lien may be claimed for all professional services, materials, or equipment furnished after the date this notice was given to you or mailed to you. Claims may only be made against that portion of the contract price you have not yet paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL ((AND/OR NEW RESIDENTIAL)) PROPERTY

We have or will be providing professional services, materials, or equipment for the improvement of your commercial ((or new residential)) project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials, or equipment furnished after a date that is sixty days before this notice was given to you or mailed to you ((unless the improvement to your property is the construction of a new single family residence, then ten days before this notice was given to you or mailed to you)).

Sender:

Address:

Telephone:

Brief description of professional services, materials, or equipment provided or to be provided:

IMPORTANT INFORMATION ON REVERSE SIDE

IMPORTANT INFORMATION FOR YOUR PROTECTION

This notice is sent to inform you that we have or will provide professional services, materials, or equipment for the improvement of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.
LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.
COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.
DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.
LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.
YOU SHOULD TAKE APPROPRIATE STEPS TO PROTECT YOUR PROPERTY FROM LIENS.
YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

* * * * *

(5) Every potential lien claimant providing professional services where no improvement as defined in RCW 60.04.011(5) (a) or (b) has been commenced, and the professional services provided are not visible from an inspection of the real property may record in the real property records of the county where the property is located a notice which shall contain the professional service provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser if the mortgagee or purchaser acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in RCW 60.04.011(5) (a) or (b) without notice of the professional services being provided. The notice described in this subsection shall be substantially in the following form:

NOTICE OF FURNISHING PROFESSIONAL SERVICES

That on the (day) day of (month and year) , (name of provider) began providing professional services upon or for the improvement of real property legally described as follows:
[Legal Descriptionis mandatory]

The general nature of the professional services provided is
The owner or reputed owner of the real property is

(Signature)

(Name of Claimant)

(Street Address)

(City, State, Zip Code)

(Phone Number)

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the applicable provisions of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial property" includes residential property that is not owned by a residential homeowner.

(b) "Residential homeowner" means the owner or potential owner that occupies or will occupy a single-family residence at the completion of the new construction, repair, alteration, or remodel of the single-family residence or appurtenant garage as his or her residence.

Sec. 2. RCW 60.04.021 and 1991 c 281 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and RCW 60.04.031, any person furnishing labor, professional services, materials, or equipment for the improvement of real property shall have a lien upon the improvement for the contract price of labor, professional services, materials, or equipment furnished at the instance of the owner, or the agent or construction agent of the owner.

(2) If a potential lien claimant knew or should have known that a prime residential contractor had been the prime residential contractor or construction agent on a single-family residential improvement project with respect to which:

(a) A residential homeowner paid the prime residential contractor for goods or services supplied by the potential lien claimant;

(b) The prime residential contractor failed to pay the potential lien claimant's contract price for such goods or services;
and

(c) The potential lien claimant recorded or otherwise pursued a collection action or claim of lien against the homeowner in the previous three years;

the potential lien claimant shall have no lien right upon the improvement for labor, professional services, materials, or equipment furnished on behalf of the homeowner at the instance of the prime residential contractor or construction agent employed by a prime residential contractor unless, before supplying any service, materials, or equipment that may be subject to a lien under this chapter, the potential lien claimant has provided written notice to the homeowner of all circumstances surrounding the filing, pursuit, and resolution of such claim, and the homeowner, in writing, affirmatively instructs the potential lien claimant to supply the requested service, materials, or equipment.

NEW SECTION. Sec. 3. A new section is added to chapter 60.04 RCW to read as follows:

(1) Any potential lien claimant may give notice as provided in subsections (2) and (3) of this section if the potential lien claimant has not received a payment from a prime residential contractor: (a) Within thirty days after the date required by their contract, invoice, or purchase order; or (b) if no due date is specified in the contract, invoice, or purchase order, within sixty days after the goods or services specified in the contract, invoice, or purchase order have been provided or delivered.

(2) The notice shall be signed by the potential lien claimant or some person authorized to act on his or her behalf.

(3) The notice shall be in writing and shall be mailed or delivered to the residential homeowner with a copy mailed or given to the prime residential contractor within fourteen days after the date provided for in subsection (1) of this section. The notice shall be given by:

(a) Mailing the notice to the residential homeowner and prime residential contractor using any mail service by which a record of the date of mailing is authenticated by the United States post office; or

(b) Delivering or serving the notice personally and obtaining evidence of delivery in the form of a receipt or other acknowledgment signed by the residential homeowner and prime residential contractor or an affidavit of service.

(4) The notice shall state in substance and effect as follows:

(a) The person, firm, trustee, or corporation filing the notice has furnished labor, professional services, materials, or equipment for which a lien is given by this chapter;

(b) The name of the prime residential contractor ordering the same;

(c) A common or street address of the real property being improved or the legal description of the real property;

(d) The name, business address, and telephone number of the lien claimant; and

(e) The sums due and to become due, for which a potential lien claimant may claim a lien under this chapter.

The notice may contain additional information but shall be in substantially the following form:

NOTICE TO RESIDENTIAL HOMEOWNER OF LATE PAYMENT

(Authorized by RCW)

TO:

(Name of Homeowner)

(Street Address)

(City) (State) (Zip)

AND TO:

(Prime Residential Contractor)

(Name of Laborer, Professional, Materials, or Equipment Supplier) whose business address is, did at the property located at

(Check appropriate box) () perform labor () furnish professional services () provide materials () supply equipment as follows:

which was ordered by

(Name of Person)

whose address was stated to be

The amount owing to the undersigned according to contract or purchase order for labor, supplies, or equipment (as abovementioned) is the sum of Dollars (\$). Said sums became due and owing as of

(State Date)

.....,

You are hereby notified that said amount owing is currently past due by not less than fourteen days.

IMPORTANT

Failure to rectify this payment deficiency may subject the residential homeowner to a lien pursuant to RCW 60.04.021.

(5)(a) If the potential lien claimant presents to the department evidence that the lien claimant has commenced a lien or other collection action against the contractor pursuant to RCW 60.04.021(2), and the homeowner presents to the department, under penalty of perjury (i) a notarized statement stating that the homeowner paid the contractor for all amounts the contractor

informed the homeowner were owed to the lien claimant, and (ii) the original or a true and accurate copy of the notice provided to the homeowner pursuant to this section, the department shall notify the prime residential contractor.

(b) Within five business days of receipt of such notice from the department, the contractor shall provide to the department (i) a surety bond or other good and sufficient security with the department in the amount of claimed deficient payment, or (ii) a notarized statement, submitted under penalty of perjury: (A) Stating that the contractor had not received full payment from the homeowner of amounts billed by the contractor for the lien claimant; or (B) stating that the contractor had provided the homeowner, no later than the date payment for the lien claimant was received from the homeowner, that the contractor had provided the homeowner with a written notice that the contractor did not intend to fully pay the lien claimant; and (C) providing written documentation supporting the statements made in either (A) or (B) of this subsection (5)(b)(ii).

(6) The department shall suspend the registration of any prime residential contractor while sufficient security as required under subsection (5) of this section is not filed. The effective date of the suspension shall be the date that the contractor completes work on all construction projects in progress on the date of the notice from the department as provided for under subsection (5) of this section. The department shall establish by rule and charge a reasonable fee to cover the costs of processing documents submitted to the department under this section.

(7) For the purposes of this section, the notice is received when any of the following occur: The day of actual receipt of the notice by personal service, or registered or certified mail; or three days after mailing by registered or certified mail, excluding Saturdays, Sundays, or legal holidays.

Sec. 4. RCW 60.04.091 and 1992 c 126 s 7 are each amended to read as follows:

Except as provided under subsection (3) of this section, every person claiming a lien under RCW 60.04.021 shall file for recording, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due. ~~((The notice of claim of lien:))~~

(1) The notice of claim of lien shall state in substance and effect:

(a) The name, ~~((phone))~~ telephone number, and address of the claimant;

(b) The first ~~((and))~~ date on which the claimant began to perform labor, provide professional services, or supply material or equipment or the first date on which employee benefits became due;

~~((c))~~ The last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;

~~((d))~~ (d) The name of the person indebted to the claimant;

~~((e))~~ (e) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;

~~((f))~~ (f) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated; ~~((and~~

~~((g))~~ (g) The principal amount for which the lien is claimed, excluding any interest, late fees, costs, attorneys' fees, or similar charges; and

(h) Whether the claimant is the assignee of the claim.

(2) The notice of claim of lien shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read or heard and understand the notice of claim of lien ~~((and))~~, believe the ~~((notice of claim of lien))~~ contents to be true and correct, and the lien is not frivolous and is not clearly excessive, under penalty of perjury, and shall be acknowledged as set forth in the form below, or pursuant to chapter 64.08 RCW. If the lien has been assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

CLAIM OF LIEN

....., claimant, vs , name of person indebted to claimant:

Notice is hereby given that the person named below claims a lien pursuant to chapter ~~((64.04))~~ 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT:

TELEPHONE NUMBER:

ADDRESS:

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

3. NAME OF PERSON INDEBTED TO THE CLAIMANT:

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (Street address, legal description or other information that will reasonably describe the property):

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown"):

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:

, Claimant

(Phone number, address, city, and state of claimant)

STATE OF WASHINGTON, COUNTY OF

....., ss.

....., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard and understand the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

Subscribed and sworn to before me this day of

(3) The period provided for recording the claim of lien is a period of limitation and no action to foreclose a lien shall be maintained unless the claim of lien is filed for recording within the ninety-day period stated. The lien claimant shall give a copy of the claim of lien to the owner or reputed owner by mailing it by certified or registered mail or by personal service within fourteen days of the time the claim of lien is filed for recording. Failure to do so results in a forfeiture of any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

(4) A lien claimant that, for any reason, includes any interest, late fee, court cost, attorneys' fees, or similar charges as part of the principal amount for which the lien is claimed shall be deemed to have waived any right under contract or otherwise to such charges, and shall also forfeit any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

Sec. 5. RCW 60.04.250 and 1990 c 81 s 1 are each amended to read as follows:

The department of labor and industries shall prepare master documents that provide informational material about:

(1) Construction lien laws and available safeguards against real property lien claims. The material shall include methods of protection against lien claims, including obtaining lien release documents, performance bonds, joint payee checks, the opportunity to require contractor disclosure of all potential lien claimants as a condition of payment, and lender supervision under RCW 60.04.200 and 60.04.210. The material shall also include sources of further information, including the department of labor and industries and the office of the attorney general.

(2) The basics of lien law relating to owner-occupied residential improvements and new construction projects. Before any building permit may be issued for the construction of a new owner-occupied single-family residence or for the improvement to an owner-occupied single-family residence for an amount in excess of one thousand dollars, if the construction will involve the services of a prime contractor, the permit issuing agency shall not issue any permit until the homeowner has personally, and not through an agent, acknowledged receipt of the document. When the homeowner completes the document by making selections, as indicated in the document, and submits it to the agency, the permit issuing agency shall maintain a copy of the completed document in the file of the permit issuing agency relating to the homeowner's permit application. The document shall be in substantially the following form and shall also include information describing the scope and limits of state contractor bonding requirements, the provisions of this act, and the availability of further information, including the department of labor and industries and the office of the attorney general.

Dear Homeowner:

The construction work for which you are contracting can subject you to significant financial responsibilities that may be affected by the actions of others. For example, if your contractor fails to pay subcontractors, suppliers, or laborers or neglects to make other legally required payments, those who are owed money can file a lien against your property for payment, even if you have paid your contractor in full. Anyone filing a valid lien claim may force the sale of your property to recover the unpaid

amount. This is true if you have hired a contractor to build a new home or are buying a newly built home. It is also true when you remodel or improve your property.

People who supply materials or labor ordered by your contractor are permitted by law to file a lien only if they do so within ninety days of cessation of performance or delivery of materials. The time frame is spelled out in RCW 60.04.091.

If you enter into a contract to buy a newly built home, you may not receive a notice of a lien based on a claim by a contractor or material supplier. You should inquire of your lender and title insurer about title insurance coverage for liens that may arise from the construction of your home, but that are not recorded until after you take possession of your home. Be aware that a lien may be claimed even though you have not received a notice. Before making final payment on the project, obtain a completed lien release form from each contractor and material supplier. A sample of this release of lien form is available from the department of labor and industries, contractor registration section.

You have final responsibility for seeing that all bills are paid even if you have paid your contractor in full.

If you are dealing with a lending institution, ask your loan officer what precautions the lending institution takes to verify that subcontractors and material suppliers are being paid when mortgage money is paid to your contractor. You may want to request lender supervision if your lending institution is providing interim or construction financing.

If you receive a notice to enforce a lien, take the notice seriously. Let your contractor know you have received the notice. Find out what arrangements are being made to pay the sender of the notice.

When in doubt, or if you need more details, consult your attorney. When and how to pay your contractor is a decision that requires serious consideration. Washington law, RCW 18.27.114, requires contractors to give you this disclosure statement if your contract exceeds one thousand dollars.

(NOTE: A lien claimant must, under RCW 60.04.091, mail by certified or registered mail or by personal service a copy of the claim of lien to the owner within fourteen days of the time the lien is recorded. While an action is ongoing, the law, RCW 60.04.151, allows an owner to withhold from this prime residential contractor the amount of money for which a claim is recorded by a subcontractor, supplier, or laborer.)

More information about contractors is available by visiting the department of labor and industries on the Internet at www.LNI.wa.gov/SCS/contractors/ or by calling the contractor registration hotline at 1-800-647-0982. You may also call your local department of labor and industries office. See listings under "Washington state of" in the government section or the white pages of the telephone book.

Signed by (property owner):

Date signed:

Sec. 6. RCW 18.27.020 and 1997 c 314 s 3 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a gross misdemeanor for any contractor to:
 - (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
 - (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;
 - (c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; or
 - (d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.
- (3) It is not unlawful for a general contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the general contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.
- (4) All (~~misdemeanor~~) actions under this chapter shall be prosecuted in the county where the infraction occurs.
- (5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a citation from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.
- (6) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

Sec. 7. RCW 18.27.040 and 2001 c 159 s 3 are each amended to read as follows:

- (1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of twelve thousand dollars if the applicant is a general contractor and six thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor,

including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial registration or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than twenty dollars to cover the costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies of the summons and complaint. The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in the registrant's application and to the surety within two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and ~~((attorney's [attorneys]))~~ attorneys' fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to a construction contract, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond so furnished that there is not in effect a bond in the full amount prescribed in this section, the registration of the contractor is automatically suspended until the bond liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(10) The director (~~may~~) shall require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of (~~up to three~~) at least two times, but not more than five times the normally required amount, if the director determines that;

(a) An applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of six final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures; or

(b) The applicant engages in the new construction, repair, alteration, or remodel of the single-family residence or appurtenant garage of any residential homeowner, as defined in RCW 60.04.031(7), and the applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, or the employee with the greatest executive, management, physical, or actual control over the accounting or disbursement of funds received by the contractor from residential homeowners have been party to a filing instituted pursuant to section 3 of this act, where a claim against the party or parties has been jointly made by a residential homeowner and a potential lien claimant.

(11) The director may adopt rules necessary for the proper administration of the security.

NEW SECTION. Sec. 8. This act takes effect July 1, 2006."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 60.04.031, 60.04.021, 60.04.091, 60.04.250, 18.27.020, and 18.27.040; adding a new section to chapter 60.04 RCW; and providing an effective date."

Senator Parlette spoke in favor of adoption of the striking amendment.

Senator Fraser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Second Substitute Senate Bill No. 5773.

The motion by Senator Parlette failed and the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Hargrove and Kohl-Welles spoke in favor of passage of the bill.

Senators Stevens, Finkbeiner, Roach and Sheldon spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5773.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkeley, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senator Deccio - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senators Spanel and Kohl-Welles

Defining supervisor for public employment purposes.

The measure was read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senator Spanel be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.80.070 and 2002 c 354 s 308 are each amended to read as follows:

(1) A bargaining unit of employees covered by this chapter existing on June 13, 2002, shall be considered an appropriate unit, unless the unit does not meet the requirements of (a) and (b) of this subsection. The commission, after hearing upon reasonable notice to all interested parties, shall decide, in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. In determining the new units or modifications of existing units, the commission shall consider: The duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation. However, a unit is not appropriate if it includes:

(a) Both supervisors and nonsupervisory employees. A unit that includes only supervisors may be considered appropriate if a majority of the supervisory employees indicates by vote that they desire to be included in such a unit; or

(b) More than one institution of higher education. For the purposes of this section, any branch or regional campus of an institution of higher education is part of that institution of higher education.

(2) Notwithstanding subsection (1)(a) and (b) of this section, at an institution of higher education, members of supervisory classes may be combined in the same bargaining unit, regardless of whether the individual members of the bargaining unit may be actually serving as a supervisor at any given point in time, subject to established community of interest standards as applied by the public employment relations commission, and upon the condition that no member of the bargaining unit supervises another member of the unit. The consolidation of employees as authorized by this subsection will be performed by the public employment relations commission under established unit determination procedures. For the purposes of this subsection, a supervisory class is one in which employees holding the classification may be assigned as a supervisor at the employer's discretion without a classification change.

(3) The exclusive bargaining representatives certified to represent the bargaining units existing on June 13, 2002, shall continue as the exclusive bargaining representative without the necessity of an election.

~~((3))~~ (4) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit."

Senator Spanel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel to Senate Bill No. 5010.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 41.80.070."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Fairley - 2

ENGROSSED SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5477, by Senators Kline, Brandland, Hargrove, Esser, Fairley, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice and Rockefeller

Revising sentencing procedures for exceptional sentences.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to restore the ability to impose an aggravated sentence lost by the superior court as a result of the decision of the United States supreme court in *Blakely v. State of Washington*, 542 U.S. ... (2004). The legislature finds that as the seriousness level of the crime and the criminal history of the offender increase, the need for an individualized and informed assessment of the circumstances of the crime, the offender, and the victim, by the judiciary, is necessary for justice to be obtained. The legislature further finds that the exercise of the judiciary's sentencing discretion over a broader range based upon the assessment of these circumstances is consistent with the policies supporting Washington's sentencing reform act.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) For offenders convicted of a violent offense, the upper limit of the standard sentencing range shall be advisory only. Notwithstanding any other provision of law, the maximum sentence that a court may impose for a violent offense is the maximum sentence for the current offense under chapter 9A.20 RCW, or twice the upper limit of the standard sentencing range, whichever is less. This provision shall not apply to any offender sentenced under RCW 9.94A.712 or section 7 of this act.

(2) In making its determination of the sentence length to be imposed, the court shall consider the risk assessment prepared by the department of corrections, the presentence report and other materials provided by the offender, and any information provided by the victim or victims of the crime.

(3) A sentence imposed under this section shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. The sentence may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

Sec. 3. RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons, if any, for going either above or below the presumptive or advisory sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

(a) Any violent offense as defined in this chapter;

(b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.602;

(d) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard ~~((~~¶~~))~~, presumptive, or advisory sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score as defined in RCW 9.94A.525, and any applicable deadly weapon enhancements as defined in RCW 9.94A.533 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard ~~((~~¶~~))~~, presumptive, or advisory sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the standard, presumptive, or advisory sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

Sec. 4. RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and 2002 c 175 s 6 are each reenacted and amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) Section 2 of this act relating to violent offenses.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of

any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 5. RCW 9.94A.530 and 2002 c 290 s 18 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the standard sentence range (see RCW 9.94A.510, (Table 1) and RCW 9.94A.517, (Table 3)). The additional time for deadly weapon findings or for ~~((those offenses enumerated))~~ other adjustments as specified in RCW 9.94A.533~~((4) that were committed in a state correctional facility or county jail))~~ shall be added to the entire standard sentence range. The court may impose any sentence within the range that it deems appropriate. All standard sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence other than a sentence above the standard range, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing, or proven pursuant to section 7 of this act. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence, except as otherwise specified in section 7 of this act.

(3) In determining any sentence above the standard sentence range, the court shall follow the procedures set forth in section 7 of this act. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the standard sentence range except upon stipulation or when specifically provided for in RCW 9.94A.535(2) (d), (e), (g), and (h).

Sec. 6. RCW 9.94A.535 and 2003 c 267 s 4 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of section 7 of this act.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence ~~((unless it is imposed on an offender sentenced under RCW 9.94A.712. An exceptional sentence imposed on an offender sentenced under RCW 9.94A.712 shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW)).~~

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

~~((The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.))~~

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered By A Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in section 7 of this act.

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance (~~due to extreme youth, advanced age, disability, or ill health~~).
- (c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

~~(i) ((The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.~~

~~(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.~~

~~((k))~~ The offense resulted in the pregnancy of a child victim of rape.

~~((l))~~ (j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

~~((m))~~ (k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

~~((n))~~ (l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

NEW SECTION. Sec. 7. A new section is added to chapter 9.94A RCW to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

(3) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y), shall be presented to the jury during the trial of the alleged crime, unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

(4) If the court conducts a separate proceeding to determine the existence of aggravating circumstances, the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

(5) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "range;" strike the remainder of the title and insert "amending RCW 9.94A.480, 9.94A.530, and 9.94A.535; reenacting and amending RCW 9.94A.505; adding new sections to chapter 9.94A RCW; creating a new section; and declaring an emergency."

WITHDRAWAL OF AMENDMENT

On motion of Senator Kline the striking amendment by Senator Kline to Senate Bill No. 5477 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5477.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5952, by Senators Jacobsen, Hewitt, Rasmussen and Kohl-Welles

Exempting transport of persons at horse races from licensing.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 5952 was substituted for Senate Bill No. 5952 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 3, line 4, after "end." strike "and"

On page 3, line 6, after "day" insert ", and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old"

Senator Jacobsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 3, line 4 to Substitute Senate Bill No. 5952.

The motion by Senator Jacobsen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5952.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5953, by Senators Jacobsen, Deccio, Keiser, Rasmussen and Kohl-Welles

Authorizing horse racing handicapping contests. Revised for 1st Substitute: Authorizing class 1 racing associations to conduct handicapping contests.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5953 was substituted for Senate Bill No. 5953 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Fairley: "I have to ask if this bill expands gambling? If so, does it take a sixty percent vote?"

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5953 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5432, by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline

Creating the oil spill monitoring and oversight council. Revised for 1st Substitute: Creating the citizens' oil spill advisory council.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5432 was substituted for Senate Bill No. 5432 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senator Spanel be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.56.005 and 2004 c 226 s 2 are each amended to read as follows:

(1) The legislature declares that ~~((the increasing reliance on))~~ water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported as cargo and fuel by vessels on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most ~~((unique))~~ valuable and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the ~~((unique))~~ valuable and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is ~~((in the early stages of development))~~ at best only partially effective. Preventing spills is more protective of the environment and more cost-effective when all the response and damage costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to ~~((adopt))~~ achieve a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, Pennsylvania, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water, and average removal rates are only fourteen percent;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; ~~((and))~~

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil; and

(e) In section 5002 of the federal oil pollution act of 1990, the United States congress found that many people believed that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and,

further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Congress also found that a mechanism should be established that fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent (~~oversight board~~) oil spill advisory council to review on an ongoing basis the adequacy of oil spill prevention, preparedness, and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 2. RCW 90.56.010 and 2000 c 69 s 15 are each amended to read as follows:

For purposes of this chapter, the following definitions shall apply unless the context indicates otherwise:

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Council" means the oil spill advisory council created in section 3 of this act.

~~(8)~~ "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((8))~~ ~~(9)~~ "Department" means the department of ecology.

~~((9))~~ ~~(10)~~ "Director" means the director of the department of ecology.

~~((10))~~ ~~(11)~~ "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((11))~~ ~~(12)~~(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~((12))~~ ~~(13)~~ "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

~~((13))~~ ~~(14)~~ "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

~~((14))~~ ~~(15)~~ "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

~~((15))~~ ~~(16)~~ "Marine waters" means the area within the state boundaries that includes Hood Canal, Puget Sound, the Strait of Juan de Fuca, the Pacific Ocean, and the Columbia river estuary.

~~(17)~~ "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~((16))~~ (18) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

~~((17))~~ (19) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

~~((18))~~ (20) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

~~((19))~~ (21) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

~~((20))~~ (22)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

~~((21))~~ (23) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

~~((22))~~ (24) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

~~((23))~~ (25) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

~~((24))~~ (26) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

~~((25))~~ (27) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

~~((26))~~ (28) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

~~((27))~~ (29) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 3. A new section is added to chapter 90.56 RCW to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) The council is composed of fifteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) Two representatives of marine trade interests;

(viii) One representative of major oil facilities;

(ix) One representative of public ports; and

(x) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and five shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The council shall elect a chair from among its members in odd-numbered years to serve for two years as chair. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community.

(6) Members shall not be compensated, but shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committee as provided in RCW 43.03.050 and 43.03.060.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 4. A new section is added to chapter 90.56 RCW to read as follows:

(1) The duties of the council include:

(a) Selection and hiring of professional staff and expert consultants to support the work of the council;

(b) Early consultation with government decision makers in relation to the state's oil spill prevention, preparedness, and response programs, analyses, rule making, and related oil spill activities;

(c) Providing independent advice, expertise, research, monitoring, and assessment for review of and necessary improvements to the state's oil spill prevention, preparedness, and response programs, analyses, rule making, and other decisions, including those of the Northwest area committee, as well as the adequacy of funding for these programs;

(d) Monitoring and providing information to the public as well as state and federal agencies regarding state of the art oil spill prevention, preparedness, and response programs;

(e) Actively seeking public comments on and proposals for specific measures to improve the state's oil spill prevention, preparedness, and response program, including measures to improve the effectiveness of the Northwest area committee;

(f) Evaluating incident response reports and making recommendations to the department regarding improvements;

(g) Consulting with the department on lessons learned and agency progress on necessary actions in response to lessons learned;

(h) Promoting opportunities for the public to become involved in oil spill response activities and provide assistance to community groups with an interest in oil spill prevention and response, and coordinating with the department on the development and implementation of a citizens' involvement plan;

(i) Serving as an advisory body to the department on matters relating to international, national, and regional issues concerning oil spill prevention, preparedness, and response, and providing a mechanism for stakeholder and public consideration of federal actions relating to oil spill preparedness, prevention, and response in or near the waters of the state with recommended changes or improvements in federal policies on these matters;

(j) Accepting moneys from appropriations, gifts, grants, or donations for the purposes of this section; and

(k) Any other activities necessary to maintain the state's vigilance in preventing oil spills.

(2) The council is not intended to address issues related to spills involving hazardous substances.

(3) By December 15, 2005, the council shall recommend to the governor and appropriate committees of the legislature, proposals for the long-term funding of the council's activities and for the long-term sustainable funding for oil spill preparedness, prevention, and response activities.

(4) By September 1st of each year, the council shall make recommendations for the continuing improvement of the state's oil spill prevention, preparedness, and response activities through a report to the governor and the appropriate committees of the senate and house of representatives.

Sec. 5. RCW 90.56.060 and 2004 c 226 s 4 are each amended to read as follows:

(1) The department shall prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, ~~((and))~~ hazardous substance manufacturers, and the oil spill advisory council.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to this chapter and chapter 88.46 RCW and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

- (d) Identify actions necessary to reduce the likelihood of spills of oil and hazardous substances;
 - (e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills;
 - (f) Establish an incident command system for responding to oil and hazardous substances spills; and
 - (g) Establish a process for immediately notifying affected tribes of any oil spill.
- (3) In preparing and updating the state master plan, the department shall:
- (a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;
 - (b) Submit the draft plan to the public for review and comment;
 - (c) Submit to the appropriate standing committees of the legislature for review, not later than November 1st of each year, the plan and any annual revision of the plan; and
 - (d) Require or schedule unannounced oil spill drills as required by RCW 90.56.260 to test the sufficiency of oil spill contingency plans approved under RCW 90.56.210.

NEW SECTION. Sec. 6. A new section is added to chapter 90.56 RCW to read as follows:

The oil spill advisory council account is created in the custody of the state treasurer. All receipts from appropriations or gifts, grants, or donations from public or private sources shall be deposited into the fund. Expenditures from the fund may be used only for the purposes of this act. Only the oil spill advisory council may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures."

Senator Spanel spoke in favor of adoption of the striking amendment.

Senator Morton spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel to Substitute Senate Bill No. 5432.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the oil spill advisory council; amending RCW 90.56.005, 90.56.010, and 90.56.060; and adding new sections to chapter 90.56 RCW."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 2; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon, Swecker and Zarelli - 17

Absent: Senators McCaslin and Stevens - 2

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators McCaslin and Stevens were excused.

SECOND READING

SENATE BILL NO. 5058, by Senators Haugen, Swecker, Prentice, Jacobsen and Weinstein

Changing the payment date of motor vehicle fuel tax and special fuel tax when paying by electronic funds transfer.
Revised for 1st Substitute: Modifying fuel tax payment requirements.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5058 was substituted for Senate Bill No. 5058 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Haugen yield to a question? Senator, could you tell me, originally this bill would have changed it to a two week period and the agreed upon bill now before us changes it to how many days? Do you know?"

Senator Haugen: "It's the second month, it will be the 26th day of the following month."

Senator Benton: "The 26th day of the following month? Ok."

Senator Haugen: "It was before it was the 10th day of the second month, so it moves it back just two weeks."

Senator Benton: "Ok, thank you very much."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5058.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 42

Voting nay: Senators Benton, Esser, Johnson, Roach and Zarelli - 5

Excused: Senators Deccio and Stevens - 2

SUBSTITUTE SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5034, by Senator Kastama

Making restrictions on campaign funding.

MOTION

On motion of Senator Kastama, Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:
Strike everything after the enacting clause and insert the following:

"PART I - FINDINGS AND INTENT

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

(1) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(2) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

(3) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (a) Source of support or opposition to those candidates; and (b) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(4) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(5) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(6) The state also has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17.640. Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

NEW SECTION. Sec. 2. Based upon the findings in section 1 of this act, this act is narrowly tailored to accomplish the following and is intended to:

(1) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(2) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(3) Reenact and amend the contribution limits in RCW 42.17.640 (6) and (14) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17.640 (6) and (14) in light of *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy;

(4) Authorize the commission to adopt rules to implement this act.

PART II - ELECTIONEERING COMMUNICATIONS

NEW SECTION. Sec. 3. (1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and

(iii) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, and 42.17.100 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100 and 42.17.103.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

NEW SECTION. Sec. 4. (1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time the sponsor is required to report the electioneering communication expense under section 3 of this act.

NEW SECTION. Sec. 5. (1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under section 3 of this act shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf.

PART III - AMENDMENTS TO AND REENACTMENT OF CURRENT LAWS

Sec. 6. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "~~Actual malice~~" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((2))~~ (3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((3))~~ (4) "Ballot proposition" means any "measure" as defined by RCW ~~((29.01.140))~~ 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

~~((4))~~ (5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((5))~~ (6) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ~~((29.24))~~ 29A.20 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW ~~((29.01.090))~~ 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((6))~~ (7) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((7))~~ (8) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((8))~~ (9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((9))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((10))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((11))~~ (12) "Commission" means the agency established under RCW 42.17.350.

~~((12))~~ (13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((13))~~ (14) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((14))~~ (15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((15))~~ (16) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (17) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (18) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((48))~~ (19) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

~~((49))~~ (20) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of five thousand dollars or more.

(21) "Electioneering communication" does not include:

(a) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(b) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(c) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(i) Of primary interest to the general public;

(ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political committee;

(d) Slate cards and sample ballots;

(e) Advertising for books, films, dissertations, or similar works (i) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (ii) written about a candidate;

(f) Public service announcements;

(g) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(h) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(i) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((20))~~ (23) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((21))~~ (24) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

~~((22))~~ (25) "Gift," is as defined in RCW 42.52.010.

~~((23))~~ (26) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

~~((24))~~ (27) "Incumbent" means a person who is in present possession of an elected office.

(28) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

~~((25))~~ (29)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((26))~~ (30) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((27))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((28))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((29))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((30))~~ (34) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((31))~~ (35) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((32))~~ (36) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((33))~~ (37) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((34))~~ (38) "Primary" for the purposes of RCW 42.17.640 means the procedure for nominating a candidate to state office under chapter ~~((29.18 or 29.21))~~ 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter ~~((29.18 or 29.21))~~ 29A.52 RCW.

~~((35))~~ (39) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((36))~~ (40) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((37))~~ (41) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW ~~((29.82.015))~~ 29A.56.120 and ending thirty days after the recall election.

~~((38))~~ (42) "Sponsor of an electioneering communications, independent expenditures, or political advertising" means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(43) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((39))~~ (44) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((40))~~ (45) "State official" means a person who holds a state office.

~~((41))~~ (46) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((42))~~ (47) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture,

film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 7. RCW 42.17.103 and 2001 c 54 s 1 are each amended to read as follows:

(1) The sponsor of political advertising who, within twenty-one days of an election, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or supporting or opposing the same ballot proposition that was the subject of the previous independent expenditure.

(3) The special report must include at least:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and

(g) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, ~~((and))~~ 42.17.100, and section 3 of this act are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 8. RCW 42.17.110 and 1975-'76 2nd ex.s. c 112 s 5 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

(b) The exact nature and extent of the ~~((advertising))~~ services rendered; and

(c) The consideration and the manner of paying that consideration for such services.

(2) Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section.

Sec. 9. RCW 42.17.510 and 1995 c 397 s 19 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. ~~((The party with which a candidate files))~~ For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising ~~((for partisan office))~~.

(2) In addition to the materials required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization, and all electioneering communications, must include the following statement ~~((as part of the communication~~ "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter(~~;~~ and

~~(d) Be clearly spoken on any broadcast advertisement)).~~

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

~~((5))~~ (7) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

Sec. 10. RCW 42.17.530 and 1999 c 304 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;

(b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence.

Sec. 11. RCW 42.17.640 and 2001 c 208 s 1 are each reenacted and amended to read as follows:

(1) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed ~~((five))~~ seven hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed ~~((five))~~ seven hundred dollars if for a state legislative office or one thousand four hundred dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) ~~((fifty))~~ seventy cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees

would in the aggregate exceed (~~twenty-five~~) thirty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) (~~fifty~~) seventy cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) (~~twenty-five~~) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed (~~twenty-five~~) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed (~~five~~) seven hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed (~~two~~) three thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

Sec. 12. RCW 42.17.680 and 2002 c 156 s 1 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee. At least annually, an employee from whom wages or salary are withheld under subsection (3) of this section shall be notified of the provisions of this subsection.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The employee may revoke the request at any time. At least annually, the employee shall be notified about the right to revoke the request.

~~((4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.))~~

PART IV - TECHNICAL PROVISIONS

NEW SECTION. Sec. 13. RCW 42.17.505 (Definitions) and 1988 c 199 s 1 are each repealed.

NEW SECTION. Sec. 14. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 15. (1) Sections 1 through 5 of this act are each added to chapter 42.17 RCW to be codified with the subchapter heading of "Reporting of Electioneering Communications."

(2) The code reviser must change the subchapter heading "Political Advertising" to "Political Advertising and Electioneering Communications" in chapter 42.17 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act takes effect January 1, 2006."

On page 1, line 2 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.103, 42.17.110, 42.17.510, 42.17.530, and 42.17.680; reenacting and amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.505; and providing an effective date."

Senator Kastama spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator Roach: "I believe that the striking amendment before us exceeds the scope and object of the underlying bill in violation of Senate Rule 66. Substitute Senate Bill No. 5034 defines "electioneering communications" as those made within sixty days of an election which clearly identified a candidate and have a fair market value of about 5,000 dollars or more. The bill requires that electioneering communications be reported electronically to the public disclosure commission within twenty-four hours of the communication being made public. The substitute also restores contribution limits and restrictions on the use of soft money. The striking amendment includes all of the provisions from the substitute but adds a critical new section. Section twelve has no connection to soft money contribution limits or to electioneering communications. Under current law, when an employer or other entity withholds wages he or she may not divert a position of an employee's wages for contributions to political committees or for use for political contributions except upon the written request of an employee. Section twelve of this striking amendment removes the statutory requirement for the entity withholding contributions to maintain the employee's written request and other documents and to keep them open for public inspection for three years. This appears to have no connection to electioneering communications and I submit to you that the striking amendment exceeds the scope and object of Senate Bill No. 5034 and respectfully ask for a ruling thereon."

Senator Kastama spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5034 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5461, by Senator Fairley

Changing limits on costs of incarceration charged to offenders.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5461.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5461 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 46

Excused: Senators Deccio, Stevens and Zarelli - 3

SENATE BILL NO. 5461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5782, by Senators Shin, Prentice, Franklin, Kline, Kohl-Welles and Berkey

Modifying provisions of the linked deposit program.

MOTIONS

On motion of Senator Shin, Second Substitute Senate Bill No. 5782 was substituted for Senate Bill No. 5782 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Second Substitute Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5782.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Voting nay: Senators Benton, Honeyford, Johnson, McCaslin, Morton, Mulliken and Oke - 7

Excused: Senators Deccio, Stevens and Zarelli - 3

SECOND SUBSTITUTE SENATE BILL NO. 5782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fairley that Senate Bill 5953 is an expansion of gambling that requires a sixty percent vote under Article II, Section 24 of the Washington Constitution, the President finds and rules as follows:"

"By specifically allowing Class 1 racing associations to conduct horse race handicapping contests for a fee, this measure expands gambling for purposes of Article II, Section 24 of the Washington Constitution. As a result, Senator Fairley's point is well-taken and a sixty percent vote of this body will be needed for final passage."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5953 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5140, by Senators Berkey, Kastama and Kohl-Welles

Modifying the disposal of surplus funds of candidates or political committees.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5140 was substituted for Senate Bill No. 5140 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senator McCaslin be adopted.

On page 2, line 6, after "to" insert "a public school, school district, or educational service district, or to"

Senator McCaslin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCaslin on page 2, line 6 to Substitute Senate Bill No. 5140.

The motion by Senator McCaslin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey, Roach and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5140.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Stevens - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5953.

Senators Jacobsen and Hewitt spoke in favor of passage of the bill.
Senator Fairley spoke against passage of the bill.

MOTION

On motion of Senator Mulliken, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Fairley, Fraser, Hargrove, Haugen, Mulliken, Oke, Parlette, Prentice, Pridemore, Rockefeller and Swecker - 11

Excused: Senators Deccio, McCaslin and Stevens - 3

SUBSTITUTE SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5289, by Senators McAuliffe, Hargrove, Stevens, Regala, Mulliken and Benton

Disregarding from federal accountability reporting those students receiving home-based instruction who participate in running start.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5289 was substituted for Senate Bill No. 5289 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Hargrove and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5289.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Kline, McCaslin and Stevens - 4

SUBSTITUTE SENATE BILL NO. 5289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5285, by Senators Poulsen, Morton, Rockefeller, Honeyford, Kline, Mulliken and Oke

Updating the water quality joint development act to provide local government flexibility for improving drinking water and treatment services.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.150.040 and 1989 c 175 s 136 are each amended to read as follows:

The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to perform one or more of the following services: Design, finance, construct, own, operate, or maintain water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

(1) The legislative authority of the public body shall publish notice that it is seeking to secure certain specified services by means of entering into an agreement with a service provider. The notice shall be published in the official newspaper of the public body, or if there is no official newspaper then in a newspaper in general circulation within the boundaries of the public body, at least once each week for two consecutive weeks. The final notice shall appear not less than ~~((sixty))~~ thirty days before the date for submission of proposals. The notice shall state (a) the nature of the services needed, (b) the location in the public body's offices where the requirements and standards for construction, operation, or maintenance of projects needed as part of the services are available for inspection, and (c) the final date for the submission of proposals. The legislative authority may undertake a prequalification process by the same procedure set forth in this subsection.

(2) The request for proposals shall (a) indicate the time and place responses are due, (b) include evaluation criteria to be considered in selecting a service provider, (c) specify minimum requirements or other limitations applying to selection, (d) insofar as practicable, set forth terms and provisions to be included in the service agreement, and (e) require the service provider to demonstrate in its proposal to the public body's satisfaction that ~~((a public body's annual costs will be lower under its proposal than they would be if the public body financed, constructed, owned, operated, and maintained facilities required for service))~~ it is in the public interest to enter into the service agreement and that the service agreement is financially sound and advantageous to the public body from the standpoint of annual costs, quality of services, experience of the provider, reduction of risk, and other factors.

(3) The criteria set forth in the request for proposals shall be those determined to be relevant by the legislative authority of the public body, which may include but shall not be limited to: The respondent's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability, and financial resources; cost of the service; nature of facility design proposed by respondents; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public body; project performance warranties; penalty and other enforcement provisions; environmental protection measures to be used; and allocation of project risks. The legislative authority ~~((shall))~~ may designate persons or entities within or outside the public body (a) to assist it in issuing the request for proposals to ensure that proposals will be responsive to its needs, and (b) to assist it in evaluating the proposals received. ~~((The designee shall not be a member of the legislative authority.))~~

(4) After proposals under subsections (1) through (3) of this section have been received, the legislative authority ~~((s))~~ or its designee shall determine, on the basis of its review of the proposals, whether one or more proposals have been received from respondents which are (a) determined to be qualified to provide the requested services, and (b) responsive to the notice and evaluation criteria, which shall include, but not be limited to, cost of services. These chosen respondents may, at the discretion of the public body, be aggregated into a short list of qualified respondents, who shall be referred to as the selected respondents in this section. The legislative authority or its designee shall conduct a bidder's conference to include all these selected respondents to assure a full understanding of the proposals. The bidder's conference shall ~~((also allow the designee to))~~ make these selected respondents aware of any changes in the request for proposal. Any information related to revisions in the request for proposal shall be made available to all these selected respondents. Any selected respondent shall be accorded a reasonable opportunity for revision of its proposal prior to commencement of the negotiation provided in subsection (5) of this section, for the purpose of obtaining best and final proposals.

(5) After such conference is held, the legislative authority or its designee may negotiate with the selected respondent whose proposal it determines to be the most advantageous to the public body, considering the criteria set forth in the request for proposals. If negotiations are conducted by the designee, the legislative authority shall continue to oversee the negotiations and provide direction to its designee. If the negotiation is unsuccessful, the legislative authority may ~~((authorize the designee to))~~

commence negotiations with any other selected respondent. On completion of this process, ~~((the designee shall report to))~~ and after the department of ecology review and comments as provided for in subsection (9) of this section, and after public hearing as provided for in subsection (10) of this section, the legislative authority ~~((on his or her recommendations and the reasons for them))~~ may approve a contract with its chosen respondent.

(6) Any person aggrieved by the legislative authority's approval of a contract may appeal the determination to an appeals board selected by the public body, which shall consist of not less than three persons determined by the legislative authority to be qualified for such purposes. Such board shall promptly hear and determine whether the public body entered into the agreement in accordance with this chapter and other applicable law. ~~((The hearing shall be conducted in the same manner as an adjudicative proceeding under chapter 34.05 RCW.))~~ The board shall have the power only to affirm or void the agreement.

(7) Notwithstanding the foregoing, where contracting for design services by the public body is done separately from contracting for other services permitted under this chapter, the contracting for design ~~((of water pollution control facilities))~~ services shall be done in accordance with chapter 39.80 RCW.

(8) ~~((A))~~ If a public body elects to enter into an agreement whereby the service provider will own all or a portion of the water pollution control facilities it constructs, the service agreement shall include provision for an option by which a public body may acquire at fair market value facilities dedicated to such service.

(9) Before any service agreement is entered into by the public body, it shall be reviewed ~~((and approved))~~ by the department of ecology to ensure ~~((that))~~ consistency with the purposes of chapters 90.46 and 90.48 RCW ((are implemented)).

The department of ecology has thirty days from receipt of the proposed service agreement to complete its review and provide the public body with comments. A review under this section is not intended to replace any additional permitting or regulatory reviews and approvals that may be required under other applicable laws.

(10) Prior to entering into any service agreement under this chapter, the public body must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the service agreement and that the service agreement is financially sound and advantageous compared to other methods.

(11) Each service agreement shall include project performance bonds or other security by the service provider which in the judgment of the public body is sufficient to secure adequate performance by the service provider.

Sec. 2. RCW 70.150.070 and 1986 c 244 s 7 are each amended to read as follows:

RCW 70.150.030 through 70.150.060 shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws. A public body that is also eligible to enter into agreements with service providers under the alternative public works contracting procedures in chapter 39.10 RCW may elect to use either RCW 39.10.051 and 39.10.061 or this chapter as its method of procurement for such services.

Sec. 3. RCW 39.10.020 and 2003 c 352 s 1, 2003 c 301 s 2, and 2003 c 300 s 3 are each reenacted and amended to read as follows:

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

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively. Public bodies eligible to enter into agreements with service providers for the furnishing of services in connection with water pollution control facilities under the authority of chapter 70.150 RCW may elect to use either RCW 39.10.051 and 39.10.061 or chapter 70.150 RCW as their method of procurement for such services.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year utilizing the design-build procedure authorized by RCW 39.10.051 and every public hospital district, regardless of total revenues, proposing projects that are considered and approved by the public hospital district project review board under RCW 39.10.117; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115; and the state ferry system.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

(4) "Job order contract" means a contract between a public body or any school district and a registered or licensed contractor in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(5) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(6) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(7) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 4. RCW 90.48.285 and 1987 c 109 s 144 are each amended to read as follows:

The department is authorized to enter into contracts with any municipal or public corporation or political subdivision within the state for the purpose of assisting such agencies to finance the design and construction of water pollution control

projects, whether procured through chapter 39.10 or 70.150 RCW, or otherwise, that are necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state, including but not limited to, systems for the control of storm or surface waters which will provide for the removal of waste or polluting materials in a manner conforming to the comprehensive plan of water pollution control and abatement proposed by the agencies and approved by the department. Any such contract may provide for:

The payment by the department to a municipal or public corporation or political subdivision on a monthly, quarterly, or annual basis of varying amounts of moneys as advances which shall be repayable by said municipal or public corporation, or political subdivision under conditions determined by the department.

Contracts made by the department shall be subject to the following limitations:

(1) No contract shall be made unless the department shall find that the project cannot be financed at reasonable cost or within statutory limitations by the borrower without the making of such contract.

(2) No contract shall be made with any public or municipal corporation or political subdivision to assist in the financing of any project located within a sewage drainage basin for which the department shall have previously adopted a comprehensive water pollution control and abatement plan unless the project is found by the department to conform with the basin comprehensive plan.

(3) The department shall determine the interest rate, not to exceed ten percent per annum, which such advances shall bear.

(4) The department shall provide such reasonable terms and conditions of repayment of advances as it may determine.

(5) The total outstanding amount which the department may at any time be obligated to pay under all outstanding contracts made pursuant to this section shall not exceed the moneys available for such payment.

(6) Municipal or public corporations or political subdivisions shall meet such qualifications and follow such procedures in applying for contract assistance as shall be established by the department.

In making such contracts the department shall give priority to projects which will provide relief from actual or potential public health hazards or water pollution conditions and which provide substantial capacity beyond present requirements to meet anticipated future demand.

Sec. 5. RCW 39.10.902 and 2003 c 301 s 8 and 2003 c 300 s 8 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and 2005 c ... s 3 (section 3 of this act), 2003 c 352 s 1, 2003 c 301 s 2, 2003 c 300 s 3, 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) RCW 39.10.051 and 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;
- (6) RCW 39.10.061 and 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2003 c 301 s 3, 2002 c 46 s 3, & 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- (10) RCW 39.10.080 and 1994 c 132 s 8;
- (11) RCW 39.10.090 and 1994 c 132 s 9;
- (12) RCW 39.10.100 and 1994 c 132 s 10;
- (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13;
- (15) RCW 39.10.901 and 1994 c 132 s 14;
- (16) RCW 39.10.068 and 2003 c 300 s 6;
- (17) RCW 39.10.117 and 2003 c 300 s 7; and
- (18) RCW 39.10.130 and 2003 c 301 s 1."

Senators Poulsen and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Honeyford to Substitute Senate Bill No. 5285.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "flexibility" strike the remainder of the title and insert "; amending RCW 70.150.040, 70.150.070, and 90.48.285; and reenacting and amending RCW 39.10.020 and 39.10.902."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Fairley, Fraser and Spanel - 3

Excused: Senators Deccio, McCaslin and Stevens - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5160, by Senators Eide, Swecker, Berkey and Regala

Restricting use of wireless communications devices in moving motor vehicles.

The measure was read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Eide be adopted.

On page 2, after line 25, insert the following:

"NEW SECTION. Sec. 3. For the first six months after the effective date of this act, law enforcement officers may only issue verbal warnings for violations of section 2 of this act."

Renumber the section following consecutively.

Senators Mulliken and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Eide on page 2, after line 25 to Senate Bill No. 5160.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

In line 3 of the title, after "creating" strike "a new section" and insert "new sections"

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 2, after line 25, insert the following:

"(6) Infractions that result from the use of a wireless communication device while operating a motor vehicle under this section shall not become part of the drivers record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Senators Mulliken and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, after line 25 to Senate Bill No. 5160.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

Senator Eide moved that the following amendment by Senators Eide and Mulliken be adopted.

On page 2, line 26, after "effect" strike "July 1, 2007" and insert "January 1, 2006"

Senators Eide and Mulliken spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide and Mulliken on page 2, line 26 to Senate Bill No. 5160.

The motion by Senator Eide carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, Swecker, Oke, Rockefeller, Mulliken and Benson spoke in favor of passage of the bill.

Senators Zarelli, Sheldon, Roach Honeyford and Pflug spoke against passage of the bill.

MOTION

Senator Brown demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be "Shall the main question be now put?"

The motion by Senator Brown that the previous question be put carried by voice vote.

PARLIAMENTARY INQUIRY

Senator Benton: "Since the passage of this bill would require citizens in the state of Washington to purchase an item that they normally would not purchase and because that purchase of that item is subject to sales and use tax and would generate additional revenue for the state of Washington, would this measure, under the provisions of 601, actually require a two-thirds vote and be considered a tax increase on the citizens of the state of Washington because it would force them to purchase an item that they normally would not otherwise purchase?"

REPLY BY THE PRESIDENT

President Owen: "No."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Brandland, Delvin, Doumit, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McAuliffe, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon and Zarelli - 18

Excused: Senators Deccio, McCaslin and Stevens - 3

ENGROSSED SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5168, by Senators Hargrove and Shin

Authorizing members of legislative bodies to serve as volunteer ambulance personnel.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5168.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Stevens - 3

SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Esser that Senate Bill 5069 takes a two-thirds vote on final passage under statutes enacted by Initiative Number 601 because it imposes a tax, the President finds and rules as follows:

As with many I-601 issues, the question before us turns on the difference between a "tax" and a "fee." A "tax" raises revenue for general government purposes. By contrast, a "fee" is charged to a specific class of payors to provide for a specific service, program, or facility.

"In this case, a program is created whereby two cents per hour, in the form of a premium, is charged each employee, and the funds collected are placed into a specific account. The proceeds from the account may be spent by the Director of the Department of Labor & Industries for family leave purposes.

"It is worth noting that neither the terming of the funds collected nor their deposit into a specific account is controlling for this analysis. Instead, what is key to this determination is whether the funds are being collected from a specific group for a specific purpose relating to that same group. Here, only employees are paying into a program whereby only those same employees are eligible to take family leave for which they may be paid from funds collected under this program. It is true that participation is mandatory, and it is also true that not every employee may, at a given point in time, have family for which leave might be taken. Fees and taxes are both mandatory, so this point is not decisive. Likewise, while an employee's specific family circumstances may change, his or her eligibility does not: any employee who meets the criteria for family leave may take that leave.

"Finally, the President notes that the funds raised under this program are not used for general government purposes, but only for the discrete family leave program established by the measure. For these reasons, the premium to be collected is properly characterized as a fee and not a tax. I-601's supermajority provisions are not triggered, and Senator Esser's point is not well-taken. Only a simple majority vote of this body is needed for final passage of this measure."

Senators Keiser, Oke, Franklin, Kohl-Welles and Thibaudeau spoke in favor of passage of the bill.

Senators Benson, Hewitt and Stevens spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be "Shall the main question be now put?"

MOTION

Senator Esser demanded a division.

The motion by Senator Jacobsen that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5069.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Esser, Finkbeiner, Haugen, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "I misstated something. My husband was making \$8,000 a year and not \$8,000 a month. I just wanted you all to know that."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Roach that striking amendment 351 is beyond the scope and object of the underlying bill, the President finds and rules as follows:

The substitute bill relates to electioneering communications. It defines electioneering communications, requires that payments made for such communications need to be reported electronically to the PDC, and makes such contributions subject to contribution limitations.

The striking amendment does all of these things that were in the original bill and the substitute, but it also adds an additional section, Section 12, which deletes subsection (4) of RCW 42.17.680. This subsection relates to maintaining permission records for employers or labor organizations which withhold wages for political contributions. Neither this subject nor even this RCW were covered by the substantive provisions of the bill. For these reasons, the amendment is beyond the scope and object of the bill and not properly before us. Senator Roach's point is well-taken."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5034 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5385, by Senators Jacobsen, Oke, Fraser, Swecker and Kline

Creating the Washington invasive species council.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5385 was substituted for Senate Bill No. 5385 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Carrell, Delvin, Hewitt, Johnson, Mulliken, Pflug, Schoesler and Stevens - 8

Absent: Senator Finkbeiner - 1

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mulliken, Senator Finkbeiner was excused.

SECOND READING

SENATE BILL NO. 5484, by Senators Fairley, Kline, Shin and Rasmussen

Monitoring and reporting on check cashers and sellers.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5535, by Senators Franklin, Brandland, Berkey, Spanel, Schoesler, Rockefeller, Delvin, Kohl-Welles, Oke and Shin

Modifying optometry licensing requirements.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5535 was substituted for Senate Bill No. 5535 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5535.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5535 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Rasmussen - 1

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5663, by Senators Rasmussen, Schoesler, Doumit, Honeyford, Parlette, Jacobsen and Mulliken

Changing the tax exemptions for machinery and equipment used to reduce agricultural burning.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5663 was substituted for Senate Bill No. 5663 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 5663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5663.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5663 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Excused: Senators Deccio, McCaslin and Zarelli - 3

SECOND SUBSTITUTE SENATE BILL NO. 5663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:57 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

MOTION

At 7:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 8:24 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5802, by Senators Kohl-Welles, Delvin, Shin, Spanel, Carrell, Fairley, Keiser, Roach, Jacobsen, Poulsen, Kline, Pridemore, McAuliffe, Weinstein, Eide, Berkey, Rasmussen and Rockefeller

Requiring pay equity for community and technical college part-time faculty.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Carrell, Jacobsen, Spanel and Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5802.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Absent: Senator Benton - 1

Excused: Senators Deccio, McCaslin and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Delvin: "During that last piece of legislation I was talking to my great wife and I just wanted to know that I did support that bill a lot. Thank you."

SECOND READING

SENATE BILL NO. 5857, by Senators Prentice and Kohl-Welles

Authorizing a business and occupation tax deduction for certain nonprofit community health centers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5857.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Poulsen - 1

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5234, by Senators Jacobsen, Oke, Swecker, Doumit, Hargrove and Rasmussen

Expanding hunter access to certain private lands.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5234 was substituted for Senate Bill No. 5234 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Oke and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5234.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5234 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford, Morton and Schoesler - 3

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

"On March 15, 2005, I inadvertently voted in favor of Senate Bill No. 5234. I'd like to record my intent to vote no on the measure."

SENATOR JOYCE MULLIKEN, Legislative District No. 13

SECOND READING

SENATE BILL NO. 6078, by Senators Regala and Kohl-Welles

Controlling state expenditures.

MOTION

On motion of Senator Regala, Substitute Senate Bill No. 6078 was substituted for Senate Bill No. 6078 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 8, line 24, following "(1)", strike all material through "(2)" on line 28.

Senators Zarelli, Benton, Finkbeiner, Benson and Carrell spoke in favor of adoption of the amendment.

Senators Hargrove, Prentice, Brown and Jacobsen spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 8, line 24 to Substitute Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and McCaslin - 2

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 5, line 6, following "in" insert "eastern"

On page 6, line 26, following "the growth in" insert "eastern"

Senators Hewitt and Zarelli spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 5, line 6 to Substitute Senate Bill No. 6078.

The motion by Senator Hewitt failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Hargrove, Kohl-Welles, Brown, Shin and Prentice spoke in favor of passage of the bill.
Senators Zarelli, Schmidt, Swecker, Stevens, Benson, Carrell, Finkbeiner and Morton spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.
The President declared that at least two additional senators joined the demand.
The President declared the question before the Senate to be "Shall the main question be now put?"
The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Absent: Senator Oke - 1

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6078 was immediately transmitted to the House of Representatives.

MOTION

At 10:02 p.m., on motion of Senator Eide, the Senate adjourned until 8:30 a.m. Wednesday, March 16, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 15, 2005

2005 REGULAR SESSION

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 16, 2005

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Deccio, Fairley, Finkbeiner, Hargrove, Mulliken, Parlette and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth Priestman and Laura Fox, presented the Colors. Father Seamus Laverty of the Saint Patrick Church offered the prayer.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 1016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251,
HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1419,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2060,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2069,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
ENGROSSED HOUSE BILL NO. 1917,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2157,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1169,
SUBSTITUTE HOUSE BILL NO. 1210,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 1254,
HOUSE BILL NO. 1399,
SUBSTITUTE HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1747,
SUBSTITUTE HOUSE BILL NO. 1850,
SUBSTITUTE HOUSE BILL NO. 1887,

SUBSTITUTE HOUSE BILL NO. 1893,
SUBSTITUTE HOUSE BILL NO. 1995,
HOUSE BILL NO. 2131,
SUBSTITUTE HOUSE BILL NO. 2169,
SUBSTITUTE HOUSE BILL NO. 2225,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 15, 2005

MR. PRESIDENT:

The House has passed the following bills{s}:

HOUSE BILL NO. 1106,
SUBSTITUTE HOUSE BILL NO. 1341,
HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,
HOUSE JOINT RESOLUTION NO. 4202

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 15, 2005

MR. PRESIDENT:

The House has passed the following bills{s}:

SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1541,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSES BILL NO. 2219,
ENGROSSED HOUSE BILL NO. 2254,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6088 by Senator Jacobsen

AN ACT Relating to modifying the petroleum products tax; amending RCW 82.23A.020; and repealing RCW 82.23A.902.

Referred to Committee on Transportation.

SB 6089 by Senators Finkbeiner, Jacobsen, Esser, Kastama, Schmidt and Swecker

AN ACT Relating to central Puget Sound regional transportation improvements; amending RCW 36.120.020, 36.120.050, 36.120.070, 47.56.076, 81.100.080, and 35.95A.070; adding a new section to chapter 82.80 RCW; and creating a new section.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1016 by Representatives Campbell, Kirby, Appleton and Simpson

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

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 1029 by House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan and Anderson)

AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040 and 46.09.020; adding new sections to chapter 46.09 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1031 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Cody, Simpson, Wood, Green, McIntire, Morrell, Kenney, P. Sullivan and Darneille)

AN ACT Relating to problem gambling; amending RCW 43.20A.890, 67.70.240, 82.04.350, 82.04.290, and 9.46.071; adding a new section to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1065 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Ericksen, McCoy, Haigh, Miloscia, Simpson, Uptegrove, Kessler, Appleton, Williams, Curtis, Conway, Nixon, P. Sullivan, Kenney, Hinkle, Wallace, Jarrett, Dunn, Linville, Morris, Wood, Hunter, Sells, Clibborn, Morrell, Campbell, B. Sullivan and Chase)

AN ACT Relating to the armed forces license plate collection; amending RCW 46.16.755, 73.04.115, and 41.04.007; reenacting and amending RCW 46.16.313, 73.04.110, and 43.79A.040; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

EHB 1068 by Representatives Quall, McDermott and Haigh

AN ACT Relating to elimination of mandatory norm-referenced student assessments; amending RCW 28A.230.195; adding a new section to chapter 28A.655 RCW; and repealing RCW 28A.230.190, 28A.230.193, 28A.230.230, and 28A.230.260.

Referred to Committee on Early Learning, K-12 & Higher Education.

EHB 1074 by Representatives Dunshee, Jarrett, Chase and Schual-Berke

AN ACT Relating to increasing the administrative cap on the housing assistance program and the affordable housing program; amending RCW 43.185.050, 43.185.070, and 43.185A.030; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

ESHB 1080 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives McDonald, O'Brien and Morrell)

AN ACT Relating to protecting dependent persons by changing the crimes of criminal mistreatment and abandonment of a dependent person; amending RCW 9A.42.010, 9A.42.020, 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060, 9A.42.070, and 9A.42.080; reenacting and amending RCW 9.94A.515; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SHB 1097 by House Committee on Transportation (originally sponsored by Representatives Schual-Berke, Hinkle, Kagi, McCoy, Dickerson, Sells, Hunter, Roach, Tom, Nixon, Jarrett, Upthegrove, Murray, Campbell, Pettigrew, Roberts, Simpson, Ormsby, Appleton, Morrell, Haler, Dunn, P. Sullivan, O'Brien, Chase, Strow and Conway)

AN ACT Relating to the "Keep Kids Safe" license plate series; amending RCW 43.121.100; reenacting and amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SHB 1116 by House Committee on Transportation (originally sponsored by Representatives Wallace, Ericksen, Linville, Kristiansen, Grant, Serben, Walsh, Sells and Strow)

AN ACT Relating to the "Ski & Ride Washington" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SHB 1169 by House Committee on Local Government (originally sponsored by Representatives Quall, P. Sullivan, Talcott, Strow, Grant, Buri, Morrell, Miloscia, Dickerson, Morris, Lovick, Simpson, Tom, Chase, Kenney, O'Brien, Sells, Ormsby, Haigh and Santos)

AN ACT Relating to including public school facilities as essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Government Operations & Elections.

SHB 1210 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Blake, Kretz, Upthegrove, Eickmeyer, Orcutt and Morrell)

AN ACT Relating to short-term fishing licenses; and amending RCW 77.32.470 and 77.32.430.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1216 by House Committee on Transportation (originally sponsored by Representatives Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Holmquist and Sells)

AN ACT Relating to Wild On Washington license plates; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SHB 1218 by House Committee on Transportation (originally sponsored by Representatives B. Sullivan, Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Sells and Ormsby)

AN ACT Relating to endangered wildlife license plates; amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SHB 1236 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz)

AN ACT Relating to failing to summon assistance; adding new sections to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 1251 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Santos, Roach, Kirby, Morrell, Simpson, Hasegawa, P. Sullivan and McIntire)

AN ACT Relating to tax refund anticipation loans; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1254 by Representatives Wood, Jarrett, Simpson, B. Sullivan, Wallace, Kilmer, Hankins, Haler, Hunter, Morrell, Lovick, Nixon and Ormsby

AN ACT Relating to the "share the road" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

E2SHB 1291 by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 43.70.110 and 43.70.250; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

HB 1383 by Representatives Condotta, Bailey, Newhouse, Curtis, Hinkle, Pearson, Kretz, Strow, Armstrong, Kristiansen, Talcott, Skinner and Holmquist

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

Referred to Committee on Health & Long-Term Care.

HB 1399 by Representatives Quall, McCoy, Cox, Blake, Sells, Skinner, Fromhold, Clements, Appleton, Morris, Linville, Hunter, Darneille, Ormsby, Morrell, Murray, Roberts, Campbell, Chase, P. Sullivan, Santos, Haigh, Dunn and Simpson

AN ACT Relating to public tribal colleges participating in the running start program; and amending RCW 28A.600.300.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 1402 by House Committee on Criminal Justice & Corrections (originally sponsored by Representative O'Brien)

AN ACT Relating to supervision of offenders who travel or transfer to or from another state; amending RCW 9.95.204, 9.95.214, 35.20.255, and 10.64.120; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 3.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 1419 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Santos, Newhouse and Williams)

AN ACT Relating to reserving state authority to regulate the customer transactions of financial service providers under the jurisdiction of the department of financial institutions; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 1429 by Representatives Dickerson, Ericksen, Murray, Linville, B. Sullivan, Lovick, Talcott, Campbell, Chase, Nixon and Simpson

AN ACT Relating to authorizing personal rapid transit and magnetic levitation transit systems; amending RCW 81.104.015; adding new sections to chapter 81.104 RCW; and providing an effective date.

Referred to Committee on Transportation.

E2SHB 1458 by House Committee on Appropriations (originally sponsored by Representatives Hunt, Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Upthegrove, Moeller and McDermott)

AN ACT Relating to managing on-site sewage disposal systems in marine areas; amending RCW 43.20.050; adding a new section to chapter 43.155 RCW; adding a new chapter to Title 70 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SHB 1541 by House Committee on Transportation (originally sponsored by Representatives Murray, Woods, Wallace, Jarrett, Ericksen, Morris, B. Sullivan, Chase, Schual-Berke, Rodne and Dickerson)

AN ACT Relating to transportation innovative partnerships; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SHB 1591 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Hinkle, Cody, Skinner and Moeller)

AN ACT Relating to care facilities; adding a new section to chapter 18.20 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

ESHB 1631 by House Committee on Local Government (originally sponsored by Representatives Clibborn, Fromhold, Moeller, Wallace and Jarrett)

AN ACT Relating to using revenues under the county conservation futures levy; amending RCW 84.34.230 and 84.34.240; and reenacting and amending RCW 84.52.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1643 by House Committee on Judiciary (originally sponsored by Representative B. Sullivan)

AN ACT Relating to liability immunity for municipal or nonprofit owned skate parks that charge nominal fees; and reenacting and amending RCW 4.24.210.

Referred to Committee on Judiciary.

E2SHB 1688 by House Committee on Appropriations (originally sponsored by Representatives Cody, Clibborn, Moeller, Sommers, Kenney and Schual-Berke)

AN ACT Relating to creating a task force to review health care facilities and services supply issues; and creating new sections.

Referred to Committee on Ways & Means.

SHB 1747 by House Committee on Judiciary (originally sponsored by Representatives Wood, Rodne, Priest, Clements, Lantz, Williams, Darneille and Ormsby)

AN ACT Relating to state-funded civil representation of indigent persons; amending RCW 43.08.250 and 43.08.260; adding a new chapter to Title 2 RCW; creating a new section; recodifying RCW 43.08.260; repealing RCW 43.08.270; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1806 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kenney, Haigh, Kessler, Morrell, Dickerson, Williams, P. Sullivan, Ericks, Anderson, McDermott, Wood, Linville, Moeller and Hudgins)

AN ACT Relating to encouraging the ethical transfer of technology for the economic benefit of the state; amending RCW 42.52.010, 42.52.030, 42.52.200, and 42.52.360; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1830 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt, Jarrett, Morrell, McDonald, Pettigrew, Hasegawa, Eickmeyer, Clibborn, Simpson and Ericks)

AN ACT Relating to alternative public works contracting procedures; adding new sections to chapter 39.10 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1834 by House Committee on Appropriations (originally sponsored by Representatives McIntire, Anderson, Kessler, Conway, Fromhold, Clements, Kagi, Linville, Jarrett, Hunter, Tom, Hinkle, Upthegrove, Kilmer, Wood and Santos)

AN ACT Relating to establishing a process for reporting, reviewing, and collecting data on performance measures; amending RCW 43.88.090 and 43.88.030; adding a new section to chapter 43.88 RCW; and adding a new chapter to Title 44 RCW.

Referred to Committee on Ways & Means.

EHB 1848 by Representatives Springer, Tom, Lantz, Priest, Hunter, Jarrett, Clibborn, Serben, Fromhold, Rodne, Williams, Flannigan, Kessler, O'Brien and Simpson

AN ACT Relating to managing construction defect disputes involving multiunit residential buildings; amending RCW 64.34.415, 64.34.410, and 64.34.100; adding a new section to chapter 64.34 RCW; adding a new chapter to Title 64 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SHB 1850 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody)

AN ACT Relating to retired volunteer medical workers; amending RCW 43.70.110 and 43.70.250; adding a new section to chapter 18.130 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1887 by House Committee on Finance (originally sponsored by Representatives Hasegawa, Orcutt and Chase)

AN ACT Relating to exemptions to the litter tax; and amending RCW 82.19.050.

Referred to Committee on Water, Energy & Environment.

SHB 1893 by House Committee on Education (originally sponsored by Representatives McDermott, Kenney and Dickerson)

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

Referred to Committee on Early Learning, K-12 & Higher Education.

EHB 1917 by Representatives Conway, Wood and Chase

AN ACT Relating to improving stability in industrial insurance premium rates; amending RCW 51.16.035; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1918 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Chase)

AN ACT Relating to implementing recommendation no. 2 of the joint legislative audit and review committee's report no. 98-9 with regard to reporting of industrial insurance injuries; amending RCW 51.28.020, 51.28.020, and 51.28.080; adding a new section to chapter 51.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1995 by House Committee on Capital Budget (originally sponsored by Representatives Lantz, Skinner, Hunt, Moeller and Upthegrove)

AN ACT Relating to stewardship of state capitol public and historic facilities; amending RCW 43.01.090, 43.19.500, and 79.24.087; and adding new sections to chapter 79.24 RCW.

Referred to Committee on Ways & Means.

SHB 2033 by House Committee on Finance (originally sponsored by Representatives McIntire, Orcutt, Conway, Hunter, Chase and Santos)

AN ACT Relating to the allocation of printing and publishing income for municipal business and occupation taxes; adding a new section to chapter 35.102 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2056 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

AN ACT Relating to recreational vehicle shows; amending RCW 46.70.011; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Transportation.

ESHB 2060 by House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Appleton, Morrell, Moeller, Green, Clibborn, Kenney, Upthegrove, Conway, Chase, Darneille, Haigh and Santos)

AN ACT Relating to expanding participation in state purchased health care programs; and amending RCW 70.47.020 and 48.43.018.

Referred to Committee on Health & Long-Term Care.

E2SHB 2069 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Hankins, Cody, Sells, Green, Kenney, Moeller, Conway and Chase)

AN ACT Relating to expanding access to insurance coverage through the small business assist program; amending RCW 70.47.010, 70.47.015, 70.47.020, 70.47.060, 70.47.100, 70.47.120, 70.47.160, and 41.05.140; reenacting and amending RCW 43.79A.040; adding new sections to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2131 by Representatives Conway and Springer

AN ACT Relating to the master licensing service; and adding a new section to chapter 19.02 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 2157 by House Committee on Transportation (originally sponsored by Representatives Murray, Simpson, B. Sullivan, Dickerson, Sells, Ericks, McIntire and Conway)

AN ACT Relating to authorizing the financing of regional transportation improvements by counties; amending RCW 81.104.140, 81.100.030, 81.100.060, 81.100.080, 82.14.430, 82.80.005, 82.80.010, 82.80.030, 82.80.070, 82.80.080, 82.80.100, 47.56.075, and 47.56.076; adding a new section to chapter 47.80 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; creating new sections; and repealing RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.900, 36.120.901, 82.80.110, and 82.80.120.

Referred to Committee on Transportation.

SHB 2169 by House Committee on Children & Family Services (originally sponsored by Representatives Walsh, Grant, Buri, Cox and Haler)

AN ACT Relating to licensing of family day care; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 2212 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Cox, Haigh, Talcott and Lantz)

AN ACT Relating to educator certification; amending RCW 28A.410.210 and 28A.305.130; adding new sections to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

EHB 2219 by Representatives Hunt, DeBolt, Williams and Alexander

AN ACT Relating to urban industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

SHB 2225 by House Committee on Financial Institutions & Insurance (originally sponsored by Representative Kirby)

AN ACT Relating to allowing certain higher education endowment grant funds to be deposited outside the state; and amending RCW 39.58.080 and 39.58.085.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

EHB 2254 by Representative Cody

AN ACT Relating to peer review committees and coordinated quality improvement programs; and amending RCW 4.24.250, 43.70.510, and 70.41.200.

Referred to Committee on Health & Long-Term Care.

E2SHB 2259 by House Committee on Finance (originally sponsored by Representatives Takko, Simpson, Schindler and Blake)

AN ACT Relating to water-sewer districts; adding a new section to chapter 35.13A RCW; adding a new section to chapter 35.21 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

ESHB 2266 by House Committee on Health Care (originally sponsored by Representatives Campbell, Morrell, Green, Moeller, Lantz, Cody, McCune, Haler, Lovick, McDonald and Ahern)

AN ACT Relating to the sale of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.044, 18.64.046, and 18.64.047; adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SHJM 4003 by House Committee on Transportation (originally sponsored by Representatives Ericksen, Kessler, Haler, O'Brien, Talcott, Chase, Dickerson and B. Sullivan)

Requesting Congress to consider Washington for magnetic levitation transportation funding.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9216, Betty Woods, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senators Deccio, Parlette and Pflug were excused.

On motion of Senator Regala, Senator Fairley was excused.

APPOINTMENT OF BETTY WOODS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9216, Betty Woods as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9216, Betty Woods as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Benton, Brown, Finkbeiner, Hargrove and Mulliken - 5

Excused: Senators Deccio, Fairley, Parlette and Pflug - 4

Gubernatorial Appointment No. 9216, Betty Woods, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Doumit, moved that Gubernatorial Appointment No. 9076, Michael G. Heuer, as a member of the Board of Trustees, Lower Columbia Community College District No. 13, be confirmed.

Senator Doumit spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senators Finkbeiner and Mulliken were excused.

On motion of Senator Regala, Senators Brown and Hargrove were excused.

APPOINTMENT OF MICHAEL G. HEUER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9076, Michael G. Heuer as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9076, Michael G. Heuer as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Deccio, Finkbeiner, Hargrove, Parlette and Pflug - 6
Gubernatorial Appointment No. 9076, Michael G. Heuer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9188, Dennis W. Sterner, as a member of the Professional Educator Standards Board, be confirmed.

Senators McAuliffe and Benson spoke in favor of the motion.

APPOINTMENT OF DENNIS W. STERNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9188, Dennis W. Sterner as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9188, Dennis W. Sterner as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Jacobsen - 1

Excused: Senators Brown, Deccio, Finkbeiner and Pflug - 4

Gubernatorial Appointment No. 9188, Dennis W. Sterner, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Hargrove, moved that Governatorial Reappointment No. 9045, Dennis A. Duncan, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed.
Senator Hargrove spoke in favor of the motion.

REAPPOINTMENT OF DENNIS A. DUNCAN

The President declared the question before the Senate to be the confirmation of Governatorial Reappointment No. 9045, Dennis A. Duncan as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Governatorial Reappointment No. 9045, Dennis A. Duncan as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Pflug - 2

Gubernatorial Reappointment No. 9045, Dennis A. Duncan, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

MOTION

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

SECOND READING

SENATE BILL NO. 5644, by Senators Kline, Roach, Benton, Esser, Prentice, Shin, McAuliffe, Haugen, Fairley, Hargrove and Rasmussen

Extending the stay on driver's license suspensions pending entry of a deferred prosecution.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5644.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5602, by Senators Rasmussen and Schoesler

Managing livestock nutrients.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5602 was substituted for Senate Bill No. 5602 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5602.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5602 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fairley, Franklin, Fraser, Kohl-Welles, Regala and Thibaudeau - 6

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5222, by Senators Esser and Doumit

Changing provisions relating to the insanity defense.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.

On page 2, beginning on line 30, strike all of section 4

Senator Kline spoke in favor of adoption of the committee amendment.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "10.77.020;" strike the remainder of the title and insert "and creating a new section."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to Senate Bill No. 5222.

The motion by Senator Kline carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5222.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Kohl-Welles - 1

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6064, by Senators Benton and Fairley

Limiting the powers of homeowners' associations.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 43

Voting nay: Senators Brandland, Finkbeiner, Poulsen, Pridemore and Weinstein - 5

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5589, by Senators Haugen and Spanel

Providing for proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5589.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5589 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

SECOND READING

SENATE BILL NO. 5898, by Senators Regala, Brandland, Pridemore, Hargrove, Thibaudeau, Oke, Kohl-Welles and Rasmussen

Ordering a public information campaign on postpartum depression.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Parlette and Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5898.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Haugen and Swecker - 3

SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6033, by Senator Doumit

Creating a Washington coastal Dungeness crab pot buoy tag program.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6033.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 38

Voting nay: Senators Benson, Benton, Honeyford, Johnson, McCaslin, Mulliken, Roach and Zarelli - 8

Excused: Senators Deccio, Haugen and Swecker - 3

SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5999, by Senators Prentice and Brown

Exempting service contracts to administer parking and business improvement areas from excise taxation.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5999 was substituted for Senate Bill No. 5999 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5999 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5999.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5999 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Benton - 1

Excused: Senators Deccio, Haugen and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

SECOND READING

SENATE BILL NO. 5713, by Senators Regala, Franklin and Kohl-Welles

Assisting tenants in multiple-unit housing proposed for rehabilitation.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5713.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6037, by Senators Sheldon and Rockefeller

Changing provisions relating to limited development of rural areas.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Rockefeller and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 45

Voting nay: Senators Poulsen, Pridemore and Weinstein - 3

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Schoesler was excused.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5034 which was deferred on the previous day.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5034, by Senator Kastama

Campaign funding.

The measure was read the second time.

POINT OF ORDER

Senator Kastama: "The striker that I had before you was the one that was ruled out of scope and object I believe. That one has been removed and just so that my members know here this is a new striker."

REPLY BY THE PRESIDENT

President Owen: "That is correct."

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:
Strike everything after the enacting clause and insert the following:

"PART I - FINDINGS AND INTENT

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

(1) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(2) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

(3) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (a) Source of support or opposition to those candidates; and (b) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(4) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(5) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(6) The state also has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17.640. Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

NEW SECTION. Sec. 2. Based upon the findings in section 1 of this act, this act is narrowly tailored to accomplish the following and is intended to:

(1) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(2) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(3) Reenact and amend the contribution limits in RCW 42.17.640 (6) and (14) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17.640 (6) and (14) in light of *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy;

(4) Authorize the commission to adopt rules to implement this act.

PART II - ELECTIONEERING COMMUNICATIONS

NEW SECTION. Sec. 3. (1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and

(iii) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, and 42.17.100 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100 and 42.17.103.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

NEW SECTION. Sec. 4. (1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time the sponsor is required to report the electioneering communication expense under section 3 of this act.

NEW SECTION. Sec. 5. (1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under section 3 of this act shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the

sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf.

PART III - AMENDMENTS TO AND REENACTMENT OF CURRENT LAWS

Sec. 6. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1)~~ "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

~~(2)~~ "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((2))~~ ~~(3)~~ "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((3))~~ ~~(4)~~ "Ballot proposition" means any "measure" as defined by RCW ~~((29.01.140))~~ 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

~~((4))~~ ~~(5)~~ "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((5))~~ ~~(6)~~ "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ~~((29.24))~~ 29A.20 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW ~~((29.01.090))~~ 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((6))~~ ~~(7)~~ "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((7))~~ ~~(8)~~ "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((8))~~ ~~(9)~~ "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((9))~~ ~~(10)~~ "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((10))~~ ~~(11)~~ "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((11))~~ ~~(12)~~ "Commission" means the agency established under RCW 42.17.350.

~~((12))~~ ~~(13)~~ "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((13))~~ ~~(14)~~ "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((14))~~ ~~(15)~~(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((15))~~ (16) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (17) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (18) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (19) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

~~((19))~~ (20) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of five thousand dollars or more.

(21) "Electioneering communication" does not include:

(a) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(b) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(c) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(i) Of primary interest to the general public;

(ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political committee;

(d) Slate cards and sample ballots;

(e) Advertising for books, films, dissertations, or similar works (i) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (ii) written about a candidate;

(f) Public service announcements:

(g) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(h) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(i) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((20))~~ (23) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((21))~~ (24) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

~~((22))~~ (25) "Gift," is as defined in RCW 42.52.010.

~~((23))~~ (26) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

~~((24))~~ (27) "Incumbent" means a person who is in present possession of an elected office.

(28) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

~~((25))~~ (29)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((26))~~ (30) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((27))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((28))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((29))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((30))~~ (34) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((34))~~ (35) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((32))~~ (36) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((33))~~ (37) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((34))~~ (38) "Primary" for the purposes of RCW 42.17.640 means the procedure for nominating a candidate to state office under chapter ~~((29.18 or 29.21))~~ 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter ~~((29.18 or 29.21))~~ 29A.52 RCW.

~~((35))~~ (39) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((36))~~ (40) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((37))~~ (41) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW ~~((29.82.015))~~ 29A.56.120 and ending thirty days after the recall election.

~~((38))~~ (42) "Sponsor of an electioneering communications, independent expenditures, or political advertising" means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(43) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((39))~~ (44) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((40))~~ (45) "State official" means a person who holds a state office.

~~((41))~~ (46) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((42))~~ (47) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 7. RCW 42.17.103 and 2001 c 54 s 1 are each amended to read as follows:

(1) The sponsor of political advertising who, within twenty-one days of an election, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or supporting or opposing the same ballot proposition that was the subject of the previous independent expenditure.

(3) The special report must include at least:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and

(g) Any other information the commission may require by rule.

(4) All persons required to report under RCW ~~42.17.065~~, 42.17.080, 42.17.090, ~~(and)~~ 42.17.100, and section 3 of this act are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 8. RCW 42.17.110 and 1975-'76 2nd ex.s. c 112 s 5 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

(b) The exact nature and extent of the ~~(advertising)~~ services rendered; and

(c) The consideration and the manner of paying that consideration for such services.

(2) Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section.

Sec. 9. RCW 42.17.510 and 1995 c 397 s 19 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. ~~((The party with which a candidate files))~~ For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising ~~((for partisan office))~~.

(2) In addition to the materials required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization, and all electioneering communications, must include the following statement ~~((on))~~ as part of the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter~~((and~~

~~(d) Be clearly spoken on any broadcast advertisement))~~.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the

twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

~~((5))~~ (7) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

Sec. 10. RCW 42.17.530 and 1999 c 304 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;

(b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence.

Sec. 11. RCW 42.17.640 and 2001 c 208 s 1 are each reenacted and amended to read as follows:

(1) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed ~~((five))~~ seven hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed ~~((five))~~ seven hundred dollars if for a state legislative office or one thousand four hundred dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) ~~((fifty))~~ seventy cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed ~~((twenty-five))~~ thirty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) ~~((fifty))~~ seventy cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed ~~((five))~~ seven hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed

~~((two))~~ three thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

PART IV - TECHNICAL PROVISIONS

NEW SECTION. Sec. 12. RCW 42.17.505 (Definitions) and 1988 c 199 s 1 are each repealed.

NEW SECTION. Sec. 13. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 14. (1) Sections 1 through 5 of this act are each added to chapter 42.17 RCW to be codified with the subchapter heading of "Reporting of Electioneering Communications."

(2) The code reviser must change the subchapter heading "Political Advertising" to "Political Advertising and Electioneering Communications" in chapter 42.17 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act takes effect January 1, 2006."

Senators Kastama and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5034.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.103, 42.17.110, 42.17.510, and 42.17.530; reenacting and amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.505; and providing an effective date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5136, by Senators Doumit, Mulliken, Zarelli and Rasmussen

Modifying fire protection district property tax levies.

The measure was read the second time.

MOTION

On motion of Senator Doumit, the rules were suspended, Senate Bill No. 5136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit, Hewitt and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Prentice - 1

Excused: Senator Deccio - 1

SENATE BILL NO. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin

Creating a boater safety education program. Revised for 1st Substitute: Establishing a boating safety education program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Swecker, Rockefeller, Haugen and Spanel spoke in favor of passage of the bill.

Senators Benson, Zarelli, Benton, Hewitt and Schoesler spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be "Shall the main question be now put?"

MOTION

A division was demanded.

The motion by Senator Jacobsen that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Brandland, Carrell, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5041, by Senators McCaslin and Kline

Revising deadly weapon and firearm sentence range enhancements.

MOTIONS

On motion of Senator McCaslin, Second Substitute Senate Bill No. 5041 was substituted for Senate Bill No. 5041 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Second Substitute Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5838, by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen

Limiting the substitution of preferred drugs in hepatitis C treatment.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Keiser, Thibaudeau and Pflug spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5838.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Esser, Hewitt, Honeyford, Johnson, McCaslin, Mulliken and Parlette - 8

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

Breast and cervical cancer.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 4, after "available" insert ", and only so long as the current federal funding level continues."
Renumber the sections consecutively and correct any internal references accordingly.
Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 4 to Senate Bill No. 5714.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 2, line 36, after "guidance." through "services." on page 3, line 4 and insert "The medical advisory committee shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the Legislature no later than December 15, 2006."

Renumber the sections consecutively and correct any internal references accordingly.
Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 2, line 36 to Senate Bill No. 5714.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5907, by Senators Haugen, Kastama, McCaslin and Rasmussen

Affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5907 was substituted for Senate Bill No. 5907 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 2, line 27, after "growth" strike "and the" and insert ". In counties meeting the definition of "rural county" under RCW 82.14.370(5) cities and counties have discretion to make choices about"

On page 2, line 32, after "area" insert "within a county meeting the definition of "rural county" under RCW 82.14.370(5)"

Senators Mulliken and Pflug spoke in favor of adoption of the amendment.

Senators Haugen, Kline and Pridemore spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Spanel: "Would the Senator from the 13th regional yield to a question? I want to know which counties your amendment affects?"

Senator Mulliken: "Ok, what this amendment does is it applies, we have thirty-nine counties, thirty-four of the counties are qualify under the rural definition in this state. The build able lands counties, the more urban populated are, and I can name off those six better than I can the other thirty-four, so it would exempt King, Snohmonish, Pierce, Thurston, Kitsap and Clark counties from the bill."

Senator Spanel: "From your amendment?"

Senator Mulliken: "That's what its suppose to do. No, it's suppose to apply only to the thirty-four rural counties who would like to the flexibility for, to have the flexibility on the density and in filling requirements of the current GMA has. We'd like a little more flexibility. Six build able land counties, they like that density requirement to offer, as the previous speaker mentioned, more affordable housing, more dense population to preserve the open spaces of the urban counties."

Senators Spanel, Fairley, Stevens and Rockefeller spoke against adoption of the amendment.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be, "Shall the main question be now put?"

MOTION

A division was demanded.

The motion by Senator Jacobsen that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, line 27 to Substitute Senate Bill No. 5907.

MOTION

A division was demanded.

The motion by Senator Mulliken carried and the amendment was adopted by a rising vote. The President voting 'Aye.'

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Roach, Fraser and Mulliken spoke in favor of passage of the bill.

Senators McCaslin, Kline spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Last week you played The Ventures while we had a resolution on the floor and I'd like to get your turntable out and a platter, little boxes, little ticky tacky boxes and play that for us?"

PARLIAMENTARY INQUIRY

Senator McCaslin: "May I move my chair over there until final passage."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5907.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5907 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Brandland, Carrell, Finkbeiner, Honeyford, Keiser, Kline, Poulsen, Pridemore, Regala, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Absent: Senator Brown - 1

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5733, by Senators Kline, McCaslin, Rockefeller, Esser, Thibaudeau, Weinstein, Rasmussen and Eide

Concerning mandatory arbitration.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5733.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Deccio - 1

SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5620, by Senators Kline, Mulliken, Pridemore, Kastama, Poulsen, Rockefeller, Fairley and Kohl-Welles

Providing for priority consideration of voluntary buffers in open space plans and public benefit rating systems. Revised for 1st Substitute: Providing for priority consideration for lands used as buffers in planning.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Pflug be adopted.

On page 2, line 12, after "(d)" insert "Classified open space land within the boundaries of airport property shall receive priority consideration under this section and shall not be removed or declassified without receipt of written notice from the owner to remove all or a portion of the classification pursuant to RCW 84.34.108.

(e)"

Senators Haugen and Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Pflug on page 2, line 12 to Substitute Senate Bill No. 5620.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Hargrove, Honeyford and Morton - 3

Excused: Senators Deccio and Johnson - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5278, by Senators Jacobsen, Kline and Fraser

Establishing the ocean policy review commission.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted.

On page 3, line 14, after "act." insert "Appointees to the working group should possess a significant interest in, or knowledge of, coastal and ocean resources issues."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove the amendment to Substitute Senate Bill No. 5278 was withdrawn.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Doumit, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 35

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Hewitt, Honeyford, Mulliken, Roach, Schmidt, Schoesler, Stevens and Zarelli - 13

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8202, by Senators Eide, Keiser, Doumit, Poulsen, Weinstein, Fairley, Schmidt, Jacobsen, Kastama, Regala, Fraser, Berkey, Kline, Brown, Spanel, Kohl-Welles, Shin, Rasmussen and Pridemore

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

MOTION

On motion of Senator Eide, Substitute Senate Joint Resolution No. 8202 was substituted for Senate Joint Resolution No. 8202 and the substitute bill was placed on the second reading and read the second time.

POINT OF ORDER

Senator Johnson: "I believe there's an amendment on the desk of the members and that should be considered on second reading."

MOTION

Senator Oke moved that the following amendment by Senator Oke be adopted.

On page 1, line 6, after "2" strike "and Article VIII, section 6"

Strike everything after "follows:" on page 1, line 7, and insert the following:

"Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money: *Provided, however,* That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election: *Provided,* That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years: *Provided further,* That a proposition under this subsection to levy an additional tax for the maintenance and operation of the common schools for a period of up to four years, not including levies for transportation purposes, shall be authorized by a majority of the voters voting on the proposition if the proposition is approved at a general election:

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election: *Provided,* That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, *And provided further,* That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senators Oke, Hargrove and Stevens spoke in favor of adoption of the amendment.

Senators Eide and Weinstein spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 1, line 6 to Substitute Senate Joint Resolution No. 8202.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Oke was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Deccio - 1

MOTION

On motion of Senator Eide, the rules were suspended, Substitute Senate Joint Resolution No. 8202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, Brown and McAuliffe spoke in favor of passage of the bill.

Senators Stevens, Hargrove, Johnson, McCaslin and Finkbeiner spoke against passage of the bill.

MOTION

Senator Spanel demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be "Shall the main question be now put?"

The motion by Senator Spanel that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Resolution No. 8202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8202 and the bill failed to pass the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Deccio - 1

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8202, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION

8622

By Senators Stevens, McCaslin, Eide, Pflug, McAuliffe, Rasmussen, Schmidt, Regala, Morton, Brandland, Hewitt, Oke, Spanel, Parlette, Zarelli, Johnson, Schoesler, Benton, Honeyford, Deccio, Hargrove, Esser, Carrell, Keiser, Franklin, Swecker, Benson, Brown, Mulliken, Roach, Delvin and Thibaudeau

WHEREAS, The State of Washington recognizes the critical importance and fundamental right of parents to be actively involved in the direction of their children's education and character development; and

WHEREAS, Home schools provide families the opportunity for their children to receive a sound academic education that is reinforced by the at-home educational process; and

WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests, exhibit self-confidence and good citizenship, and are fully prepared to meet the challenge of today's society; and

WHEREAS, Some parent educators devote countless hours to helping their children attain academic excellence, a deep sense of patriotism, and civic responsibility and prepare them to become productive citizens; and

WHEREAS, Over seventy-four percent of home-educated adults age eighteen through twenty-four have taken, or are currently taking, college-level courses, compared to forty-six percent of the general United States population; and

WHEREAS, The State of Washington recognizes, by law, a family's right to educate its children at home as a legitimate and viable educational alternative; and

WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, Some parents of students who home school have accepted an additional financial responsibility to provide for their children's education, while at the same time paying taxes that support Washington's public school system; and

WHEREAS, It is estimated that home education families save the American taxpayers over ten billion dollars per year; and

WHEREAS, It is appropriate that Washington's home-educating families be recognized for their selfless contribution to the quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the home-educating families in the state.

Senators Stevens, Hargrove, McAuliffe, Pflug, Sheldon and Benson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

The motion by Senator Stevens carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Shin: "During the discussion the simple majority, I stood up seven times wanting to speak, but without success. If I don't speak really bad I think I'll cry so I'm going to say it. Ladies and gentlemen, United States of America was number one in the world during World War II, Korean War and Viet Nam war because of our quality education. Today, unfortunately the United States is slipping behind. As you know I did travel a lot overseas. Until twelve years ago, we still maintained number one. Today, we're number ninth in the world. That saddens me. I congratulate home school studies. I'm a home school myself too. I came to this country when I was eighteen, I could start ABC, GED and PHD. What is happening in our country bothers me. I'd like to remind our members of the Senate and also the parents, education is the prime importance of our job. Educating our children depends on us. Without our support, whether you're a homeowner or a resident of an apartment, education is the prime responsibility of the generation today because the 21st Century we are looking for thinkers not the makers and thinking people come from great education. Now that I have made speech, thank you for listening."

PERSONAL PRIVILEGE

Senator Prentice: "I've got a happier point of personal privilege. Former page of mine is in the news today. Bryce Fisher was just signed to the Sea hawks and he is the son of a constituent of mine. Remember Richard Fisher? Who was our Sergeant at Arms, who I worked with thirty-some years ago when he was a state trooper and I was the emergency nurse at Valley Medical and Bryce was a page here for me and I just thought, be sure that you read it in the paper. Thanks."

MOTION

At 12:38 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:18 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5585, by Senators Poulsen, Esser and Prentice

Allowing port districts to lease land acquired from a commercial waterway district. Revised for 1st Substitute: Requiring a report from port districts regarding management of former commercial waterway district property.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5585 was substituted for Senate Bill No. 5585 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5585.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Honeyford - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5997, by Senators Spanel and Benton

Regulating out-of-state banks, savings banks, and mutual savings banks branches.

MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 11, after line 13, insert the following:

"**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Pridemore and Benson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 11, after line 13 to Substitute Senate Bill No. 5997.

The motion by Senator Pridemore carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, strike line 3 of the title and insert "adding a new section to chapter 30.38. RCW; and declaring an emergency."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5997.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Haugen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators Kastama, Mulliken, Zarelli, Doumit and Rasmussen

Addressing volunteer fire fighters' and reserve officers' relief and pensions.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Haugen - 2

SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5997 passed the Senate.

SECOND READING

SENATE BILL NO. 5612, by Senators Berkey, Schmidt, Keiser, Roach, Kohl-Welles, Oke, Pridemore, Fairley, Kline, Shin and McAuliffe

Expanding programs eligible for housing assistance grants and loans.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5612.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5612 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Brandland, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senators Deccio and Haugen - 2

SENATE BILL NO. 5612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Early Learning, K-12 & Higher Education Committee of Senate Bill No. 5634.

PARLIAMENTARY INQUIRY

Senator Eide: "I'm sorry Mr. President, I did not get the numbers of the bills."

REPLY BY THE PRESIDENT

President Owen: "It was Senate Bill No. 5634."

PARLIAMENTARY INQUIRY

Senator Eide: "And the title?"

REPLY BY THE PRESIDENT

President Owen: "I'm not familiar with what the title is."

REMARKS BY SENATOR ESSER

Senator Esser: "The title, Mr. President, is 'An act relating to verification of educational credits used for certificated employees salary increases.'"

REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "This particular bill was heard on the last day of committee. It has to do with what they call 'credits that were obtained from a illegal, I guess I'd say educational institutions..... I'm sorry, let me start over. This bill has not been worked out. We've heard it the last day of committee, it has some merit, it's a good bill, we'd like to take next year. It just hasn't been worked out in the details yet. There are some concerns that we have and we'd like you not to pull this from the committee."

Senator McAuliffe spoke against the motion to advance to the ninth order of business.
Senators Esser and Schoesler spoke in favor of the motion to advance to the ninth order of business.

REPLY BY THE PRESIDENT

President Owen: "For the members, the motion is to advance to the ninth order for the purpose of considering that one bill, just for your information. We're not at that point yet."

MOTION

Senator Brown demanded that the previous question be put.
The President declared that at least two additional senators joined the demand.
The President declared the question before the Senate to be, "Shall the main question be now put?"

MOTION

A division was demanded.
The motion by Senator Brown that the previous question be put carried by a rising vote.

Senator Esser demanded a roll call.
The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll and the motion by Senator Esser to advance to the ninth order of business to relieve the Committee on Early Learning, K-12 & Higher Education of Senate Bill No. 5634 and the motion failed by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Excused: Senator Deccio - 1.

SECOND READING

SENATE BILL NO. 5610, by Senator Jacobsen

Promoting salmon recovery on a regionwide basis.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5610.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benson, Delvin and Honeyford - 3

Absent: Senator McCaslin - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5869, by Senators Swecker, Jacobsen, Oke, Spanel, Hargrove, Morton, Doumit, Stevens and Rasmussen

Concerning planting of certain trout.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5869.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5841, by Senators Keiser, Thibaudeau, Kline, Kohl-Welles and Shin

Providing for the prevention, diagnosis, and treatment of asthma.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5841 was substituted for Senate Bill No. 5841 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Rockefeller and Thibaudeau spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Delvin, Hewitt, Honeyford, Mulliken, Parlette and Stevens - 7

Absent: Senator McAuliffe - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Benton withdrew his motion to reconsider the vote on Engrossed Substitute Senate Bill No. 5997.

SECOND READING

SENATE BILL NO. 5720, by Senators Keiser, Franklin and McAuliffe

Eliminating employee noncompetition agreements in the broadcasting industry.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 1, line 7 after "terminated" insert "without just cause"

Beginning on page 1, line 18, after "(a)" strike all material through "18 RCW" on page 2, line 3, and insert ""Employee" means an employee of a broadcasting industry employer other than a sales or management employee"

Senators Keiser and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, line 7 to Substitute Senate Bill No. 5720.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Johnson spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.
The President declared that at least two additional senators joined the demand.
The President declared the question before the Senate to be, "Shall the main question be now put?"

MOTION

A division was demanded.
The motion by Senator Jacobsen that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5806, by Senators Kohl-Welles, Hargrove, Rasmussen and Jacobsen

Requiring child care agencies to provide additional information to parents.

MOTION

On motion of Senator Kohl-Welles, Engrossed Substitute Senate Bill No. 5806 was substituted for Senate Bill No. 5806 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that child care providers provide valuable services for the families of Washington state and are an important part of ensuring the healthy growth and development of young children. It also recognizes the importance of ensuring that operators of child day-care centers and family day-care providers are providing safe and quality care and operating in compliance with minimal standards.

The legislature further recognizes that parents, as consumers, have an interest in obtaining access to information that is relevant to making informed decisions about the persons with whom they entrust the care of their children. The purpose of this act is to establish a system, consistent throughout the state, through which parents, guardians, and other persons acting in loco parentis can obtain certain information about child care providers.

NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall establish and maintain a toll-free telephone number, and an interactive web-based system through which persons may obtain information regarding child day-care centers and family day-care providers. This number shall be available twenty-four hours a day for persons to request information. The department shall respond to recorded messages left at the number within two business days. The number shall be published in reasonably available printed and

electronic media. The number shall be easily identifiable as a number through which persons may obtain information regarding child day-care centers and family day-care providers as set forth in this section.

(2) Through the toll-free telephone line established by this section, the department shall provide information to callers about: (a) Whether a day-care provider is licensed; (b) whether a day-care provider's license is current; (c) the general nature of any enforcement against the providers; (d) how to report suspected or observed noncompliance with licensing requirements; (e) how to report alleged abuse or neglect in a day care; (f) how to report health, safety, and welfare concerns in a day care; (g) how to receive follow-up assistance, including information on the office of the family and children's ombudsman; and (h) how to receive referral information on other agencies or entities that may be of further assistance to the caller.

(3) Beginning in January 2006, the department shall print the toll-free number established by this section on the face of new licenses issued to child day-care centers and family day-care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by section 2 of this act;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose, upon request, the receipt, general nature, and resolution or current status of all complaints on record with the department after the effective date of this act against a child day-care center or family day-care provider that result in an enforcement action.

This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 74.15 RCW to read as follows:

(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after the effective date of this act.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

Sec. 5. RCW 74.15.130 and 1998 c 314 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate

penalty. An agency that continues to operate following a license revocation is subject to the maximum penalty for each day of operation following the revocation. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(5)(a) The department may place a child day-care center or family day-care provider on nonreferral status or stop placement status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status or stop placement status may continue until the department determines that: (i) No enforcement action is appropriate; (ii) a complaint is not founded or valid; or (iii) a corrective action plan has been successfully concluded. The department shall then remove the center or provider from nonreferral status and provide appropriate notice to the public and private child care resource and referral agencies.

(b) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to take an enforcement action against the center or provider.

(6) Whenever an enforcement action is taken, the department shall notify the child care agency subject to the action in writing by personal service within ten business days.

NEW SECTION. Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW 74.15.130 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on the effective date of this act, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status to parents with a child enrolled in family day care.

(b) Any licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW 74.15.130 if the licensee fails to notify the department when coverage has been terminated as required under (b) of this subsection.

(e) A family day-care provider holding a license under this chapter on the effective date of this act is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Hargrove and Stevens to Substitute Senate Bill No. 5806.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.15.130; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 43

Voting nay: Senators Benton, Mulliken and Zarelli - 3

Absent: Senator Brown - 1

Excused: Senators Carrell and Deccio - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5910, by Senators Kline, Jacobsen and Kohl-Welles

Establishing the University of Washington school of law public service legal loan repayment assistance program.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Benton, Brandland, Delvin, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Excused: Senators Carrell and Deccio - 2

SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5522, by Senators Franklin, Weinstein, Keiser, Kastama, Zarelli, Rasmussen, Hewitt, Kline, Schmidt and Rockefeller

Purchasing service credit lost due to injury.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5994, by Senators Prentice and Rasmussen

Limiting the number and location of house-banked card rooms.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5994 was substituted for Senate Bill No. 5994 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5994 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5994.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5994 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens and Zarelli - 20

Absent: Senator Kastama - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5994, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5396, by Senators Fraser, Esser, Jacobsen, Oke, Regala, Swecker, Rockefeller, Spanel, Pridemore, Thibaudeau, Haugen and Kline

Expanding the criteria for habitat conservation programs.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 5396 was substituted for Senate Bill No. 5396 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Hargrove be adopted.

On page 7, beginning on line 20, after "acquisition of" strike "real property interests" and insert "nonperpetual real property interests with terms not exceeding fifty years in duration"

On page 10, line 9, after "interest" strike "in perpetuity" and insert ". However, at least fifty percent of farmland preservation account funds shall be used to acquire nonperpetual real property interests with terms not exceeding fifty years in duration"

Senators Swecker and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Hargrove on page 7, line 20 to Substitute Senate Bill No. 5396.

The motion by Senator Swecker carried and the amendment was adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Morton be adopted.

On page 8, line 23, after "owned." insert "In counties having less than thirty percent of land in private ownership, the amount in lieu of real property taxes must be based on one hundred percent of the property's true and fair value under chapter 84.40 RCW except taxes levied for any state purpose."

On page 8, line 26, after "due" strike "under chapter 84.34 RCW"

On page 17, line 21, after "owned." insert "In counties having less than thirty percent of land in private ownership, the amount in lieu of real property taxes must be based on one hundred percent of the property's true and fair value under chapter 84.40 RCW except taxes levied for any state purpose."

On page 17, beginning on line 23, after "due" strike "under chapter 84.34 RCW"

On page 18, line 3, after "owned." insert "In counties having less than thirty percent of land in private ownership, the amount in lieu of real property taxes must be based on one hundred percent of the property's true and fair value under chapter 84.40 RCW except taxes levied for any state purpose."

On page 18, beginning on line 5, after "due" strike "under chapter 84.34 RCW"

On page 25, line 20, after "owned." insert "In counties having less than thirty percent of land in private ownership, the calculation of amounts in lieu of real property taxes is based on one hundred percent of the property's true and fair value under chapter 84.40 RCW, except taxes levied for any state purpose, and not on the property's value under chapter 84.34 RCW."

Senators Parlette and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Morton on page 8, line 23 to Substitute Senate Bill No. 5396.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 9, after line 28, insert the following:

"(12)(a) If the acquisition of property interests for riparian protection from the riparian protection account under this chapter reduces the development potential of that land in a county or city planning under RCW 36.70A.040:

(i) The county must determine the acreage and qualitative reduction in land suitable for development within the county and docket that amount as a deficiency to the planning director of the county in which the land is located;

(ii) By December 31, 2005, and at least every five years thereafter, each county shall increase the total amount of land suitable for development within the county by the total docketed acreage deficiency pursuant to (a)(i) of this subsection, with comparable qualitative land characteristics, through enactment of a county ordinance.

(b) As used in this subsection:

(i) "Docketing" means compiling and maintaining a detailed list, available to the public, of acreage and land use deficiencies in a manner that ensures the deficiencies will be presented for the required periodic county action;

(ii) "Qualitative land characteristics" means the designated use of the land in deficiency, its suitability for development, the general location of that land within the county, its physical characteristics, and the availability of urban governmental services for the land."

Senators Mulliken and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 9, after line 28 to Substitute Senate Bill No. 5396.

The motion by Senator Mulliken carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5396.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford, Mulliken, Schoesler and Sheldon - 4

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5730, by Senators Doumit, Zarelli, Eide, Shin, Rasmussen and Mulliken

Small business regulation.

MOTION

On motion of Senator Doumit, Substitute Senate Bill No. 5730 was substituted for Senate Bill No. 5730 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit, Shin and Fairley be adopted.

On page 4, after line 12, strike Sec. 4.

Renumber the sections consecutively and correct any internal references accordingly.
Senators Doumit, Fairley and Pflug spoke in favor of adoption of the amendment.
Senators Carrell and Benson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit, Shin and Fairley on page 4, after line 12 to Substitute Senate Bill No. 5730.

The motion by Senator Doumit carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Substitute Senate Bill No. 5730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit, Pflug, Shin and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5730.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5730 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5767, by Senators McAuliffe, Haugen, Keiser, Kline, Kohl-Welles, Fairley, Franklin, Shin, Berkey and Hargrove

Developing plans to address the housing needs of homeless persons.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5767 was substituted for Senate Bill No. 5767 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Fairley spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5767.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5767 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Benton, Carrell, Delvin, Esser, Johnson, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 14

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brown, Senate Bill No. 6010 was made a special order of business of the day. Pursuant to Senate Rule 18 to be taken up at 4:55 p.m.

SECOND READING

SENATE BILL NO. 5094, by Senator Jacobsen

Changing the maximum per parcel rate for conservation district special assessments.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 3, line 4, after "exceed" strike "~~((five)) ten~~" and insert "five"

On page 3, line 5, after "dollars" insert ", except that for counties with a population of over one million five hundred thousand persons, the maximum annual per parcel rate shall not exceed ten dollars"

Senator Jacobsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 3, line 4 to Senate Bill No. 5094.

The motion by Senator Jacobsen carried and the amendment was adopted by voice vote.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 4, line 8, after "work." insert "All remaining funds collected under this section shall be transferred to the conservation district and used by the conservation district in accordance with this section."

Senator Jacobsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 4, line 8 to Senate Bill No. 5094.

The motion by Senator Jacobsen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

Senator Rasmussen spoke against passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Esser and Johnson were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Parlette, Rasmussen, Roach, Schoesler, Stevens and Zarelli - 17

Excused: Senators Deccio, Esser and Johnson - 3

ENGROSSED SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6050, by Senators Parlette, Doumit, Morton and Mulliken

Providing financial assistance to cities, towns, and counties.

MOTION

On motion of Senator Doumit, Substitute Senate Bill No. 6050 was substituted for Senate Bill No. 6050 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Doumit moved that the following striking amendment by Senator Doumit be adopted:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.45.060 and 2000 c 103 s 15 are each amended to read as follows:

There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. An amount equal to ~~((seven and seven tenths))~~ six and one-tenth percent of the proceeds of this tax to the state treasurer shall be deposited in the public works assistance account created in RCW 43.155.050. An amount equal to one and six-tenths percent of the proceeds of this tax to the state treasurer shall be deposited in the city-county assistance account created in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.08 RCW to read as follows:

(1) The city-county assistance account is created in the state treasury. All receipts from real estate excise tax disbursements provided under RCW 82.45.060 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes provided in this section.

(2) Funds deposited in the city-county assistance account shall be distributed equally to the cities and counties.

(3)(a) Funds distributed to counties shall, to the extent possible, increase the revenues received under RCW 82.14.030(1) by each county to the greater of two hundred fifty thousand dollars or:

(i) For a county with an unincorporated population of one hundred thousand or less, seventy percent of the statewide weighted average per capita level of sales and use tax revenues collected under RCW 82.14.030(1) for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) in the previous calendar year; and

(ii) For a county with an unincorporated population of more than one hundred thousand, sixty-five percent of the statewide weighted average per capita level of sales and use tax revenues collected under RCW 82.14.030(1) for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) in the previous calendar year.

(b) For each county with an unincorporated population of fifteen thousand or less, the county shall receive the greater of the amount in (a) of this subsection or the amount received in local government assistance provided by section 716, chapter 276, Laws of 2004.

(c) For each county with an unincorporated population more than fifteen thousand and less than twenty-two thousand, the county shall receive in calendar year 2006 and 2007 the greater of the amount provided in (a) of this subsection or the amount received in local government assistance provided by section 716, chapter 276, Laws of 2004.

(d) To the extent that revenues are insufficient to fund the distributions under this subsection, the distributions of all counties as otherwise determined under this subsection shall be ratably reduced.

(e) To the extent that revenues exceed the amounts needed to fund the distributions under this subsection, the excess funds shall be divided ratably based upon unincorporated population among those counties receiving funds under this subsection and imposing the tax collected under RCW 82.14.030(2) at the maximum rate.

(4) (a) For each city with a population of five thousand or less with a per capita assessed property value less than twice the statewide average per capita assessed property value for all cities for the calendar year previous to the certification under subsection (6) of this section, the city shall receive the greater of the following three amounts:

(i) An amount necessary to increase the revenues collected under RCW 82.14.030(1) up to fifty-five percent of the statewide weighted average per capita level of sales and use tax revenues collected under RCW 82.14.030(1) for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) in the previous calendar year.

(ii) The amount received in local government assistance provided for fiscal year 2005 by section 721, chapter 25, Laws of 2003 1st sp. sess.

(iii) For a city with a per capita assessed property value less than fifty-five percent of the statewide average per capita assessed property value for all cities, an amount determined by subtracting the city's per capita assessed property value from fifty-five percent of the statewide average per capita assessed property value, dividing that amount by one thousand, and multiplying the result by the city's population.

(b) For each city with a population more than five thousand with a per capita assessed property value less than the statewide average per capita assessed property value for all cities for the calendar year previous to the certification under subsection (6) of this section, the city shall receive the greater of the following three amounts:

(i) An amount necessary to increase the revenues collected under RCW 82.14.030(1) up to fifty percent of the statewide weighted average per capita level of sales and use tax revenues collected under RCW 82.14.030(1) for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) in the previous calendar year.

(ii) For calendar year 2006 and 2007, the amount received in local government assistance provided for fiscal year 2005 by section 721, chapter 25, Laws of 2003 1st sp. sess.

(iii) For a city with a per capita assessed property value less than fifty-five percent of the statewide average per capita assessed property value for all cities, an amount determined by subtracting the city's per capita assessed property value from fifty-five percent of the statewide average per capita assessed property value, dividing that amount by one thousand, and multiplying the result by the city's population.

(c) No city may receive an amount greater than one hundred thousand dollars a year under (a) or (b) of this subsection.

(d) To the extent that revenues are insufficient to fund the distributions under this subsection, the distributions of all cities as otherwise determined under this subsection shall be ratably reduced.

(e) To the extent that revenues exceed the amounts needed to fund the distributions under this subsection, the excess funds shall be divided ratably based upon population among those cities receiving funds under this subsection and imposing the tax collected under RCW 82.14.030(2) at the maximum rate.

(f) This subsection only applies to cities incorporated prior to the effective date of this section.

(5) The two hundred fifty thousand dollar amount in subsection (3) of this section and the one hundred thousand dollar amount in subsection (4) of this section shall be increased each year beginning in calendar year 2006 by inflation as defined in RCW 84.55.005, as determined by the department of revenue.

(6) Distributions under subsections (3) and (4) of this section shall be made quarterly beginning on October 1, 2005, based on population as last determined by the office of financial management. The department of revenue shall certify the amounts to be distributed under this section to the state treasurer. The certification shall be made by October 1, 2005, for the October 1, 2005, distribution and the January 1, 2006, distribution, based on calendar year 2004 collections. The certification shall be made by March 1, 2006, for distributions beginning April 1, 2006, and by March 1st of every year thereafter. The March 1st certification shall be used for distributions occurring on April 1st, July 1st, and October 1st of the year of certification and on January 1st of the year following certification.

(7) All distributions to local governments from the city-county assistance account constitute increases in state distributions of revenue to political subdivisions for purposes of state reimbursement for the costs of new programs and increases in service levels under RCW 43.135.060, including any claims or litigation pending against the state on or after January 1, 2005.

NEW SECTION. Sec. 3. A new section is added to chapter 44.28 RCW to read as follows:

During calendar year 2008, the joint legislative audit and review committee shall review the distributions to cities and counties under section 2 of this act to determine the extent to which the distributions target the needs of cities and counties for which the repeal of the motor vehicle excise tax had the greatest fiscal impact. In conducting the study, the committee shall solicit input from the cities and counties. The department of revenue and the state treasurer shall provide the committee with any data within their purview that the committee considers necessary to conduct the review. The committee shall report to the legislature the results of its findings, and any recommendations for changes to the distribution formulas under section 2 of this act, by December 31, 2008.

NEW SECTION. Sec. 4. This act takes effect August 1, 2005."

Senator Doumit spoke in favor of adoption of the striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 2, beginning on line 26, strike "with a per capita assessed property value less than twice the statewide average per capita assessed property value for all cities"

On page 3, line 8, following "five thousand" strike "with a per capita assessed property value less than the statewide average per capita assessed property value for all cities"

On page 3, strike lines 28 and 29

On page 4, line 2, following "section" strike "and the one hundred thousand dollar amount in subsection (4) of this section"

Renumber the sections consecutively and correct any internal references accordingly.
Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.
Senators Doumit and Parlette spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 26 to the striking amendment to Engrossed Substitute Senate Bill No. 6050.

MOTION

A division was demanded.
The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Doumit to Substitute Senate Bill No. 6050.

The motion by Senator Doumit carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:
On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.45.060; adding a new section to chapter 43.08 RCW; adding a new section to chapter 44.28 RCW; and providing an effective date."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 6050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

Senator Pridemore spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6050.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6050 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Doumit, Eide, Fairley, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 34

Voting nay: Senators Benson, Berkey, Delvin, Esser, Finkbeiner, Franklin, Fraser, Kline, Kohl-Welles, Pflug, Pridemore, Schmidt, Stevens and Thibaudeau - 14

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5609, by Senators Shin, Mulliken, Keiser, Carrell, Kohl-Welles and Benson

Increasing the operating fee waiver authority for Central Washington University.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5609.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Pflug - 1

Excused: Senator Deccio - 1

SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6010, by Senator Fairley

Granting a right of return to employment to state employees who leave employment to serve in the Peace Corps.

The measure was read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, line 2 after "corps" insert "or to participate in a religious mission"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 1 of the title, after "volunteers", insert "and religious missionaries"

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach the amendment to Senate Bill No. 6010 was withdrawn.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Johnson be adopted.

On page 1, line 2, after "corps" insert "or to participate in a program sponsored by a humanitarian organization"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Fairley and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Johnson on page 1, line 2 to Senate Bill No. 6010.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, on line 1 of the title, after "corps", insert "and humanitarian organization"

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

PARLIAMENTARY INQUIRY

Senator Sheldon: "Do we have a copy of this bill on our desk some place? I didn't see it listed in the large book, maybe I missed it."

REPLY BY THE PRESIDENT

President Owen: "Page 126 accordingly to the calendar. The answer to your question is yes."

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.
On page 1, line 2 after "corps" insert "or to participate in a faith-based mission"
Renumber the sections consecutively and correct any internal references accordingly.
Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 2 to Senate Bill No. 6010.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.
On page 1, on line 1 of the title, after "volunteers", insert "and faith-based missionaries"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Kohl-Welles and Benson spoke in favor of passage of the bill.
Senator Brandland spoke against passage of the bill.

POINT OF INQUIRY

Senator Swecker: "Would Senator Fairley yield to a question? I was just wondering, given that Senators are state employees, if we decide to go on a two year sabbatical can we be guaranteed a similar position when we retire?"

Senator Fairley: "Well, you know Senator, that's a good question. I don't think so."

MOTION

Senator Honeyford demanded that the previous question be put.
The President declared that at least two additional senators joined the demand.
The President declared the question before the Senate to be, "Shall the main question be now put?"
The motion by Senator Honeyford that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Brandland, Delvin, Finkbeiner, Morton, Pflug, Sheldon and Weinstein - 7

Excused: Senators Deccio and Thibaudeau - 2

ENGROSSED SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "I just want to thank everybody for all the hard work they've put in on the Senate bills now that we've come to this marking point in the session. Also remind you that, if you didn't get your email, that there's a little reception in my office with food and beverages, possibly even entertainment."

MOTION

At 5:15 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 17, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 16, 2005

2005 REGULAR SESSION

SIXTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 17, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 1268,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SECOND SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163,
ENGROSSED HOUSE BILL NO. 2185,
ENGROSSED HOUSE BILL NO. 2270,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 16, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,

SUBSTITUTE HOUSE BILL NO. 1510,
ENGROSSED HOUSE BILL NO. 2257,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 16, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1106 by Representatives Haigh, Schindler, Simpson, Morris, Green, Miloscia, Hunt, P. Sullivan, Takko and Chase

AN ACT Relating to fire protection district property tax levies; amending RCW 84.52.043; reenacting and amending RCW 84.52.010; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 1268 by Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire

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

Referred to Committee on Ways & Means.

SHB 1341 by House Committee on Local Government (originally sponsored by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase)

AN ACT Relating to the exemption of public hospital districts from regulatory restrictions on investments; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 1640 by House Committee on Housing (originally sponsored by Representatives Morrell, Chase, Dunn, McCoy, O'Brien, Appleton and Lantz)

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.050; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1749 by Representatives Green, Nixon, Hunt, Shabro, McDermott, Haigh, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville

AN ACT Relating to review of county election procedures; and amending RCW 29A.04.570.

Referred to Committee on Government Operations & Elections.

SHB 1754 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt, Nixon, McDermott, Haigh, Upthegrove, Moeller, Kenney, Chase, Simpson, Miloscia, Sells and Linville)

AN ACT Relating to mail ballot elections; and amending RCW 29A.48.010.

Referred to Committee on Government Operations & Elections.

2SHB 1758 by House Committee on Appropriations (originally sponsored by Representatives Kessler, Nixon, Haigh, Chandler, Clements, Schindler, Hunt, Hunter, Hinkle, Takko, B. Sullivan, Miloscia, Buck and Shabro)

AN ACT Relating to public disclosure; amending RCW 42.17.270, 42.17.250, and 42.17.340; reenacting and amending RCW 42.17.300; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 1799 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan and Upthegrove)

AN ACT Relating to park rangers employed by the state parks and recreation commission; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1903 by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Haler, Linville, Springer, Kilmer, Morrell, O'Brien, Schual-Berke, P. Sullivan, Simpson, Pettigrew, Jarrett, Wallace, Sells, Strow, Grant, Upthegrove, Kessler, Dunn, Fromhold, Appleton, Chase, Green, Moeller, Hasegawa and Takko)

AN ACT Relating to creating a job development fund; amending RCW 43.155.050; adding new sections to chapter 43.155 RCW; creating new sections; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

E2SHB 2015 by House Committee on Appropriations (originally sponsored by Representatives Kagi, O'Brien, Hinkle, Fromhold, Darneille, Upthegrove, Tom, Kenney and Dickerson)

AN ACT Relating to judicially supervised substance abuse treatment; reenacting and amending RCW 9.94A.660; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

ESHB 2027 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Green, Nixon, Haigh, Kessler and Kagi)

AN ACT Relating to the date of the primary election; amending RCW 29A.04.321, 29A.04.330, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.40.070, 29A.56.030, 29A.60.190, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 42.12.040, 42.17.080, 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.04.310 and 29A.24.210; repealing RCW 29A.04.158, 29A.04.311, 29A.24.031, and 29A.24.211; and providing an effective date.

Referred to Committee on Government Operations & Elections.

E2SHB 2163 by House Committee on Appropriations (originally sponsored by Representatives Ormsby, Holmquist, Miloscia, Williams, Flannigan, Chase, Dickerson, Sells, Ericks, Dunn, Wood, Green, Linville, Springer, Pettigrew, Kenney, O'Brien, Santos, Kagi, Fromhold and Schual-Berke)

AN ACT Relating to preventing and ending homelessness in the state of Washington; amending RCW 36.22.178, 36.18.010, 43.185B.005, and 43.185B.009; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

EHB 2185 by Representatives Newhouse, Conway and Condotta

AN ACT Relating to residence modifications for injured workers; adding a new section to chapter 51.36 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 2270 by Representatives McIntire and Murray

AN ACT Relating to excise tax relief for public development authorities; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HJR 4202 by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase

Authorizing investment of hospital district funds.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1903 which was referred to the Committee on International Trade & Economic Development.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION

8646

By Senator McAuliffe

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; and the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most important all children receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such

specialized services as nursing and interpreting for deaf children and children with disabilities and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor classified school employees during Classified School Employee Week, March 14 through 18, 2005, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the board of directors of the Public School Employees of Washington.

Senators McAuliffe and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION

8648

By Senators Mulliken, Schoesler, Rasmussen, Honeyford, Delvin, Morton, Hewitt, Hargrove, Shin, Sheldon, Stevens, Parlette, Haugen and Swecker

WHEREAS, On March 17, 2005, Washington's agricultural industry is convening its Joint Legislative Day in Olympia to meet with leaders of state government and celebrate Agriculture Day; and

WHEREAS, The state's combined agricultural industries produce an ever-growing diversity of commercial crop and food products, second only to California, and create about \$6 billion in annual income, or approximately 13 percent of Washington State's 223 billion dollar economy; and

WHEREAS, The agricultural industry works diligently with state leaders to coordinate the state's efforts toward high-priority issues including food safety, environmental stewardship, and, last but not least, maintaining the viability of farming and ranching for future generations; and

WHEREAS, The state's agricultural industry feeds the world and deserves our support in increasing awareness of the role that agriculture plays in a strong economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in order to recognize that high quality and affordable food does not just magically appear on the grocery store shelf, says 'thank you' to all of Washington's hard-working farmers and ranchers for their efforts in providing a safe, affordable, and abundant supply of food; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to representatives of the agricultural industry.

Senators Rasmussen and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8648.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

8602

By Senator Benton

WHEREAS, Evergreen High School this past fall claimed the 4A State Championship football title when the Plainsmen made an exciting finish to an already stellar season with a 28-14 victory over Skyline High School; and

WHEREAS, The Plainsmen not only captured the Washington State 4A championship, but attained 14 wins without a single defeat in what can only be called a perfect, storybook season; and

WHEREAS, Over 4,000 Plainsmen fans made the journey north from Vancouver to the Tacoma Dome to witness the Plainsmen rise to victory after trailing 14-0 by running 248 total yards and scoring two touchdowns in a 28 second span; and

WHEREAS, The 4A State Championship is not only the first football title in Evergreen High School's history, but for the first time the trophy was delivered to a Vancouver city school; and

WHEREAS, Evergreen High School has performed with excellence throughout the years, as Evergreen coach Cale Piland has a record of 40-7 in his four years of coaching and the Plainsmen have now won 26 of their last 27 games;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and congratulate the Evergreen High School Plainsmen for their undefeated state championship football season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaching staff and administration at Evergreen High School.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8602.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Friday, March 18, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 17, 2005

2005 REGULAR SESSION

SIXTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 18, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Eide, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 17, 2005

ESHB 1031 Prime Sponsor, Committee on Commerce & Labor: Providing long-term funding for problem gambling. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 17, 2005

HB 1312 Prime Sponsor, Wood: Modifying the boilers and unfired pressure vessel law. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 17, 2005

HB 1396 Prime Sponsor, Williams: Requiring continuing education for land surveyors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 17, 2005

HB 1409 Prime Sponsor, Condotta: Revising provisions relating to contract liquor stores. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 17, 2005

SHB 1463 Prime Sponsor, Committee on Health Care: Requiring schools to provide information on meningococcal immunization. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 17, 2005

ESHB 1883 Prime Sponsor, Committee on Select Committee on Hood Canal: Providing for collection of oral histories about Hood Canal. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 17, 2005

SHB 1921 Prime Sponsor, Committee on Appropriations: Exempting certain nursing homes from the quality maintenance fee. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Franklin, Johnson, Kastama and Parlette

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM SUPERINTENDENT OF PUBLIC INSTRUCTION

March 2, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am pleased to submit the following appointees to the Washington State Investment Board for confirmation:

David Scott – Representative, Active Member, Teacher’s Retirement System
Glenn Gorton – Representative, Active Member, School Employees’ Retirement System

Sincerely,

Dr. Terry Bergeson
State Superintendent
Of Public Instruction

MESSAGE FROM GOVERNOR

March 10, 2005

TO THE HONORABLE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am pleased to submit the following appointees for boards and commissions for confirmation.

BOARD NUMBER NAMES

Utilities and Transportation Commission 1 Mark Sidran

Office of Family and Children's Ombudsman 1 Mary Meinig

Higher Education Coordinating Board 4 Jesus Hernandez

Michael Worthy
Sam Smith
Herb Simon

Highline Community College 2 Rita Creighton

Elizabeth Chen

Yakima Valley Community College 5 James Carvo

Lisa Parker
Patricia Whitefoot
Larry Sanchez
Paul McDonald

Bates Technical College 3 Karen Seinfeld

Stanley Rumbaugh
Michael Grunwald

Horse Racing Commission 3 Deanna Oppenheimer

Gary Christenson
Hartley Kruger

Lottery Commission 3 Carol Keljo

Melinda Travis
Robert Scarbrough

Sentencing Guidelines Commission 15 Howard Phillips

Mike Basfield
Tari Eitzen
Ronald Cantu
James Nagle
Ellen Fair
David Boerner
Susan Brown

McBride

Brian Gain
Dean Lum
Lenell Nussbaum
Edward Delmore
Jenny Wieland
Deborah Moore
Mary Place

Transportation Commission 4 Dale Stedman

Richard Ford
A. Daniel O'Neal
Edward Barnes

Cascadia Community College 4 Roy Wilkinson

Michael Martino
Mark Wolfram
Jean Magladry

Pollution Control Shorelines Hearings Board 1 David Danner

Sincerely,
Christine O. Gregoire, Governor

MESSAGE FROM THE GOVERNOR

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DYAMI ALLEN, appointed March 10, 2005, for the term ending May 30, 2005, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STANLEY BARER, reappointed December 3, 2004, for the term ending September 30, 2010, as Member, Board of Regents, University of Washington.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD L. BARNES, reappointed April 23, 2002, for the term ending June 30, 2007, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID BOERNER, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE BRASFIELD, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY H. BROTMAN, reappointed October 1, 2004, for the term ending September 30, 2010, as Member, Board of Regents, University of Washington.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REIKO CALLNER, reappointed February 25, 2002, for the term ending June 17, 2005, as a Chair of the Human Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONALD D. CANTU, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH CHEN, reappointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KENNETH CHEW, reappointed January 1, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY CHRISTENSON, reappointed June 5, 2003, for the term ending January 17, 2007, as Member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HAROLD CLARKE, appointed February 28, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 16, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAY COCHRAN, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD DELMORE, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TARI EITZEN, reappointed January 22, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN ELLIS, appointed February 10, 2005, for the term ending June 30, 2007, as Member of the Gambling Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
ELLEN FAIR, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
RICHARD FORD, reappointed October 1, 2004, for the term ending June 30, 2007, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
BRIAN GAIN, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 5, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
GLENN GORTON, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
MICHAEL GRUNWALD, reappointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
SHIRLEY HAVENGA, reappointed September 28, 2001, for the term ending December 5, 2005, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JERRY HEBERT, appointed March 8, 2005, for the term ending June 17, 2005, as Member of the Human Rights Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W.ELIZABETH HUANG, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on International Trade & Economic Development.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL KELJO, reappointed February 27, 2002, for the term ending August 2, 2008, as Member of the Lottery Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRED KIGA, reappointed July 12, 2004, for the term ending September 30, 2009, as Member, Board of Regents, University of Washington.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARTLY KRUGER, reappointed June 5, 2003, for the term ending January 17, 2008, as Member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MERRITT LONG, reappointed August 6, 2001, for the term ending January 15, 2005, as Member of the Liquor Control Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

January 31, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES O. LUCE, reappointed January 12, 2005, for the term ending at the governor's pleasure, as Member of the Energy Facility Site Evaluation Council.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEAN S. LUM, reappointed September 27, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 9, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAY MANNING, appointed February 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Ecology.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

March 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLYDE MCBRAYNER, reappointed January 1, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL MCDONALD, reappointed December 28, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HELEN MCGOVERN, appointed February 14, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY MEINIG, reappointed August 5, 2003, for the term ending December 31, 2005, as Member of the Office of the Family and Children's Ombudsman.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN MILLER, reappointed January 10, 2005, for the term ending at the governor's pleasure, as a Chair of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBORAH MOORE, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAURI MOORE, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

February 17, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICTOR MOORE, appointed January 12, 2005, for the term ending at the governor's pleasure, as a Director of the Office of Financial Management.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES L. NAGLE, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMILA NORRIS, reappointed June 1, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LENELL NUSSBAUM, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT C. PETERSEN, reappointed October 9, 2003, for the term ending December 31, 2008, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY PLACE, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONSTANCE L. PROCTOR, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Regents, University of Washington.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT SCARBROUGH, reappointed May 1, 2002, for the term ending August 2, 2005, as Member of the Lottery Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

February 9, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARY SELECKY, appointed February 8, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Health.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

March 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FRED A. SHIOSAKI, appointed March 14, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 25, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK SIDRAN, appointed March 16, 2005, for the term ending January 1, 2009, as a Chair of the Utilities and Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HERB SIMON, reappointed August 9, 2004, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SAM SMITH, reappointed July 25, 2003, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DALE STEDMAN, reappointed November 1, 2003, for the term ending June 30, 2008, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MELINDA E. TRAVIS, reappointed August 3, 2003, for the term ending August 2, 2009, as Member of the Lottery Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PATRICIA WHITEFOOT, reappointed August 11, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JENNY WIELAND, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL WORTHY, reappointed August 12, 2004, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

January 5, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DAVID SCOTT, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID DANNER, appointed September 27, 2004, for the term ending June 30, 2010, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL MARTINO, appointed November 1, 2004, for the term ending September 30, 2006, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROY WILKINSON, appointed October 15, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAMES CARVO, reappointed July 25, 2003, for the term ending September 30, 2005, as Member, Board of Trustees, Yakima Valley Community College District No. 16.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HOWARD L. PHILLIPS, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STANLEY RUMBAUGH, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

A. DANIEL O'NEAL, reappointed November 1, 2003, for the term ending June 30, 2009, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LISA PARKER, reappointed December 15, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Yakima Valley Community College District No. 16.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEAN MAGLADRY, appointed December 19, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JESUS HERNANDEZ, reappointed December 19, 2003, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1397 by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Morris, B. Sullivan, Anderson, Appleton, Wallace, P. Sullivan, Kenney, Campbell, Rodne, Hunt, Priest, Springer, Tom, Lovick, Quall, Pettigrew, Kirby, Clibborn, Kilmer, Dunshee, Dickerson, Ericks, Green, Sells, Hasegawa, Upthegrove, Williams, Moeller, McIntire, Chase, Simpson, McDermott, Hudgins and Wood)

AN ACT Relating to vehicle emission standards; amending RCW 70.94.017, 70.120.170, and 46.37.540; amending 2003 c 264 s 9 (uncodified); adding a new section to chapter 46.16 RCW; adding a new chapter to Title 70 RCW; creating new

sections; repealing RCW 70.120.200; repealing 1991 c 199 s 229 (uncodified); prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

E2SHB 1484 by House Committee on Finance (originally sponsored by Representatives Hunter, Jarrett, Haigh, Tom, McDermott, McIntire, Simpson, P. Sullivan, Kagi and Chase)

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1510 by House Committee on Finance (originally sponsored by Representatives Morris, Quall, B. Sullivan and Chase)

AN ACT Relating to the property taxation of nonprofit entities; amending RCW 84.36.030, 84.36.031, and 84.36.810; and reenacting and amending RCW 84.36.037.

Referred to Committee on Ways & Means.

EHB 2257 by Representatives Williams, Conway, Morrell and Wood

AN ACT Relating to requiring state agencies to contract for goods and services in a manner consistent with the state's best interests; adding new sections to chapter 39.29 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1484 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

PERSONAL PRIVILEGE

Senator Finkbeiner: "Thank you Mr. President and ladies and gentlemen of the Senate. First off I want to thank all of you who have been running these resolutions through the Pro Forma sessions. We passed the Senate rule, I know, that it took some of the load off our shoulders, but I know it eats into your lunches and eats into your time and I just want to thank you for allowing us to run these at this time. They mean a lot to a lot of people as this resolution means a lot to a lot of the folks in the area that I come from. The second thing I wanted to do give a specific thanks to someone up there whose really added a great deal to the Senate over the years and it was really a pleasure to work with her on the NCSL and so many other issues. Pam, our loss is the Attorney General's gain, and really appreciate all that you've done for the Senate and all that you've helped me out with and all that you've done for the state. I just wanted to say, thank you."

PERSONAL PRIVILEGE

Senator Eide: "Well I too, would like to stand and thank Pam. You're a beautiful, dynamic, wonderful woman and I've had the extreme pleasure of getting to know you. I'm sorry to see you go but, however, very happy for you to go on to what you want to do. I just want to make sure that, I always told myself don't stand up and speak when your going to cry but you give me your phone number so we can keep in touch and we can go to coffee, but you're the best."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I also rise to extend my appreciation to Pam. She has been an incredible, incredible person to have here in the Senate and it's hard to imagine that she's actually leaving us. She's always been able to step up to the plate and do it very quickly. I've been working with her on our NCSL Host Committee and she not only did everything capably, extremely

capably but so enthusiastically. Last minute things that we had to pull together, especially in Utah, in Salt Lake City last July. I hear from Legislators and staff as well as NCSL staff that they've never known there to be such a fabulous booth that we had last year in Salt Lake City and I give the credit to that to Pam. Also we had very little time to pull together a meeting and reception and lunch for visiting officials from Sweden right at the end of session last year. I had the pleasure to work with Pam and she out did herself on this as well. We just had an extraordinary luncheon. We appreciated it very much, as well, the President of the Senate for being there and speaking and providing necessary funds to help out with that. It was really Pam who put everything together so I congratulate you Pam. I wish you were not leaving us though, I really do. Congratulations."

MOTION

Senator Finkbeiner moved adoption of the following resolution:

SENATE RESOLUTION

8649

By Senators Finkbeiner and Esser

WHEREAS, The Kirkland American Little League is one of the top little league organizations in the country; and

WHEREAS, The Kirkland American Little League has been providing top notch baseball instruction and league play for youngsters from five to twelve years old since 1951; and

WHEREAS, The Kirkland American Little League also organizes and promotes softball teams for girls aged five to sixteen; and

WHEREAS, Hundreds of Kirkland area children and teens have fond memories of spring and summer days spent playing baseball at Peter Kirk Park in Kirkland; and

WHEREAS, The Kirkland American Little League continues to thrive through the tireless efforts of dozens of parent volunteers, who do everything from running concessions to working as umpires; and

WHEREAS, Kirkland teams have demonstrated success on the field, with two appearances in the Little League World Series in Williamsport, Pennsylvania; and

WHEREAS, The objective of the Kirkland American Little League is to implant firmly in the children of the community the ideals of good sportsmanship, honesty, loyalty, courage, and respect for authority, so that they may be well-adjusted, stronger, and happier children and will grow to be good, decent, healthy, and trustworthy citizens; and

WHEREAS, The Kirkland community will celebrate and support the 2005 little league season through a kickoff parade on Saturday, March 19; and

WHEREAS, Little league baseball continues to be one of America's great pastimes, providing clean, wholesome fun for the whole family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the Kirkland American Little League, and wish the coaches, players, and volunteers the best of luck for the 2005 season; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to the Board of Directors of the Kirkland American Little League.

Senator Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Finkbeiner carried and the resolution was adopted by voice vote.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 11:45 a.m. Monday, March 21, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY, MARCH 18, 2005

2005 REGULAR SESSION

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 21, 2005

The Senate was called to order at 11:45 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 18, 2005

SGA 9018 J A BRICKER, appointed February 10, 2005, for the term ending April 3, 2008, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9173 BARBARA ROFKAR, appointed November 16, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9174 MARGARET ROJAS, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Skagit Valley Community College District No. 4. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9187 JANE STEIN, appointed May 28, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9190 RICHARD STUCKY, appointed January 1, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9195 GIDGET TERPSTRA, appointed July 1, 2004, for the term ending September 3, 2008, as Member, Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 18, 2005

SGA 9203 CARLOS VELIZ, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Everett Community College District No. 5. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Eide, Kohl-Welles, Rasmussen, Schmidt and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 18, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SENATE BILL NO. 5606,
SENATE BILL NO. 5993,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5606,
SENATE BILL NO. 5993.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Finkbeiner moved adoption of the following resolution:

SENATE RESOLUTION
8651

By Senators Finkbeiner and Jacobsen

WHEREAS, The creators of KCMU public radio station, now known as KEXP, began broadcasting from the University of Washington campus in 1972 as a 10-watt laboratory for students, programming an album-rock format; and

WHEREAS, KEXP, a nonprofit organization with its broadcast license held by the University of Washington, continues to be a member-supported radio station, relying on a growing level of support from individuals, businesses, and foundations, and receiving countless hours of work from more than 500 community volunteers; and

WHEREAS, In 2000, KEXP became the first station in the world to offer uncompressed CD-quality audio on the Internet twenty-four hours a day, seven days a week; and

WHEREAS, In 2004, KEXP received the Webby Award, the leading international award honoring excellence in Web design, creativity, usability, and functionality, for best radio web site; and

WHEREAS, KEXP continues to strive in its mission to enrich lives with a unique, expansive, and deep combination of music programming, with knowledgeable hosts that hand-pick music from its collection of approximately 500,000 titles; and

WHEREAS, KEXP has played and continues to play a historical role in connecting Northwest bands with their first audiences; and

WHEREAS, KEXP provides an unparalleled and unmatched variety of music programs, including Jazz Theater, Preachin' the Blues, Swingin' Doors, Audioasis, The Best Ambiance, Expansions, Mind Over Matters, Positive Vibrations, The Roadhouse, Shake the Shack, Sonarchy Radio, Sonic Reducer, Street Sounds, Variety Mix, and Wo' Pop; and

WHEREAS, KEXP plays host to the most dedicated radio personalities in the entire Puget Sound, including John Richards, Abe Beeson, B-Mello, Brian Foss, Cheryl Waters, Chilly, Darek Mazzone, Diane Horn, DJ Mr. Smith, DJ Riz, Don Slack, Doug Haire, Doug Patterson, Greg Jaspan, Greg Vandy, Rachel, Jack Walters, John Gilbreath, Johnny Horn, Jon Kertzer, Kevin Cole, Kid Hops, Larry Metro, Larry Rose, Leon Berman, Lisa Wood, Masa, Michele Myers, Mike McCormick, Nick Turner, Poptart, Quilty 3000, West Keller, Sean Nelson, and Stevie Zoom, with support from Tom Mara; and

WHEREAS, KEXP is truly "Where the music matters";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor KEXP and all KEXP employees and volunteers for their dedicated service and the commitment shown in their work and for the innumerable contributions made to the State of Washington.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Tom Mara, the station director, and to Mark A. Emmert, the President of the University of Washington.

Senators Finkbeiner and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Finkbeiner carried and the resolution was adopted by voice vote.

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, March 22, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 21, 2005

2005 REGULAR SESSION

SEVENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 22, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 2005

SHB 1196 Prime Sponsor, Committee on Financial Institutions & Insurance: Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1235 Prime Sponsor, O'Brien: Requiring consultation between counties, cities, and towns before siting homeless camps. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1331 Prime Sponsor, Conway: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 21, 2005

ESHB 1401 Prime Sponsor, Committee on Local Government: Requiring certain buildings to add automatic sprinkler systems. Revised for 1st Substitute: Regulating fire safety. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 21, 2005

ESHB 1631 Prime Sponsor, Committee on Local Government: Using revenues under the county conservation futures levy. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 21, 2005

EHCR 4404 Prime Sponsor, Kenney: Approving the 2004 update to the state comprehensive plan for work force training. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 21, 2005

SGA 9010 RICK S. BENDER, reappointed September 18, 2003, for the term ending June 30, 2007, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9014 JUDY BLINN, appointed December 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, South Puget Sound Community College District No. 24. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9028 REBECCA CHAFFEE, appointed July 22, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9032 BARBARA CLARKSON, appointed July 1, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, South Puget Sound Community College District No. 24. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9034 DENISE COLLEY, appointed September 8, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9048 THOMAS E. EGAN, reappointed July 1, 2003, for the term ending June 17, 2009, as a Chair of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9052 FRANK E. FENNERTY, JR., reappointed February 8, 2002, for the term ending June 17, 2007, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9053 ANNABELLE FITTS, appointed January 27, 2004, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9072 JULIANNE HANNER, appointed July 25, 2003, for the term ending June 30, 2006, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9075 DAVID HARRISON, appointed June 7, 2003, for the term ending at the governor's pleasure, as a Chair of the Work Force Training and Education Coordinating Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9080 WALTER T. HUBBARD, reappointed July 27, 2003, for the term ending July 26, 2009, as Member of the Personnel Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9086 MICHAEL JONES, appointed December 21, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9104 DAVID LAMB, appointed August 30, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9115 ASBURY LOCKETT, appointed July 25, 2003, for the term ending June 30, 2007, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9116 MARSHA LONG, appointed January 23, 2003, for the term ending January 4, 2009, as Member of the Personnel Resources Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9137 GERALD L. MORGEN, reappointed April 10, 2002, for the term ending July 26, 2007, as Member of the Personnel Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9153 ALAN R. PARKER, reappointed July 1, 2003, for the term ending June 30, 2009, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9159 SHERRY PERRY, appointed October 7, 2004, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9166 DOLORITA REANDEAU, appointed August 19, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9183 FAWN SHARP-MALVINI, appointed November 1, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9205 THUY VO, appointed December 16, 2004, for the term ending September 30, 2006, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9210 SUSAN WILDER CRANE, appointed March 10, 2004, for the term ending February 21, 2007, as Member of the Washington State Apprenticeship and Training Council. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9215 ERIC WISEMAN, appointed September 27, 2004, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9236 GARY CHRISTENSON, reappointed June 5, 2003, for the term ending January 17, 2007, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

SGA 9282 MELINDA E. TRAVIS, reappointed August 3, 2003, for the term ending August 2, 2009, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Columbia River Gorge Commission, Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Columbia River Gorge Commission, Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 18, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Shoreline Community College Accountability Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Shoreline Community College Accountability Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6090 by Senators Prentice and Zarelli

AN ACT Relating to fiscal matters; amending RCW 28A.160.195, 28A.305.210, 28A.500.030, 28B.119.010, 41.50.110, 41.50.110, 43.07.130, 43.08.190, 43.10.180, 43.72.900, 46.09.170, 67.40.040, 70.93.180, 70.105D.070, 70.146.030, 70.146.080, 70.148.020, 74.09.5225, 79.90.245, and 86.26.007; reenacting and amending RCW 43.320.110; creating new sections; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6091 by Senators Haugen and Swecker

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 6092 by Senators Poulsen, Morton, Prentice and Fraser

AN ACT Relating to funding actions taken in response to the declaration of a statewide drought emergency; adding new sections to 2003 1st sp.s. c 25 (uncodified); adding a new section to 2003 1st sp.s. c 26 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6093 by Senators Fraser and Hewitt

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 28B.14H.050; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6094 by Senators Fraser and Hewitt

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 43.88.032, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 115, 131, 240, 330, and 403 (uncodified); amending 2004 c 277 ss 201, 110, 209, 221, 262, 236, and 904 (uncodified); creating new sections; repealing 2003 1st sp.s. c 26 s 603 (uncodified); repealing 2004 c 277 s 302 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SJM 8022 by Senators Benton, Honeyford and Mulliken

Requesting Congress to pass the Nonresident Income Tax Freedom Act.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8654

By Senator Shin

WHEREAS, June 15, 2005, has been designated to celebrate Korean Peninsula Peace Day; and

WHEREAS, Korean-Americans, like waves of immigrants to the United States before them, have taken root and thrived in the United States through strong family ties, robust community support, and countless hours of hard work; and

WHEREAS, The over 100,000 Korean-Americans living in Washington State, most of whom are United States citizens, have made substantial contributions to their community and have invigorated business, church, and academic interests in the United States; and

WHEREAS, Members of the early Korean-American community served with distinction in the Armed Forces of the United States during World War I, World War II, the Korean Conflict, and the Vietnam War; and

WHEREAS, On June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the involvement of approximately 5,720,000 personnel of the United States Armed Forces who served during the Korean Conflict to defeat the spread of communism in Korea and throughout the world; and

WHEREAS, Casualties in the United States Armed Forces during the Korean Conflict included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

WHEREAS, Korea is Washington's fourth largest trading partner, and our state exported over 3.6 billion dollars in goods to Korea in 2001; and

WHEREAS, Korean-Americans own and operate approximately 3500 businesses in Washington that have gross sales and receipts of 1.5 billion dollars annually, pay 180 million dollars in taxes per year, and employ approximately 10,000 Washingtonians; and

WHEREAS, The State of Washington has and continues to benefit tremendously from the contributions of Korean immigrants and Korean-Americans; and

WHEREAS, The Advisory Council on Democratic and Peaceful Unification Seattle Chapter has worked indefatigably for the peaceful reunification of the Korean Peninsula; and

WHEREAS, The Korean-American community maintains close ties with Korea and, at the same time, continues to establish and strengthen their relationships to the United States; and

WHEREAS, On June 15, 2000, the leaders of North and South Korea reached an agreement to improve economic and familial ties in an effort to build trust between the two countries;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and express its appreciation for the numerous outstanding achievements and contributions Korean-Americans have made which have enriched communities throughout Washington state, and around the country, and encourage citizens and organizations throughout Washington to join the celebration of Korean Peninsula Peace Day with appropriate programs, ceremonies, and activities.

Senators Shin and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, March 23, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 22, 2005

2005 REGULAR SESSION

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 23, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Carrell, Poulsen, Sheldon and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Brianna Burrows and Trevor Weinstein, presented the Colors. Pastor Paul Stoot of the Greater Trinity Missionary Baptist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 2005

HB 1000 Prime Sponsor, Clibborn: Allowing fax and electronic mail notice of special meetings. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 21, 2005

SHB 1075 Prime Sponsor, Committee on Health Care: Modifying the composition of the nursing care quality assurance commission. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1082 Prime Sponsor, Moeller: Reorganizing provisions concerning mental health services for minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Thibaudeau

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1140 Prime Sponsor, Bailey: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 21, 2005

SHB 1214 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Defining "deliver" and "delivery" for food fish and shellfish. Revised for 1st Substitute: Concerning food fish and shellfish commercial license requirements. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 22, 2005

SHB 1310 Prime Sponsor, Committee on Commerce & Labor: Requiring mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1364 Prime Sponsor, Green: Requiring the department of social and health services to defend temporary managers in nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1405 Prime Sponsor, Kretz: Extending the term of the disabled hunter and fishers advisory committee. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1479 Prime Sponsor, Morrell: Regarding independent prescriptive authority for advanced registered nurse practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1534 Prime Sponsor, Green: Identifying health care providers covered by the retired health care provider liability malpractice insurance program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 21, 2005

SHB 1536 Prime Sponsor, Committee on Health Care: Providing the secretary of health with authority to administer grants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1554 Prime Sponsor, Morrell: Clarifying the definition of "farm and agricultural land" for purposes of current use property taxation. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1695 Prime Sponsor, Buri: Modifying the definition of "resident" for the purposes of Title 77 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1739 Prime Sponsor, Ericksen: Modifying snowmobile registration. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Transportation.

March 22, 2005

SHB 1765 Prime Sponsor, Committee on Commerce & Labor: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1832 Prime Sponsor, Kretz: Requiring the posting of cougar interactions with pets, livestock, or humans. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 22, 2005

SHB 1854 Prime Sponsor, Committee on Judiciary: Changing procedures on the withholding of the driving privilege. Revised for 1st Substitute: Changing provisions relating to withholding of driving privileges. Reported by Committee on Judiciary

MAJORITY recommendation: Without recommendation: Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Transportation.

March 21, 2005

SHB 1975 Prime Sponsor, Committee on Finance: Providing excise tax relief for trail maintenance and construction services performed by nonprofit organizations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 22, 2005

HB 2096 Prime Sponsor, Buri: Requiring a study of the economic and social contribution of agricultural fairs to Washington state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6095 by Senator Prentice

AN ACT Relating to debts owed to the department of social and health services for medical assistance and recovery of those debts; amending RCW 65.04.050, 6.13.080, 43.20B.010, 43.20B.030, and 43.20B.080; adding a new section to chapter 74.04 RCW; adding a new section to chapter 64.04 RCW; and adding a new section to chapter 43.20B RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Hewitt, moved that Gubernatorial Reappointment No. 9129, Jon W. McFarland, as a member of the Board of Trustees, Walla Walla Community College District No. 20, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTIONS

On motion of Senator Mulliken, Senators Swecker and Carrell were excused.

On motion of Senator Regala, Senator Sheldon was excused.

REAPPOINTMENT OF JON W. MCFARLAND

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9129, Jon W. McFarland as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9129, Jon W. McFarland as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Poulsen - 1

Excused: Senators Carrell, Sheldon and Swecker - 3

Gubernatorial Reappointment No. 9129, Jon W. McFarland, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

MOTION

On motion of Senator Hewitt, Senator Brandland was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown, moved that Gubernatorial Appointment No. 9123, Chris Marr, as a member of the Board of Regents, Washington State University, be confirmed.

Senators Brown and Oke spoke in favor of the motion.

APPOINTMENT OF CHRIS MARR

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9123, Chris Marr as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9123, Chris Marr as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Carrell, Sheldon and Swecker - 3

Gubernatorial Appointment No. 9123, Chris Marr, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Reappointment No. 9099, Tom Koenninger, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Pridemore spoke in favor of the motion.

REAPPOINTMENT OF TOM KOENNINGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9099, Tom Koenninger as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9099, Tom Koenninger as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Excused: Senators Sheldon and Swecker - 2

Gubernatorial Reappointment No. 9099, Tom Koenninger, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Morton, moved that Gubernatorial Appointment No. 9139, Erin Munding, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Morton spoke in favor of the motion.

APPOINTMENT OF ERIN MUNDINGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9139, Erin Munding as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9139, Erin Munding as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown and Doumit - 2

Excused: Senators Sheldon and Swecker - 2

Gubernatorial Appointment No. 9139, Erin Munding, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9061, Arturo Garcia-Flores, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed.

Senators Prentice and Deccio spoke in favor of the motion.

APPOINTMENT OF ARTURO GARCIA-FLORES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9061, Arturo Garcia-Flores as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9061, Arturo Garcia-Flores as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown and Doumit - 2

Excused: Senators Sheldon and Swecker - 2

Gubernatorial Appointment No. 9061, Arturo Garcia-Flores, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

MOTION

On motion of Senator Eide, Senators Brown and Doumit were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Appointment No. 9113, Jeffrey Lewis, as a member of the Board of Trustees, Shoreline Community College District No. 7, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF JEFFREY LEWIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9113, Jeffrey Lewis as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9113, Jeffrey Lewis as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Doumit, Sheldon and Swecker - 4
Gubernatorial Appointment No. 9113, Jeffrey Lewis, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1049, by Representatives Green, DeBolt, Upthegrove, Kilmer, Kessler, McCoy, Sells, Blake, Schual-Berke, Kenney, P. Sullivan, Jarrett, Kagi, Simpson, Wood, Lantz, Hudgins, Morrell, Hunt and Ormsby

Authorizing projects recommended by the public works board.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Hewitt and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1049.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1049 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Sheldon and Swecker - 2

HOUSE BILL NO. 1049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "Ladies and Gentlemen of the Senate. It is appropriate that we pause at this moment in time to pay tribute to the women who through history have made grand contributions to many aspects of American life including a wonderful state of Washington. To name maybe just a few, maybe three of these women Mother Joseph, Julia Butler Hansen who served in the Legislature and also in Congress and Sakakawea. It is also fitting to do this because March is women's history month. However, in another vane what you might have been anticipating is the third Red Hat Day here on the hill. The third. It is an outcome and based on a poem that is titled "Wanting" by Jenny Joseph that was born in 1932. This red hat society founder who is Sue Ellen Cooper. I would say that it was not planned. I would say that it was maybe through just mere accident. She bought a red fedora hat in 1997 in Tucson, Arizona thrift shop and what she did gave them and then she began to give red hats to friends for birthday gifts and that grew and what she did was got them together and went to Tea Room and encouraged them to wear purple and then, can you imagine it just took off. It has grown to more than 850,000 women world wide who celebrate and wear red hats and purple. It's a take off on aging. How women are suppose to act as they grow older. It is not one in which it is organized, your not suppose to be organized.?You are to have fun. You are to laugh and today you may see some of those red hatters sitting up there

with us today. These of course, in our, we get very busy here in the Legislature and a lot of times we don't find time for laughter and comedy. We are very sedate and, of course, you men are not left out because your day will come also. Mr. President, if you would allow me, may I read Jenny Joseph's poem, you've heard it before but I think it's very funny.

And what it says is 'When I am old and old women I shall wear purple with a red hat which doesn't go and doesn't suit me and I shall spend my pension on brandy and summer gloves and satin sandals and say 'We've no money for butter,' I shall sit on the pavement when I'm tired and gobble up samples in shops and press alarm buttons and run my stick along the public railings and make up for the sobriety of my youth. I shall go out in my slippers in the rain. 'Can you imagine that?' and pick up the flowers in other people's garden and learn to spit. You can wear terrible shirts and grow fat that certainly impacts our obesity legislation doesn't it?- and eat three pounds of sausages at a go or only bread and pickles for a week and hoard pens and pencils and beer mats and things in boxes. But now we must have clothes that keep us dry and pay our rent and not swear in the streets and set a good example for the children. We must have friends for dinner, 'Oh those dinner parties' and read the papers in order to get the news, but maybe I ought to practice a little so people who know me are not too shocked and surprised when suddenly I am old and start to wear purple. Ladies of the Senate. You may now have the opportunity to put on your red hats and put on your purple scarves and you then may take over."

PERSONAL PRIVILEGE

Senator McCaslin: "Senator Franklin, I want to warn all you ladies that there's already a movement a foot over here. Senator Honeyford came to me and said, 'You suppose the President would allow cowboy hat day? So once we get organized, the few men Democrats that are left over there, and we better hurry, the whole place will be jammed over there. But anyway we will start of movement in the Republican caucus for Cowboy Hat Day. We will notify you few fellows left over there when we start this and we'll get the type of cowboy hat. I'm sure the President will allow this, being so broad minded."

REPLY BY THE PRESIDENT

President Owen: "I am allowing this!"

PERSONAL PRIVILEGE

Senator McCaslin: "This you allow? Then you should allow cowboy hats so. We'll let you know fellows."

REPLY BY THE PRESIDENT

President Owen: "Although Senator, I understand that Senator Franklin would not mind if you wanted to wear a red hat as well."

PERSONAL PRIVILEGE

Senator Fraser: "I would like to thank Senator Franklin for being our red hat leader and providing a day where we can both have fun and reflect on growing older. I found a reflection to share with you. 'One of the many things nobody ever tells you about middle age is that it's such a nice change from being young.'"

PERSONAL PRIVILEGE

Senator Jacobsen: "I also think it's a suitable function for the Senate. As I understand it the root word for Senate comes from the Latin for sen, which means old. So Senate and senile have the same root word. It must have been in the early roman, I'm just guessing at this, but I think in the early roman culture was equivalent of the counsel of the elders. The wiser ones have decided state policy so it's a suitable here. The other thing I did want to mention this morning in the Heritage Caucus we had a nice presentation on the Hansen House. Her son, Julie Butler Hansen's son, donated her house to the Wahkiakum County Foundation and if you're ever down in that part of Washington it's going to be open for tours sometimes. Also, papers will be available there and so on. It would be, if you ever get down, Senator Doumits part of the state, stop by and see the Julia Butler Hansen House."

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, I first would like to say to Senator McCaslin, when he talked about the gentlemen wearing cowboy hats. I think it would be very fitting because you do never grow up and the boy would be perfect and the cow that stands for itself. Anyway I would like to recognize my wonderful friends that I grew up with, raised my kids with. We had fun all through school, all through our families being getting together and these are great athletic supporters of Eatonville and my wonderful, wonderful friends that have been my foundation and my backbone to everything that I do and my enjoyment in life. I

owe to these wonderful ladies from Eatonville. There my dearest wonderful friends. I am so pleased and proud that they are here to share this day with all of us. We have lots of fun, we have lot more fun to have. This is a great time of life. Thank you."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8655

By Senator Schoesler

WHEREAS, The Lind-Ritzville Broncos captured the 2004 Northeast B League football title with a perfect 9-0 record and then proceeded to win three playoff games to reach the state B-11 championship game in the Tacoma Dome last December; and

WHEREAS, The Broncos, ranked second in the state at the time, played in the state championship game against the number one-ranked DeSales Fighting Irish of the Southeast B League; and

WHEREAS, The Broncos fell behind 21-0 against the Fighting Irish before mounting an exciting comeback that was capped by a 75-yard touchdown pass from quarterback Travis Dewald to Jake Phillips in the game's final two minutes to win the state championship game, 25-21, and finish the season with a perfect 13-0 record; and

WHEREAS, Broncos running back Nick Ashley was named B-11 Player of the Year by The Associated Press; and

WHEREAS, Broncos defensive end Jake Kragt was named The Seattle Times B-11 football most valuable player, as well as the Washington Prep Defensive Player of the Year; and

WHEREAS, Jake Kragt also has signed a letter of intent to play football at Eastern Washington University; and

WHEREAS, Jarrod Olson made the Washington Prep first team as a linebacker; and

WHEREAS, Broncos head football coach Mike Lynch earned B-11 Football Coach of the Year honors by The Seattle Times, Washington Prep, and District 7; and

WHEREAS, Coach Lynch ended his 31-year football coaching career at Lind-Ritzville with his second state football title and a record of 215 wins, 93 losses, and two ties; and

WHEREAS, Coach Lynch has been the Ritzville golf coach in recent years; and

WHEREAS, Coach Lynch played center for Washington State University's football team from 1968 to 1970, overcoming all odds of being too small and too slow to become a three-year letterman; and

WHEREAS, Coach Lynch began his teaching and coaching career at Castle Rock before moving to Ritzville; and

WHEREAS, In addition to his success as a teacher on the gridiron, the links, and the mats, Coach Lynch also has been an outstanding math and advanced sciences teacher at Ritzville High School for over 30 years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Lind-Ritzville Broncos on their state B-11 football championship and Mike Lynch on his long and successful career as a teacher and coach.

Senators Schoesler, Hewitt and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

At 11:04 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 23, 2005

2005 REGULAR SESSION

SEVENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 24, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2005

SHB 1090 Prime Sponsor, Committee on Transportation: Using pictograms in transportation signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 21, 2005

HB 1145 Prime Sponsor, Clibborn: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1170 Prime Sponsor, Dickerson: Eliminating basic health plan eligibility of persons holding student visas. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 23, 2005

EHB 1246 Prime Sponsor, Dunshee: Requiring vehicle sound system components to be securely attached. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 23, 2005

ESHB 1302 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Modifying burn ban triggers. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Mulliken

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1303 Prime Sponsor, Appleton: Concerning metropolitan park districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1361 Prime Sponsor, Alexander: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Morton, Mulliken, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 22, 2005

SHB 1394 Prime Sponsor, Committee on Commerce & Labor: Creating the business and professions account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1457 Prime Sponsor, Haigh: Creating the military department capital account and rental and lease account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1460 Prime Sponsor, Committee on Transportation: Regulating county contracts for marine vessels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1569 Prime Sponsor, Committee on Health Care: Regarding quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1612 Prime Sponsor, Kilmer: Modifying the licensing provisions for faculty members of the University of Washington dental school. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1689 Prime Sponsor, Committee on Health Care: Concerning dental health services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1759 Prime Sponsor, Appleton: Designating the orca as the state official marine mammal. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1763 Prime Sponsor, Sullivan, B.: Repealing RCW 68.50.560. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1823 Prime Sponsor, Committee on Financial Institutions & Insurance: Assisting the economic development of underserved rural communities by assisting an owner or operator that has discontinued using an underground petroleum storage tank. Revised for 1st Substitute: Providing financial assistance for the costs of underground petroleum storage tanks in rural communities. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1915 Prime Sponsor, McIntire: Authorizing the governor to enter into cigarette tax contracts with additional tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1916 Prime Sponsor, Conway: Authorizing the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

March 22, 2005

HB 2088 Prime Sponsor, Lantz: Adding a ninth member to the state fire protection policy board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 22, 2005

HB 2188 Prime Sponsor, Lantz: Funding the conservation of the state art collection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 23, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5606,

SENATE BILL NO. 5993,

and the same are herewith transmitted.

March 24, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1049,

and the same is herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1049.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6096 by Senators Poulsen, Fraser and Prentice

AN ACT Relating to generating new tax revenues to provide education funding; amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, 69.50.520, 70.146.030, and 84.52.068; adding new sections to chapter 83.100 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 28A.505 RCW; creating new sections; repealing RCW 83.100.030 and 83.100.045; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6097 by Senators Prentice, Hewitt, Eide, Delvin, Doumit and Schoesler

AN ACT Relating to increasing other tobacco products tax revenue through various measures that include the establishment of a new tax rate coupled with enhanced enforcement provisions; amending RCW 82.26.030, 82.26.010, 82.26.020, 82.26.060, 82.26.080, 82.26.070, 82.26.100, 82.26.110, and 82.24.550; adding new sections to chapter 82.26 RCW; repealing RCW 82.26.025, 82.26.028, and 82.26.050; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Regala moved adoption of the following resolution:

SENATE RESOLUTION

8629

By Senators Regala, Carrell and Franklin

WHEREAS, Point Defiance Park provides an estimated two million visitors a year with memories to last a lifetime as an urban oasis, a forested refuge, and a place of gathering for occasions both leisurely and momentous; and

WHEREAS, Forward-thinking Tacoma residents rallied to protect an unused federal military reservation as public green space and President Theodore Roosevelt signed legislation granting title of Point Defiance Park to the City of Tacoma on March 3, 1905; and

WHEREAS, Point Defiance Park is considered the crown jewel of Tacoma's public green spaces and an icon for the city, with only 150 of its 702 acres developed and maintained, resulting in stands of old growth forest, 10 miles of walking trails, rocky saltwater beaches, wave-battered cliffs, and breathtaking views across Puget Sound in the midst of an urban setting; and

WHEREAS, Point Defiance Park is also home to eight landscaped gardens, the historic Lodge and Pagoda, Point Defiance Zoo & Aquarium, Fort Nisqually Living History Museum, the Boathouse Marina, Owen Beach, Five Mile Drive, and Camp 6 Logging Museum; and

WHEREAS, Metro Parks Tacoma, which manages and maintains the park, is planning to celebrate Point Defiance Park's Centennial with special events, displays, lectures, a documentary, and more from March through September 2005; and

WHEREAS, Residents and visitors who honor the people and events of the past through these celebrations are reminded of their responsibility to protect and enhance the park for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize the year of the Point Defiance Park Centennial and encourage all citizens to support Point Defiance Park as an enduring legacy for future generations, to engage in planning for its future, and to participate in Centennial celebration activities.

Senators Regala and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Regala carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8652

By Senators Eide and Johnson

WHEREAS, World Vision is an international Christian relief and development organization based in Federal Way, Washington working to promote the well-being of all people - especially children; and

WHEREAS, World Vision was established in 1950 to care for orphans in Asia and has grown to embrace the larger issues of community development and advocacy for the poor in its mission to help children and their families build sustainable futures; and

WHEREAS, World Vision, as one of the world's leading relief and development agencies, is managing an integrated humanitarian response to the Asia earthquake/tsunami disaster with a special focus on children and vulnerable populations; and

WHEREAS, World Vision's rapid emergency response to the people impacted by the Asia earthquake/tsunami is meeting the immediate needs of impacted populations and programs are being developed to rebuild communities and recover and secure livelihoods; and

WHEREAS, World Vision is providing humanitarian aid to more than 1.5 million children affected by the earthquake and ensuing tsunami that took more than 155,000 lives in the Indian Ocean region; and

WHEREAS, With long-term development programs in the affected countries of India, Sri Lanka, Thailand, Indonesia, and Myanmar, and a global partnership of over 100 offices, World Vision is ideally positioned to mobilize resources and staff to tsunami ravaged areas;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the commitment World Vision has made to providing disaster relief to those impacted by the Asia earthquake/tsunami and recognize the dedication of the World Vision staff, supporters, and volunteers who provide critical services to disaster victims; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to World Vision Headquarters.

Senators Eide and Johnson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

At 12:17 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 25, 2005.

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY, MARCH 24, 2005

2005 REGULAR SESSION

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 25, 2005

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Pat Benson and Kyle Rooney, presented the Colors

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2005

SB 5539 Prime Sponsor, Jacobsen: Creating the veterans conservation corps program. Revised for 1st Substitute: Establishing the veterans conservation corps. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5539 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1007 Prime Sponsor, Hunt: Establishing a commemorative works account for the department of general administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1008 Prime Sponsor, Sommers: Managing the motor pool within the department of general administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1085 Prime Sponsor, Linville: Regulating the processing of milk and milk products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1086 Prime Sponsor, Linville: Regulating commercial feed. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1110 Prime Sponsor, Eickmeyer: Modifying recertification standards for private applicators of pesticides. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1120 Prime Sponsor, Dunshee: Returning interest earned to the community and technical college capital projects account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1141 Prime Sponsor, Conway: Changing the expiration date of the Washington real estate research account. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1182 Prime Sponsor, Springer: Making payments under certain bond authorization acts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 21, 2005

SHB 1230 Prime Sponsor, Committee on Local Government: Changing provisions relating to boards of commissioners of water-sewer districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, McCaslin, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Haugen

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1269 Prime Sponsor, Conway: Permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1299 Prime Sponsor, Committee on Finance: Repealing outdated and unused tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1319 Prime Sponsor, Conway: Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1321 Prime Sponsor, Fromhold: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1323 Prime Sponsor, Conway: Changing the membership of the executive committee of the select committee on pension policy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1325 Prime Sponsor, Conway: Authorizing interruptive military service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1327 Prime Sponsor, Alexander: Permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1328 Prime Sponsor, Conway: Establishing the composition and jurisdiction of city and county disability boards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1329 Prime Sponsor, Conway: Choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1330 Prime Sponsor, Conway: Making technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1379 Prime Sponsor, Committee on Appropriations: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Brown, Deccio, Hewitt, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Franklin, Vice Chair; Honeyford and Parlette

Passed to Committee on Ways & Means.

March 24, 2005

SHB 1387 Prime Sponsor, Committee on Transportation: Providing investigative and corrective action procedures for state patrol officers involved in vehicle accidents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1398 Prime Sponsor, Committee on Criminal Justice & Corrections: Including goats in theft of livestock in the first degree. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1407 Prime Sponsor, Grant: Providing an expiration date for the tax deduction for certain businesses impacted by the ban on American beef products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

March 24, 2005

SHB 1461 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Changing conservation assistance revolving account provisions. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1462 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Funding conservation districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 22, 2005

SHB 1502 Prime Sponsor, Committee on Finance: Modifying tax abatement provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

ESHB 1577 Prime Sponsor, Committee on Capital Budget: Concerning capital projects for certain nonprofit organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2005

HB 1587 Prime Sponsor, Shabro: Regarding capital facilities at the Rainier school. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1634 Prime Sponsor, Committee on Appropriations: Allowing terminally ill members to remove themselves from their retirement plan. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1636 Prime Sponsor, Committee on Appropriations: Adopting a wage ladder for child care workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Deccio, Hewitt and Honeyford

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1708 Prime Sponsor, Committee on Education: Regarding dropout prevention. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1722 Prime Sponsor, Grant: Extending an asparagus exception to the standards for fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1732 Prime Sponsor, Committee on Commerce & Labor: Allowing additional industrial insurance benefits when social security benefits are reduced. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1838 Prime Sponsor, Linville: Increasing the threshold for short board appeals before the shorelines and pollution control hearings boards. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1841 Prime Sponsor, Committee on Commerce & Labor: Revising provisions for electrical trainees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Deccio, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1891 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Concerning reclaimed water permits. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 23, 2005

SHB 1938 Prime Sponsor, Committee on Appropriations: Addressing the employment and retirement rights of members of the armed forces called to active duty. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1939 Prime Sponsor, Linville: Concerning well construction. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

MINORITY recommendation: MMR Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1945 Prime Sponsor, Committee on Commerce & Labor: Providing assistance in identifying recalled sprinkler system parts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 23, 2005

SGA 9100 CLAUDIA KAUFFMAN REDMORNINGS, appointed November 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 23, 2005

SGA 9120 DENNIS MADSEN, appointed September 1, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 23, 2005

SGA 9176 MARILEE ROLOFF, appointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 23, 2005

SGA 9226 STANLEY BARER, reappointed December 3, 2004, for the term ending September 30, 2010, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 23, 2005

SGA 9252 FRED KIGA, reappointed July 12, 2004, for the term ending September 30, 2009, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 23, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL F. CONNELLY, reappointed April 2, 2002, for the term ending December 31, 2006, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

March 4, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT DISTLER, appointed March 4, 2005, for the term ending June 30, 2010, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 2, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BILL GRINSTEIN, appointed March 4, 2005, for the term ending June 30, 2005, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SCOTT JARVIS, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Financial Institutions.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

February 25, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PHILIP JONES, reappointed March 2, 2005, for the term ending March 1, 2011, as Member of the Utilities and Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 16, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LIZ LUCE, appointed March 30, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Licensing.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GRANT PELESKY, appointed February 1, 2005, for the term ending May 21, 2005, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GEORGE ROE, reappointed March 8, 2005, for the term ending January 19, 2009, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALICE TAWRESEY, appointed February 14, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Olympic Community College District No. 3.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 22, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MIRANDA WECKER, appointed March 14, 2005, for the term ending December 31, 2006, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

November 4, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK WOLFRAM, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6098 by Senator Fraser

AN ACT Relating to educational interpreters and services for the deaf and hard of hearing; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and making an appropriation.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Brandland moved adoption of the following resolution:

SENATE RESOLUTION
8650

By Senators Brandland and Spanel

WHEREAS, British Columbia and Washington State governments share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve our mutual goals, including British Columbia working together with Whatcom County officials to secure and streamline the border crossings and transportation throughout the region for the 2010 Winter Olympics in British Columbia; and

WHEREAS, The primary purpose of the Washington State Constitution is to educate our youth and prepare them to lead us into the future; and

WHEREAS, British Columbia also recognizes the importance and value of quality civic education; and

WHEREAS, Washington State and British Columbia sponsor nationally renowned legislative internship programs; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State House of Representatives or Senate; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, British Columbia parliamentary internship offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislature firsthand; and

WHEREAS, Interns acquire skills and knowledge they can apply in their chosen careers and future life experiences that will further contribute to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, For the third year the British Columbia and Washington State Legislative interns have participated in an exchange program to explore and learn about each other's history and government process; and

WHEREAS, We welcome the British Columbia Parliamentary interns to the Washington State Legislature and commend their numerous academic achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hard work and dedication it takes to put each of these programs together by also honoring Karen Aitken, the British Columbia Legislative Intern Program Director, and extending our deepest gratitude to our own Legislative intern coordinators, Judi Best and Joan Elgee, for putting together such excellent programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Karen Aitken, Judi Best, and Joan Elgee.

Senators Brandland, Spanel and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator Brandland carried and the resolution was adopted by voice vote.

MOTION

At 10:08 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, March 28, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 25, 2005

2005 REGULAR SESSION

SEVENTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 28, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2005

SB 5665 Prime Sponsor, Parlette: Requiring workers to report accidents. Revised for 2nd Substitute: Implementing the joint legislative audit and review committee's recommendation on reporting industrial insurance injuries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5665 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

ESHB 1031 Prime Sponsor, Committee on Commerce & Labor: Providing long-term funding for problem gambling. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pflug, Pridemore, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

2SHB 1050 Prime Sponsor, Committee on Appropriations: Creating a foster care endowed scholarship program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 24, 2005

EHB 1074 Prime Sponsor, Dunshee: Increasing the administrative cap on the housing assistance program and the affordable housing program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton, Brandland, Delvin and Schmidt

Passed to Committee on Rules for second reading.

March 24, 2005

ESHB 1079 Prime Sponsor, Committee on Higher Education: Establishing a foster youth postsecondary education and training coordination committee. Revised for 1st Substitute: Regarding postsecondary education and training support for foster youth. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1100 Prime Sponsor, Committee on Appropriations: Creating a state financial aid account. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1137 Prime Sponsor, Committee on Health Care: Modifying the scope of care provided by physical therapists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama and Kline

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

March 24, 2005

2SHB 1168 Prime Sponsor, Committee on Appropriations: Authorizing the state board of pharmacy to regulate nonresident Canadian pharmacies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama and Kline

MINORITY recommendation: MMR Signed by Senators Johnson and Parlette

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1194 Prime Sponsor, Simpson: Regarding reimportation of prescription drugs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama and Kline

MINORITY recommendation: MMR Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

March 23, 2005

HB 1315 Prime Sponsor, Tom: Authorizing the disclosure of information related to real estate excise taxes. (REVISED FOR PASSED LEGISLATURE: Modifying disclosure requirements for the purposes of the real estate excise tax.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

SHB 1347 Prime Sponsor, Committee on Judiciary: Changing provisions relating to dishonored checks. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Keiser, Prentice and Schmidt

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1515 Prime Sponsor, Murray: Expanding the jurisdiction of the human rights commission. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton, Brandland and Delvin

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1546 Prime Sponsor, Clibborn: Regulating naturopathic physicians. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama and Parlette

Passed to Committee on Rules for second reading.

March 23, 2005

HB 1690 Prime Sponsor, Cody: Regarding the applicability of certain taxes and assessments to state funded health care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Pflug, Pridemore, Regala, Roach, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

HB 1742 Prime Sponsor, Clibborn: Providing tax incentives for certain multiple-unit dwellings in urban centers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

March 23, 2005

SHB 1791 Prime Sponsor, Committee on Capital Budget: Creating a developmental disabilities community trust account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 24, 2005

HB 2021 Prime Sponsor, Kenney: Modifying provisions in the advanced college tuition payment program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 23, 2005

HB 2170 Prime Sponsor, Springer: Concerning proceeds from the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2005

HB 2282 Prime Sponsor, Sommers: Addressing the costs of transporting offender property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 25, 2005

SGA 9230 JEFFREY H. BROTMAN, reappointed October 1, 2004, for the term ending September 30, 2010, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9233 JAMES CARVO, reappointed July 25, 2003, for the term ending September 30, 2005, as Member, Board of Trustees, Yakima Valley Community College District No. 16. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9234 ELIZABETH CHEN, reappointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Highline Community College District No. 9. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9238 KAY COCHRAN, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9249 JESUS HERNANDEZ, reappointed December 19, 2003, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9270 LISA PARKER, reappointed December 15, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Yakima Valley Community College District No. 16. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9273 CONSTANCE L. PROCTOR, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9274 STANLEY RUMBAUGH, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9279 HERB SIMON, reappointed August 9, 2004, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9280 SAM SMITH, reappointed July 25, 2003, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 25, 2005

SGA 9288 JEAN MAGLADRY, appointed December 19, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 1168 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 25, 2005

MR. PRESIDENT:

The House has passed the following bill{s}

SENATE BILL NO. 5794,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5794.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6099 by Senator Prentice

AN ACT Relating to water right fees; amending RCW 90.03.470; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8663

By Senators Haugen, Kline, Pridemore, McAuliffe, Doumit, Franklin, Spanel, Kastama, Keiser, Kohl-Welles, Rockefeller, Jacobsen, Eide, Prentice, Fairley, Berkey, Shin, Fraser and Regala

WHEREAS, The year 2005 marks the 100th anniversary of Norway's independence as a sovereign nation after a peaceful dissolution from Sweden; and

WHEREAS, There are more people of Norwegian descent living in the United States than in Norway itself; and

WHEREAS, Generations of Norwegian-Americans have contributed to the well-being of all Washingtonians; and

WHEREAS, Washington recognizes the value of the customs, traditions, and heritage of all the ethnic groups inhabiting the state; and

WHEREAS, The culture and music of Norway have been celebrated since the first Norwegian immigrants set foot on American soil; and

WHEREAS, Male chorus singing has played an important part on the Pacific Coast of the United States since 1878 when the first Norwegian male chorus was established in Portland, Oregon; and

WHEREAS, Numerous Norwegian immigrants have settled in Skagit Valley since 1847; and

WHEREAS, Singers from all twelve Norwegian male choruses on the Pacific Coast will gather for the annual song festival known as Sangerfest; and

WHEREAS, The Skagit Valley Mannskor is hosting the 96th Pacific Coast Norwegian Singers Association's Sangerfest; and

WHEREAS, The Sangerfest Grand Concert will be held Friday, July 1, 2005, in the McIntyre Hall of the Skagit Valley Community College in Mt. Vernon;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norwegian Musical Heritage Day in the state of Washington, July 1, 2005, and encourage all citizens to honor the musical contributions of our citizens of Norwegian heritage; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian Singers Association.

Senator Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, March 29, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 28, 2005

2005 REGULAR SESSION

SEVENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 29, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 28, 2005

SHB 1065 Prime Sponsor, Committee on Transportation: Authorizing the armed forces license plate collection. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1116 Prime Sponsor, Committee on Transportation: Authorizing a "Ski & Ride Washington" license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1179 Prime Sponsor, Committee on Transportation: Authorizing a pilot project for high-occupancy toll lanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1180 Prime Sponsor, Kilmer: Harmonizing vehicle size limits with federal rules. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1181 Prime Sponsor, Committee on Transportation: Facilitating sealed ocean-going container movement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

2SHB 1188 Prime Sponsor, Committee on Appropriations: Negotiating state patrol officer wages and wage-related matters. Revised for 2nd Substitute: Negotiating state patrol officer wages, wage-related matters, and nonwage matters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1216 Prime Sponsor, Committee on Transportation: Providing funding for watchable wildlife activities by creating the "Wild On Washington" license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1218 Prime Sponsor, Committee on Transportation: Authorizing endangered wildlife license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1232 Prime Sponsor, O'Brien: Clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 25, 2005

ESHB 1252 Prime Sponsor, Committee on Education: Providing for family and consumer science education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Pridemore, Vice Chair, Higher Education

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1254 Prime Sponsor, Wood: Authorizing the "share the road" special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1259 Prime Sponsor, Wallace: Making technical corrections to chapter 46.87 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1260 Prime Sponsor, Jarrett: Allowing reciprocal waiver of driver's license exams. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1266 Prime Sponsor, Committee on Transportation: Updating laws on drugs and alcohol use by commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1469 Prime Sponsor, Lovick: Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1598 Prime Sponsor, Wood: Adjusting population thresholds for membership on the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1599 Prime Sponsor, Takko: Revising the definition of "county engineer." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1600 Prime Sponsor, Takko: Revising county road project reporting. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1711 Prime Sponsor, Committee on Transportation: Revising marking requirement parking places for persons with disabilities. Revised for 1st Substitute: Revising marking requirements for parking places for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 25, 2005

E2SHB 1794 Prime Sponsor, Committee on Appropriations: Expanding access to baccalaureate degree programs. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Ways & Means.

March 28, 2005

SHB 1798 Prime Sponsor, Committee on Transportation: Recovering costs for motorist information signs. Revised for 1st Substitute: Modifying motorist information sign panel regulatory provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Esser

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 28, 2005

SGA 9296 PHILIP JONES, reappointed March 2, 2005, for the term ending March 1, 2011, as Member of the Utilities and Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Water, Energy & Environment.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6100 by Senator Prentice

AN ACT Relating to revenue and taxation; amending RCW 82.04.060, 82.12.0251, 82.12.0255, 82.12.035, 82.08.010, 82.14.020, 82.14.020, 82.08.150, 82.08.160, 82.32.545, 82.32.550, 48.14.080, 82.04.298, 82.04.290, and 82.71.020; amending 2004 c 153 s 502 (uncodified); amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050, 82.04.190, 82.12.010, 82.12.020, 82.12.040, 82.04.260, 82.04.250, 82.04.250, and 82.04.440; adding a new section to chapter 82.04 RCW; creating a new section; providing effective dates; providing a contingent effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

8636

By Senators Honeyford and Fraser

WHEREAS, In 1852, Olympia became the county seat of a newly organized county called Thurston; and
WHEREAS, On November 27, 1853, Governor Isaac Stevens selected Olympia as the temporary territorial capital because, among other reasons, it was host to the customs office and first newspaper in the territory, *The Columbian*; and
WHEREAS, On January 10, 1855, the territorial legislature made Olympia its permanent capital; and
WHEREAS, In the 1859-1860 legislative session, a bill came before the territorial legislature calling for Vancouver to become the permanent capital of the Washington Territory, and it was the territorial council that saved Olympia's capital status with a 5-4 vote; and
WHEREAS, In December of 1860, the Capital Relocation Act, which moved the capital to Vancouver, passed both houses without debate, however, in that same session a referendum also passed the assembly asking the voters to choose the location of the capital in the next election; and
WHEREAS, On July 8, 1861, by referendum Olympia was decided the clear winner with 1,239 signatures; and
WHEREAS, In December of 1861, a 2-1 majority of the territorial supreme court found that both statutes were missing enacting clauses and dates of passage, and without an enacting clause, the court found the removal act void and that the referendum held precedence; and
WHEREAS, On July 4, 1889, the state constitutional convention opened in Olympia, and delegates to the constitutional convention supported a referendum on the capital which would be voted on with adoption of the state Constitution; and
WHEREAS, On October 1, 1889, Olympia prevailed over Yakima and Ellensburg with a vote total of 25,490, however, not even the third direct vote of the people prevented further capital location controversies; and
WHEREAS, In 1899, Governor John Rogers vetoed a bill that would have mandated completion of the Capitol Building in Olympia, suggesting the purchase of the newly finished Thurston County Courthouse as a temporary solution; and

WHEREAS, Even with the purchase of the Thurston County Courthouse in 1901, another attempt was made to move the seat of government via a bill that passed both houses and putting yet another referendum on the state ballot that asked whether the capital should be moved to Tacoma or remain in Olympia; and

WHEREAS, Governor Albert Mead vetoed the bill, which put the end to any anti-Olympia sentiment; and

WHEREAS, With the completion of the Legislative Building in 1927, the Washington State Legislature finally met in a permanent Capitol Building, 73 years after the first territorial legislature convened;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor the city of Olympia for its longevity and perseverance as the State Capital of Washington, in this, the one hundred fiftieth anniversary of the territorial legislature's selection of Olympia as its capital.

Senators Honeyford and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

8653

By Senator Honeyford

WHEREAS, Mabton, Washington, located in Yakima County, at the eastern edge of the Yakima Indian Reservation, officially incorporated on November 7, 1905; and

WHEREAS, Mabton, grew around the Northern Pacific Railroad, which linked both ends of the valley on the southwest side of the Yakima River by 1887; and

WHEREAS, The town's name is an abbreviation of Mabletown, which was named for a railroad official's daughter Mable; and

WHEREAS, One of Mabton's most memorable occasions came in 1911, when Teddy Roosevelt made a short train stop and spoke to a small gathering on the rail platform; and

WHEREAS, Yakima Chief Ranches Inc., in Mabton, is considered one of the largest hop operations in the world; and

WHEREAS, Mel Stottlemire, a pitcher and later a pitching coach for the New York Yankees, who won 164 games for them as a pitcher from 1964 to 1974, with three 20-win seasons, is from Mabton; and

WHEREAS, Mabton's local farmers established the Hay Palace on September 15, 1915, built of 1,000 tons of baled alfalfa hay, which included displays of farm products, a rodeo, and vaudeville acts and music in a theater and auditorium also built of hay bales, to promote the bumper crops of alfalfa and other hay grown around Mabton; and

WHEREAS, Lendary Senator Irv Newhouse was a farmer and rancher from Mabton who served the 15th Legislative District for 34 years and was known as a staunch defender of agriculture; he wielded considerable influence in leadership positions for the Senate Republican Caucus, first as floor leader and later as President Pro Tempore; his name now adorns a building on the capitol campus in recognition of his honorable service to the State of Washington; and

WHEREAS, Mabton's first City Council consisted of: Mayor, T.W. Howell; Clerk, W.T. Livingston; Treasurer, J.C. Sanger; Councilmen, J.A. Humphrey, J. Beaudry, John Schnell, J.C. Phillips, A.M. Creamer; Marshal, H.A. Young; and Police Judge, A.M. Nicholas;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the City of Mabton as it celebrates its 100th anniversary; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mabton city leaders, including Mayor David Conradt; City Administrator Ildia Jackson; Clerk-Treasurer Sharon Kay Roy; Police Chief Raul Almeida, and Council Members Ernesto Armendariz, Velva Herrera, Virginia Molina, John Reynolds, and Vera Zavala.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Oke moved adoption of the following resolution:

SENATE RESOLUTION

8656

By Senators Oke and Eide

WHEREAS, Over the course of our nation's military history, tens of thousands of war dogs served during World War I, World War II, Korea, Vietnam, the Gulf War, Bosnia, Kosovo peacekeeping operations, and coalition operations in Afghanistan and Iraq; and

WHEREAS, These war dogs were specifically trained for jobs like scout, sentry, tracker, mine and booby trap detection, tunnel, water patrol, coast guard, messenger, and search and rescue; and

WHEREAS, American's war dog teams have a long and legendary history of courage, heroism, and sacrifice on thousands of foreign fields of battle and are credited with saving countless numbers of lives of Americans, allies, and noncombattants; and

WHEREAS, War dogs have significantly reduced the enemy's capacity to sabotage or destroy war equipment worth billions of dollars; and

WHEREAS, War dogs work for food, water, and the love, loyalty, and bond of their handlers; and

WHEREAS, At the end of World War II the thousands of military working dogs were hailed as heroes and discharged from the military service and returned to the United States where many were repatriated with the families that donated them, while others were released to the custody of their handlers to live the rest of their lives in peace; and

WHEREAS, During the Vietnam War all dogs were classified as equipment and deemed expendable and most of the surviving dogs were either transferred to the South Vietnam Army for duty or euthanized; and

WHEREAS, The loving bond and extreme loyalty between dog and handler is unconditional and immeasurable and it was extremely difficult for the handlers in Vietnam to leave their dogs behind; and

WHEREAS, Veteran and current war dog handlers have joined together to create and fund a fitting memorial to war dogs to be placed in Washington, D.C.; and

WHEREAS, War dog handlers are asking Congress for permission to place the National War Dog Team Memorial in a place of honor in Washington, D.C.; and

WHEREAS, The National War Dog Team Memorial will give war dog handlers and other soldiers who relied on war dogs for their safety and survival the opportunity to have an enduring tribute to their loyal and loving companions and protectors;

NOW, THEREFORE, BE IT RESOLVED, That the Senate officially recognize the courage and dedication of war dogs and the appropriateness of a fitting memorial to war dog teams in our nation's capital; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to all members of Washington State's congressional delegation and to the Washington State representative of the National War Dog Team Memorial, Mr. Bill Shoap of Port Orchard, Washington.

Senators Oke and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator Oke carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION

8659

By Senator Eide

WHEREAS, Since April 18, 1949, the Federal Way Fire Department, King County Fire District 39, has unselfishly served the people of Greater Federal Way, Washington, and the unincorporated neighborhoods of Lakeland, Trout Lake, Camelot, and the neighboring areas of South King County with honor and distinction; and

WHEREAS, In the 55 year history of the Federal Way Fire Department, King County Fire District 39, the fire department has grown from a single fire engine housed in a barn in Lakeland and manned by a handful of dedicated Volunteer Fire Fighters to a career force of 130 fire fighters and emergency medical technicians ready to respond to any community and personal emergency and serving over 100,000 citizens; and

WHEREAS, The Federal Way Fire Department, King County Fire District 39, has been rerated from a Class 3 rated fire department to a Class 2 rated fire department by the Washington State Survey and Rating Bureau, an independent insurance rating organization; and

WHEREAS, The Federal Way Fire Department, King County Fire District 39, is the only fire district in the history of Washington state to be designated a Class 2 rated fire department; and

WHEREAS, This distinction has been an organizational goal of the Federal Way Fire Department, King County Fire District 39, since its inception in 1949 and represents the department's commitment to service and dedication to excellence; and

WHEREAS, The Federal Way Fire Department, King County Fire District 39, continues to exemplify and personify the department's mission statement: "We help people";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the personal devotion and tireless efforts of all the former volunteer and career members and former elected fire commissioners, Fire Chief Al Church, Board of Commissioners Chairman Mark Freitas, Commissioner J. Roger Hershey, Commissioner Mark L. Thompson,

Commissioner William "Bill" Gates, Commissioner John Rickert, administrative staff, fire fighters, volunteers, and other community leaders for achieving the status of a Class 2 rated fire district; and for the department's numerous accomplishments and continuing service to the citizens living and visiting within the boundaries of the Federal Way Fire Department and South King County; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Federal Way Fire Department, King County Fire District 39.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator Morton moved adoption of the following resolution:

SENATE RESOLUTION

8662

By Senator Morton

WHEREAS, The Washington State Legislature recognizes excellence in all fields of endeavor; and

WHEREAS, On March 5, 2005, in the Spokane Arena, the Cusick Lady Panthers won the State B Girls' Basketball Championship with a 67-50 victory over Almira-Coulee-Hartline, for the school's first State B Basketball Championship; and

WHEREAS, The members of the victorious Lady Panther basketball team are Kim Bluff (#15), Jessica Carney (#33), Tanie Cullooyah (#25), Christina Heinen (#23), Jael Johnston (#21), Kim King (#43), Misty Ostlie (#5), Tara Jo Pierre (#13), and Cara Shepherd (#35); and

WHEREAS, Community members, parents, and faculty helped contribute to the success of the Lady Panthers by giving their wholehearted support to team members and coaches, and by cheering them on to victory; and

WHEREAS, Team managers and statisticians were instrumental in the success of the Lady Panther coaches and team members; and

WHEREAS, Coach J.R. Bluff should be applauded for his outstanding coaching and inspiration in leading the Lady Panthers to a state championship title; and

WHEREAS, Assistant Coach Greg Johnston should also be congratulated for his exceptional coaching and assistance in developing the Cusick girls' basketball program to its current stature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate all of the Cusick Lady Panther team members, coaches, staff, faculty, students, and parents for their extraordinary achievements; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Superintendent, Principal, and Athletic Director of Cusick High School, and to the Coaches and each team member of the Cusick Lady Panthers' State B Championship Team.

Senator Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Morton carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION

8664

By Senators Kohl-Welles, Pridemore, McAuliffe, Schmidt, Carrell, Berkey, Shin, Eide, Kastama, Jacobsen, Poulsen, Rockefeller, Schoesler, Haugen, Delvin and Pflug

WHEREAS, People of all ethnicities and backgrounds live in Washington state, sharing their traditions, histories, and cultures with the citizens of our state; and

WHEREAS, The state of Washington recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, specifically in Ballard; and

WHEREAS, Since 1889, the greater Seattle area has joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and parade in Ballard to honor the day in 1814 when Norway declared its independence by signing its constitution; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th Parade outside of Oslo, Norway; and

WHEREAS, On the 17th of May the Ballard community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norway's National Day, May 17, 2005, and encourage all citizens of Washington state to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

Senators Kohl-Welles, Eide and Oke spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 12:24 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, March 30, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, MARCH 29, 2005

2005 REGULAR SESSION

EIGHTIETH DAY MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 30, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Benjamin Doumit and Hannah Stenberg, presented the Colors. Major Robert Legg, United State Air Force Chaplain offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2005

SB 6090 Prime Sponsor, Prentice: Making 2005-07 operating appropriations. Revised for 1st Substitute: Making 2005-07 operating appropriations. (REVISED FOR PASSED LEGISLATURE: Making 2003-05 and 2005-07 operating appropriations.)
Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6090 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 28, 2005

EHB 1003 Prime Sponsor, Hinkle: Allowing off-road vehicles on nonhighway roads. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Morton

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1048 Prime Sponsor, Linville: Modifying the date for submitting local government property tax estimates to counties. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1097 Prime Sponsor, Committee on Transportation: Creating the "Keep Kids Safe" license plate series. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1113 Prime Sponsor, Committee on Criminal Justice & Corrections: Regulating traffic signal preemption devices. Reported by Committee on Judiciary

MAJORITY recommendation: Without recommendation. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin and Rasmussen

Passed to Committee on Transportation.

March 28, 2005

HB 1211 Prime Sponsor, Blake: Concerning a multiple season big game permit. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Morton

Passed to Committee on Ways & Means.

March 28, 2005

E2SHB 1291 Prime Sponsor, Committee on Appropriations: Improving patient safety practices. Revised for 2nd Substitute: Improving health care professional and health care facility patient safety practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1313 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Revised for 1st Substitute: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

March 28, 2005

2SHB 1316 Prime Sponsor, Committee on Appropriations: Allowing the importation of certain prescription drugs from Canadian wholesalers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1406 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning specialized forest products. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

March 28, 2005

SHB 1430 Prime Sponsor, Committee on Commerce & Labor: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1431 Prime Sponsor, Committee on Commerce & Labor: Authorizing licensees and managers to conduct courses of instruction on beer and wine and furnish beer and wine samples. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1491 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Reorganizing aquatic lands statutes. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1557 Prime Sponsor, Conway: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1621 Prime Sponsor, McDonald: Modifying identification requirements for liquor purchases. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1625 Prime Sponsor, Clibborn: Modifying employer disclosure of employee information. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1657 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning the construction of bridges and trestles over tidelands, shorelands, and harbor areas of the state. Revised for 1st Substitute: Concerning the construction of bridges and trestles. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1806 Prime Sponsor, Committee on State Government Operations & Accountability: Encouraging the ethical transfer of technology for the economic benefit of the state. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1856 Prime Sponsor, Committee on Commerce & Labor: Requiring industrial insurance fund audits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

E2SHB 1896 Prime Sponsor, Committee on Appropriations: Limiting geoduck harvest in parts of Hood Canal. Revised for 2nd Substitute: Requiring a survey of geoducks and sea cucumbers that exist in Hood Canal. (REVISED FOR ENGROSSED: Studying geoducks in Hood Canal.) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

March 29, 2005

SHB 1918 Prime Sponsor, Committee on Commerce & Labor: Implementing a recommendation of the joint legislative audit and review committee with regard to industrial insurance. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1944 Prime Sponsor, Hunt: Allowing raffles conducted by state employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1958 Prime Sponsor, Buck: Extending certain limited fisheries buyback programs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 2033 Prime Sponsor, Committee on Finance: Modifying municipal business and occupation taxation. Revised for 1st Substitute: Modifying the allocation of printing and publishing income for municipal business and occupation taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, Mulliken and Pridemore

Passed to Committee on Ways & Means.

March 28, 2005

EHB 2241 Prime Sponsor, Dunshee: Authorizing limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 1958 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 25, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University System Report on Financial Statements Audit.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Central Washington University System Report on Financial Statements Audit is on the file in the Office of the Secretary of Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBIN ARNOLD-WILLIAMS, appointed March 15, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Social and Health Services.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JERRY GUTZWILER, appointed March 10, 2005, for the term ending at the governor's pleasure, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ALFRED HALLOWELL, reappointed February 10, 2005, for the term ending January 17, 2011, as Member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GARY HARRIS, appointed March 8, 2005, for the term ending February 7, 2009, as Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 17, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GARY ROBINSON, appointed February 21, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Information Services.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LARRY SANCHEZ, appointed March 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Yakima Valley Community College District No. 16.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KAREN SEINFELD, appointed March 10, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHIRLEY SOLOMON, appointed March 15, 2005, for the term ending December 31, 2008, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6101 by Senator Prentice

AN ACT Relating to public pensions; amending RCW 41.31.010, 41.31.020, 41.31A.020, 41.45.060, 41.45.070, 41.45.010, 41.45.010, and 41.45.054; reenacting and amending RCW 41.45.060 and 41.45.070; adding a new section to chapter 41.31 RCW; adding a new section to chapter 41.31A RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:19 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Oke moved adoption of the following resolution:

SENATE RESOLUTION

8635

By Senators Oke, Swecker, Regala, Spanel, Roach and McCaslin

WHEREAS, Traumatic Brain Injuries have impacted 5.3 million American citizens who now live with resulting disabilities; and

WHEREAS, Every 21 seconds one person in the United States sustains a Traumatic Brain Injury, equaling roughly 4,000 people daily and 1.5 million people annually; and

WHEREAS, Out of the 1.5 million people annually who sustain Traumatic Brain Injuries, 50,000 of them will die, while an additional 80,000 will experience the onset of life-long disabilities as a result of their brain injury; and

WHEREAS, Traumatic Brain Injuries occur more frequently than Multiple Sclerosis, spinal cord injuries, HIV/AIDS, and breast cancer combined; and

WHEREAS, In Washington State, Traumatic Brain Injury patients constitute 10 percent of the state's population of persons with disabilities; and

WHEREAS, There is no cure for Traumatic Brain Injuries, only prevention; and

WHEREAS, The Brain Injury Association of America has created a partnership with the National Center for Disease Control and Prevention, the Health Resources and Services Administration in the United States Department of Health and Human Services, the Defense Brain and Spinal Cord Injury Program for veterans and military personnel, and the Brain Injury

Association of Washington, that strives to provide a better future for TBI patients through prevention, research, education, and advocacy; and

WHEREAS, The Traumatic Brain Injury advocacy groups mentioned above have recognized and declared the month of March 2005 National Brain Injury Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the work of these organizations in their efforts to combat Traumatic Brain Injuries; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize and honor the work of these organizations for organizing and observing the month of March as National Brain Injury Awareness Month.

Senators Oke and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

The motion by Senator Oke carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Mulliken, Senator Benton was excused.

SECOND READING

SENATE BILL NO. 6090, by Senators Prentice and Zarelli

Making 2005-07 operating appropriations.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6090 was substituted for Senate Bill No. 6090 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 27, increase the general fund–state appropriation for fiscal year 2006 by \$75,000, and adjust the totals accordingly.

On page 2, line 28, increase the general fund–state appropriation for fiscal year 2007 by \$75,000, and adjust the totals accordingly.

On page 2, after line 29, insert the following:

"The appropriations in this section are subject to the following terms and conditions: By December 1, 2006, the Joint Legislative Audit and Review Committee shall complete an analysis of comprehensive approaches other states are undertaking to limit the growth in Medicaid expenditures. State reform proposals reviewed should include, but not be limited to, those which provide financial and other incentives for Medicaid consumers to engage in healthier behavior and to choose cost-effective services."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Parlette spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 27 to Substitute Senate Bill No. 6090.

The motion by Senator Parlette failed and the amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 37, line 8, reduce the general fund–state appropriation for fiscal year 2006 by \$792,000 and adjust the totals accordingly.

On page 37, line 9, reduce the general fund–state appropriation for fiscal year 2007 by \$1,209,000 and adjust the totals accordingly.

On page 37, line 10, reduce the general fund–federal appropriation by \$2,001,000 and adjust the totals accordingly.

On page 46, line 26, increase the general fund–state appropriation for fiscal year 2006 by \$1,025,000 and adjust the totals accordingly.

On page 46, line 27, increase the general fund–state appropriation for fiscal year 2007 by \$1,102,000 and adjust the totals accordingly.

On page 46, line 28, increase the general fund–federal appropriation by \$2,128,000 and adjust the totals accordingly.

On page 48, after line 23, insert the following:

"(6) \$1,025,000 of the general fund–state appropriation for fiscal year 2006, \$1,102,000 of the general fund–state appropriation for fiscal year 2007, and \$2,128,000 of the general fund–federal appropriation are provided solely for the department to verify children's continued eligibility for medical assistance services every six months."

On page 50, line 23, reduce the general fund–federal appropriation by \$33,465,000, and adjust the totals accordingly.

On page 50, line 27, reduce the health services account–state appropriation by \$32,776,000, and adjust the totals accordingly.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Hewitt spoke in favor of adoption of the amendment.

Senators Prentice and Thibaudeau spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 37, line 8 to Substitute Senate Bill No. 6090.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senators Esser, Brandland and Roach be adopted.

On page 40, line 8, increase the general fund–state appropriation for fiscal year 2006 by \$247,000 and adjust the totals accordingly.

On page 40, line 9, increase the general fund–state appropriation for fiscal year 2007 by \$288,000 and adjust the totals accordingly.

On page 40, line 10, increase the general fund–federal appropriation by \$507,000 and adjust the totals accordingly.

On page 40, line 15, after "(a)", strike "\$213,000" and insert "\$460,000".

On page 40, line 16, after "2006,", strike "\$422,000" and insert "\$710,000".

On page 40, line 17, after "2007, and", strike "\$600,000" and insert "\$1,107,000".

On page 40, line 18, after "solely to", strike "wages" and insert "compensation".

On page 44, line 19, increase the general fund–state appropriation for fiscal year 2006 by \$1,667,000 and adjust the totals accordingly.

On page 44, line 20, increase the general fund–state appropriation for fiscal year 2007 by \$2,138,000 and adjust the totals accordingly.

On page 44, line 21, increase the general fund–federal appropriation by \$3,800,000 and adjust the totals accordingly.

On page 45, line 30, after "(6)", strike "\$1,413,000" and insert "\$3,080,000".

On page 45, line 31, after "2006,", strike "\$2,887,000" and insert "\$5,025,000".

On page 45, line 32, after "2007, and", strike "\$4,305,000" and insert "\$8,105,000".

Renumber the sections consecutively and correct any internal references accordingly.

Senators Esser and Finkbeiner spoke in favor of adoption of the amendment.

Senators Prentice and Doumit spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

PERSONAL PRIVILEGE

Senator Prentice: "Yes, the statement was just made that as members came to our side of the aisle, and I presume that meant me, that they were told that they hadn't wanted to vote a particular figure, and I don't even remember the figure used because I didn't have a figure imprinted in my head – I presume I'm the person your talking about. That conversation never happened and nothing like that was ever said by me. I hope every person in this chamber understands that, that would never happen. That's not how I deal with this. Remember, last year when I got up and I spoke on behalf of the budget – I voted for the budget. We produced thirty-six votes out of the chamber. Every answer I ever got when I approached the chair at that time was: 'Will you vote for the budget if I consider it?' I thought all issues were suppose to be decided on their merit and that's how they're trying to be considered now. We had the chance to have dealt with amendments last night. We left at a quarter to six. There was no reason for that to happen. We should have dealt with those ... I guess that's enough."

The President declared the question before the Senate to be the adoption of the amendment by Senators Esser, Brandland and Roach on page 40, line 8 to Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Esser, Brandland and Roach and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Benton - 1

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 46, line 26, decrease the general fund--state appropriation (FY 2006) by \$20,803,000.

On page 46, line 27, decrease the general fund--state appropriation (FY 2007) by \$14,893,000, and adjust the total accordingly.

On page 50, line 21, decrease the general fund--state appropriation (FY 2006) by \$19,988,000.

On page 50, line 22, decrease the general fund--state appropriation (FY 2007) by \$23,509,000, and adjust the total accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 46, line 26 to Substitute Senate Bill No. 6090.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Zarelli be adopted.

On page 54, line 16, increase the general fund-state appropriation (FY 2006) by \$1,547,000.

On page 54, line 17, increase the general fund-state appropriation (FY 2007) by \$3,240,000.

On page 54, line 18, increase the general fund-federal appropriation by \$4,737,000, and adjust the total accordingly.

On page 54, after line 26, insert the following:

"(1) \$1,547,000 of the general fund--state appropriation for fiscal year 2006, \$3,240,000 of the general fund--state appropriation for fiscal year 2007, and \$4,737,000 of the general fund--federal appropriation are provided solely for costs associated with the downsizing effort at Fircrest school, including costs for the transfer of clients to other institutions and community placement settings. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of aging and disability services administration. Within the funds provided in this subsection, the department shall:

(a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;

(b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;

(c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;

(d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, and, of the development of and revisions to the work plan regarding this downsizing effort."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Mulliken, Fairley, Zarelli and Rasmussen spoke in favor of adoption of the amendment.

Senators Prentice, Deccio, Roach, Thibaudeau and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Zarelli on page 54, line 16 to Substitute Senate Bill No. 6090.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 57, on line 18, strike "\$18,183,000", insert "\$18,433,000", and adjust the total accordingly.

On page 57, after line 35, insert the following:

"(3) \$250,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to experiment with the use of cognitive recognition technologies in law enforcement and pre-trial environments."

Senators Brandland and Doumit spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 57, line 18 to Substitute Senate Bill No. 6090.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 57, strike lines 30 through 35 and renumber the subsections accordingly.

On page 61, strike lines 35 through line 6 on page 62 and renumber the subsections accordingly.

On page 70, strike lines 9 through 11 and renumber the subsections accordingly.

On page 72, strike lines 23 through 25 and renumber the subsections accordingly.

On page 80, strike lines 35 through 37 and renumber the subsections accordingly.

On page 84, strike lines 21 through 23 and renumber the subsections accordingly.

On page 85, strike lines 23 through 34 and renumber the subsections accordingly.

On page 125, strike lines 9 through 15 and renumber the subsections accordingly.

On page 126, strike lines 5 through 7 and renumber the subsections accordingly.

On page 126, strike lines 13 through 34 and renumber the subsections accordingly.

On page 128, strike lines 9 through 11 and renumber the subsections accordingly.

Senators Schoesler and Zarelli spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 57, line 30 to Substitute Senate Bill No. 6090.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 72, on line 6, increase the general fund--state appropriation for FY 2006 by \$4,000,000.

On page 72, on line 7, increase the general fund--state appropriation for FY 2007 by \$4,000,000.

Adjust the total appropriation accordingly.

On page 73, after line 2, insert:

"(5) The state parks and recreation commission shall not impose camping day use parking fees effective July 1, 2005."

Senator Morton spoke in favor of adoption of the amendment.

Senator Jacobsen spoke against adoption of the amendment.

Senator Finkbeiner demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was not sustained.

Senator Zarelli demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 72, line 6 to Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Morton on page 72, line 6 to Substitute Senate Bill No. 6090 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 25

Voting nay: Senators Brown, Doumit, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 23

Excused: Senator Benton - 1

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and others be adopted.

On page 84, on line 5, increase the general fund--state appropriation (FY 2006) by \$36,000.

On page 84, on line 6, increase the general fund--state appropriation (FY 2007) by \$37,000.

Adjust the total appropriation accordingly.

On page 84, after line 27, insert the following:

"(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington."

Senators Parlette, Prentice and Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 84, line 5 to Substitute Senate Bill No. 6090.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen be adopted.

On page 84, on line 5, increase the amount of the general fund--state appropriation (FY 2006) by \$1,500,000.

Adjust the total appropriation accordingly.

On page 84, after line 27, insert the following:

"\$1,500,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to extend and expand the department's asparagus automation and mechanization program under WAC 16-730 in an effort to strengthen the asparagus post-harvest industry."

WITHDRAWAL OF AMENDMENT

On motion of Senator Rasmussen the amendment by Senator Rasmussen on page 84, line 5 to Substitute Senate Bill No. 6090 was withdrawn.

MOTION

Senator Benson moved that the following amendment by Senator Benson be adopted.

On page 103, line 35, decrease the general fund-state appropriation for fiscal year 2006 by \$56,000.

On page 103, line 36, decrease the general fund-state appropriation for fiscal year 2007 by \$550,000.

Adjust the total accordingly.

On page 118, line 26, decrease the general fund-state appropriation for fiscal year 2006 by \$2,659,000.

On page 118, line 27, decrease the general fund-state appropriation for fiscal year 2007 by \$11,999,000.

Adjust the total accordingly.

On page 118, line 35, after "of" strike "\$759.62" and insert "\$844.65".

On page 118, line 36, after "and" strike "\$759.62" and insert "\$844.65".

On page 119, after line 14, insert the following:

(6) Beginning with the 2005-06 school year, the office of superintendent of public instruction shall direct school districts receiving funding provided in this section to implement a transition towards an intensive one year only transitional bilingual program. The level of per student funding represents approximately a 12 percent increase in the amount of state funding. It is the intent of the legislature that by the 2007-08 school year, the amount of time spent by students enrolled in approved transitional bilingual programs shall be limited to one year, except in extremely rare cases where the school district, after consulting with the office of superintendent of public instruction, finds that the students' continued enrollment is in the educational best interests of the student."

Adjust any internal references and the appropriate formula allocation factors accordingly.
Senators Benson, Roach and Deccio spoke in favor of adoption of the amendment.
Senators McAuliffe, Rockefeller and Franklin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson on page 103, line 35 to Substitute Senate Bill No. 6090.

The motion by Senator Benson failed and the amendment was not adopted by voice vote.

MOTION

Senator Benson moved that the following amendment by Senator Benson be adopted.

On page 119, after line 14, insert the following:

"(6) Within the amounts appropriated in this section, the office of superintendent of public instruction shall provide data and information to assist the institute for public policy in their continued evaluation of the transitional bilingual program. Based on the guidance of the institute for public policy, the office of superintendent of public instruction will collect information, such as, average length of stay, types of programs offered, number of students enrolled in specific types of transitional bilingual programs, and outcomes for students enrolled in transitional bilingual programs."

On page 138, line 11, increase the general fund--state appropriation for fiscal year 2006 by \$125,000.

Adjust the total accordingly.

On page 140, after line 17, insert the following:

"(6) 125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Washington state institute for public policy to continue to examine issues related to the state's transitional bilingual education program. The examination shall include, but is not limited to, a review of the following issues: trends in enrollment and average length of stay in the transitional bilingual program; the different types of programs and delivery methods that exist in the Washington state and other states; the academic and language acquisition effectiveness of different types of programs and service delivery methods; the cost benefits of these different types of programs and service delivery methods; and potential changes that would result in more effective program delivery and cost-effectiveness. The office of superintendent of public instruction shall provide technical assistance and needed data to assist in the institute's examination. The institute shall provide a report of its finding to the governor and appropriate committees of the legislature by June 30, 2006.

Correct any internal references accordingly.

Senators Benson and Zarelli spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator McAuliffe yield to a question? Can you tell me what the composition of the group to which you just referred will be?"

Senator McAuliffe: "Yes, the K-12 finance study will have a chair selected by the Governor and then there will be an advisory group that will work through all of the issues that discuss or reconfigure basic education and the funding for K-12. So there will be currently an advisory group looking at all the issues that impact basic education and bilingual education is part of basic ed."

Senator Roach: "On the issue of bilingual education, maybe they'll be a subcommittee, I don't know. I would like to see that there is a divergence of thought on any of these committees that are established that would make directives to our education system. One of my main concerns about the education hierarchy in the establishment is, there is no divergence of thought. It's a group of individuals who already come to the table with a closed mind, with an agenda. What I'd like to see is some new thought brought in and that we be open minded when we talk about very important things when it comes to education, such as whether not bilingual strung out over three or more years is the right thing for our children."

Senator McAuliffe: "We would be sure that your message is carried to the advisory committee. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson on page 119, after line 14 to Substitute Senate Bill No. 6090.

The motion by Senator Benson failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 126, line 31, after "application." strike everything through line 34

Senators Kohl-Welles and Doumit spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 126, line 31 to Substitute Senate Bill No. 6090.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 127, after line 33, insert

"(3) For the 2005-07 fiscal biennium, institutions of higher education are prohibited from using the general fund-state appropriations, provided in sections 603 through 609 of this act, for instruction of students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their degree or certificate. The office of financial management shall allocate 1,648 new enrollments to the institutions."

Senators Mulliken and Benson spoke in favor of adoption of the amendment.

Senators Kohl-Welles and Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 127, after line 33 to Substitute Senate Bill No. 6090.

MOTION

Senator Esser demanded a division.

The motion by Senator Mulliken failed and the amendment was not adopted by a rising vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 129, line 35, after "legislature." strike everything through line 38

On page 131, line 30, after "colleges." strike everything through line 32

On page 133, line 35, after "colleges." strike everything through line 37

On page 135, line 30, after "colleges." strike everything through line 32

On page 137, line 12, after "colleges." strike everything through line 14

On page 138, line 24, after "colleges." strike everything through line 26

On page 140, line 36, after "colleges." strike everything through line 2 on page 141

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senators Spanel, Schmidt and Jacobsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 129, line 35 to Substitute Senate Bill No. 6090.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 131, line 5 increase the appropriation by \$3,669,000

On page 131, line 6 increase the appropriation by \$6,690,000

On page 133, line 16 increase the appropriation by \$972,000

On page 133, line 17 increase the appropriation by \$1,852,000

On page 135, line 17 increase the appropriation by \$130,000

On page 135, line 18 increase the appropriation by \$269,000

On page 136, line 36 increase the appropriation by \$46,000

On page 136, line 37 increase the appropriation by \$95,000

On page 138, line 11 increase the appropriation by \$36,000

On page 138, line 12 increase the appropriation by \$75,000

On page 140, line 19 increase the appropriation by \$98,000

On page 140, line 20 increase the appropriation by \$202,000

Correct the total appropriations accordingly.

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senators Jacobsen and Thibaudeau spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Brandland: "Would Senator Kohl-Welles yield to a question? Senator, I'm wondering, does this bill impact the University of Washington only? I'm sorry, I may have missed part of your explanation but I'm wondering about Washington State University, Western Washington University. Is there a benefit to them here or is it just for the University of Washington?"

Senator Kohl-Welles: "Your talking about the amendment? The amendment would apply to our baccalaureate, research and comprehensive institutions. So, as I mentioned, a graduate student in the business program at Central Washington University or say a graduate at Western ... half of that tuition could go to go to be used at a private school."

Senator Brandland: "That's good. That answered, you answered my question. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 131, line 5 to Substitute Senate Bill No. 6090.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Mulliken be adopted.

On page 153, after line 25, insert the following:

"NEW SECTION. Sec. 718. AGENCY REDUCTION-IN-FORCE. The office of financial management shall reduce allotments for all agencies for salaries, wages, and benefits by \$180,000,000 from general fund--state appropriations in this act to reflect an across-the-board reduction in state agency personnel by three percent for all agencies with twenty or more full-time equivalent employees. The general fund allotment reduction shall be placed in unallotted status and remain unexpended: PROVIDED, That up to \$30 million of this amount may be released from reserve status by the director of financial management for the critically necessary personnel needs of any agency."

Senators Zarelli and Mulliken spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Mulliken on page 153, after line 25 to Substitute Senate Bill No. 6090.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 153, after line 25, insert the following:

"NEW SECTION. Sec. 718. AGENCY EXPENDITURES FOR GOODS AND SERVICES. The office of financial management shall reduce allotments for all agencies for purchased goods and services by \$50,000,000 from general fund--state appropriations in this act to reflect reductions in state agency purchasing costs resulting from the full implementation of section 208, chapter 354, Laws of 2002 (the personnel system reform act of 2002). The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Fairley spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 153, after line 25 to Substitute Senate Bill No. 6090.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Johnson moved that the following amendment by Senator Johnson be adopted.

On page 153, after line 25, insert the following:

"NEW SECTION. Sec. 718. AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND CONTRACTS. The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$20,000,000 from general fund--state appropriations in this act to reflect across-the-board reductions in these objects of expenditure. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Johnson spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 153, after line 25 to Substitute Senate Bill No. 6090.

The motion by Senator Johnson failed and the amendment was not adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 153, after line 25, insert the following:

"NEW SECTION. Sec. 718. AGENCY EXPENDITURES TORT LIABILITY AND TORT DEFENSE COSTS.

The office of financial management shall reduce allotments for all agencies for tort liability and tort defense costs by \$40,000,000 from general fund--state appropriations in this act to reflect reductions in state agency tort liability and tort defense costs resulting from the enactment of governmental liability reform legislation. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Brandland and Zarelli spoke in favor of adoption of the amendment.

Senators Rockefeller and Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 153, after line 25 to Substitute Senate Bill No. 6090.

The motion by Senator Brandland failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Roach be adopted.

On page 161, after line 6, insert the following:

"NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TOWARDS THE UNFUNDED LIABILITIES IN STATE RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2006).....\$78,657,000

General Fund--State Appropriation (FY 2007).....\$93,252,000

General Fund--Federal Appropriation.....\$12,721,000

General Fund--Private/Local Appropriation.....\$1,300,000

Dedicated Funds and Accounts Appropriation.....\$18,296,000

TOTAL APPROPRIATION.....\$204,226,000

The appropriations in this section are subject to the following conditions and limitations: Funding in this section is provided solely for funding agency and school district contributions towards the unfunded liabilities in the state pension systems as called for in Senate Bill No. 6085. The office of financial management shall update agency appropriations schedules to reflect the change in funding in this section. If the bill is not enacted by June 30, 2005, the appropriations shall lapse.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Roach and Deccio spoke in favor of adoption of the amendment.

Senators Doumit and Pflug spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 161, after line 6 to Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach on page 161, after line 6 to Substitute Senate Bill No. 6090 was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Benton - 1

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 167, strike all materials on lines 30, 31, and 32.

Senator Esser spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 167, line 30 to Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Esser on page 167, line 30 to Substitute Senate Bill No. 6090 was not adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 25

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Shin, Spanel, Thibaudeau and Weinstein - 23

Excused: Senator Benton - 1

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 167, strike lines 22, 23, 24, and 25.

On page 203, beginning on line 23, after "(4)" strike all material down through "5" on line 27.

On page 203, on line 27, strike "2007" and insert "2005".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hewitt spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 167, line 22 to Substitute Senate Bill No. 6090.

The motion by Senator Hewitt failed and the amendment was not adopted by voice vote.

MOTION

Senator Benson moved that the following amendment by Senator Benson be adopted.

On page 61, line 30, reduce the tobacco prevention and control account—state appropriation by \$26,000,000 and adjust the totals accordingly.

On page 168, after line 24, insert the following:

"Tobacco Prevention and Control Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006 . . . \$45,000,000."

On page 186, after "2002," on line 33, insert "except during the 2005-07 fiscal biennium.".

On page 188, after "fund." on line 6, insert a new section, to read as follows:

"RCW 43.79.480 is amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section. During the 2005-07 fiscal biennium the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as reflect the excess fund balance of the account.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benson spoke in favor of adoption of the amendment.

Senators Thibaudeau and Oke spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson on page 61, line 30 to Substitute Senate Bill No. 6090.

The motion by Senator Benson failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Doumit and Brown spoke in favor of passage of the bill.

Senators Zarelli, Hewitt, Parlette, Finkbeiner and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6090 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Excused: Senator Benton - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6090 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Haugen: "I'd like to announce that Transportation will start a quarter to three and please be on time. We have an executive session we really need to do."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 30, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5794,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 30, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SENATE BILL NO. 5356,

SENATE BILL NO. 5433,
SENATE JOINT RESOLUTION NO. 8207,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5356,
SENATE BILL NO. 5433,
SENATE JOINT RESOLUTION NO. 8207.

MESSAGE FROM THE HOUSE

March 30, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5509,
SENATE JOINT MEMORIAL NO. 8000,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8018,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5509,
SENATE JOINT MEMORIAL NO 8000,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8018.

MOTION

At 12:23 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Thursday, March 31, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, MARCH 30, 2005

2005 REGULAR SESSION

EIGHTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 31, 2005

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTIONS

On motion of Senator Eide, Senate Rule 46 was suspended for the purpose of allowing the Committee on Government Operations & Elections to continue to meet during the session.

EDITOR'S NOTE: Senate Rule 46 prohibits committees from sitting during the daily session of the senate unless granted special leave.

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 30, 2005

HB 1002 Prime Sponsor, Fromhold: Restricting the use of compression brakes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1024 Prime Sponsor, Kirby: Changing requirements for issuing salary warrants for judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1032 Prime Sponsor, Kirby: Adopting the interstate insurance product regulation compact. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1054 Prime Sponsor, Committee on Judiciary: Enacting the revised Uniform Arbitration Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Johnson and Rasmussen

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1091 Prime Sponsor, Committee on Appropriations: Providing additional funding for the community economic revitalization board's programs. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

March 29, 2005

HB 1092 Prime Sponsor, Grant: Modifying rural Washington loan fund provisions. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1108 Prime Sponsor, Grant: Providing additional limitations for vehicles passing pedestrians or bicyclists. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1112 Prime Sponsor, Quall: Creating an additional superior court position. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1117 Prime Sponsor, Committee on Transportation: Increasing the highway weight limit for the movement of certain farm implements. Revised for 1st Substitute: Modifying provisions for the transport of farm implements on highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1124 Prime Sponsor, Eickmeyer: Authorizing the use of signs, banners, or decorations over highways under limited circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1130 Prime Sponsor, Nixon: Eliminating drop-in inspections of campaign accounts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1133 Prime Sponsor, Committee on State Government Operations & Accountability: Reorganizing public disclosure law. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Roach

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1138 Prime Sponsor, Ericksen: Regulating fees for using an automated teller machine. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Prentice and Schmidt

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1143 Prime Sponsor, Green: Regarding penalties for violations of the public disclosure act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Roach

Passed to Committee on Rules for second reading.

March 29, 2005

EHB 1146 Prime Sponsor, Roach: Funding group life insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1183 Prime Sponsor, Williams: Renaming the commission on supreme court reports. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1197 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating insurance, generally. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1202 Prime Sponsor, Williams: Creating additional district court judge positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1228 Prime Sponsor, Committee on Local Government: Requiring notice to water and sewer districts of changes that require relocating facilities. Revised for 1st Substitute: Requiring local governments and public utilities to consult when relocating water/sewer facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1247 Prime Sponsor, Morris: Charging manufactured housing communities for water and sewer connections. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1261 Prime Sponsor, Morrell: Making the joint committee on veterans' and military affairs permanent. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1282 Prime Sponsor, Committee on Health Care: Regarding sexual health education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Delvin, Mulliken, Pflug, Schmidt and Schoesler

Passed to Committee on Health & Long-Term Care.

March 29, 2005

SHB 1348 Prime Sponsor, Committee on Judiciary: Providing a uniform method of transferring a municipal court judgment into district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1381 Prime Sponsor, Committee on Transportation: Allowing vehicles with hydraulics to operate on public roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1393 Prime Sponsor, Committee on Housing: Regulating movement of older mobile homes. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1408 Prime Sponsor, Committee on Appropriations: Creating an individual development account program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

March 29, 2005

HB 1428 Prime Sponsor, Condotta: Authorizing the economic development finance authority to continue issuing bonds. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1463 Prime Sponsor, Committee on Health Care: Requiring schools to provide information on meningococcal immunization. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1475 Prime Sponsor, Committee on Transportation: Modifying child passenger restraint provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Eide, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Benson

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1478 Prime Sponsor, Committee on Criminal Justice & Corrections: Increasing penalties for failure to secure a vehicle load on a public highway. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1486 Prime Sponsor, Committee on Health Care: Requiring applicants for state purchased health care benefits or uncompensated hospital care to identify the employer of the proposed beneficiary of the benefits or care. Revised for 1st Substitute: Concerning health care services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1512 Prime Sponsor, Committee on Health Care: Concerning improving the quality of care in state-purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Johnson and Parlette

Passed to Committee on Rules for second reading.

March 28, 2005

HB 1533 Prime Sponsor, Appleton: Revising provisions for inspection of hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

March 29, 2005

2SHB 1542 Prime Sponsor, Committee on Appropriations: Providing indigent defense services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Ways & Means.

March 28, 2005

HB 1555 Prime Sponsor, Wallace: Clarifying the valuation of land for monetary assessments by drainage, diking, flood control, and mosquito control districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 29, 2005

EHB 1561 Prime Sponsor, Appleton: Prohibiting discrimination in life insurance based on lawful travel destinations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1607 Prime Sponsor, Committee on Higher Education: Including members of the Samish Indian Nation for purposes of resident tuition. Revised for 1st Substitute: Including members of the Samish Indian Nation for purposes of resident tuition. (REVISED FOR ENGROSSED: Including members of federally recognized Indian tribes as resident students for tuition purposes. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 29, 2005

ESHB 1640 Prime Sponsor, Committee on Housing: Providing a dispute mechanism for manufactured/mobile home landlord and tenant disputes. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1643 Prime Sponsor, Committee on Judiciary: Extending liability immunity to certain skate parks that charge a nominal fee. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Esser, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 28, 2005

E2SHB 1688 Prime Sponsor, Committee on Appropriations: Creating a task force to review the certificate of need program and the health care facilities bonding program. Revised for 2nd Substitute: Creating a task force to review health care facilities and services supply issues. (REVISED FOR ENGROSSED: Studying and preparing recommendations to improve and update the certificate of need program.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Brandland, Johnson and Parlette

Passed to Committee on Ways & Means.

March 29, 2005

SHB 1747 Prime Sponsor, Committee on Judiciary: Administering the state-funded civil representation of indigent persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Carrell and McCaslin

Passed to Committee on Ways & Means.

March 29, 2005

SHB 1802 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Providing a property tax exemption for nonprofits that assist small businesses. Revised for 1st Substitute: Authorizing a property tax exemption for certain nonprofit organizations located in economically disadvantaged areas. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: MMR Signed by Senators Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

March 29, 2005

2SHB 1815 Prime Sponsor, Committee on Appropriations: Modifying the small business incubator program. Revised for 2nd Substitute: Creating a competitive grant program for organizations that assist small businesses. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Do not pass. Signed by Senators Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

March 28, 2005

SHB 1847 Prime Sponsor, Committee on State Government Operations & Accountability: Changing administrative oversight of the code reviser's office. Revised for 1st Substitute: Changing the membership of the statute law committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1854 Prime Sponsor, Committee on Judiciary: Changing procedures on the withholding of the driving privilege. Revised for 1st Substitute: Changing provisions relating to withholding of driving privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1864 Prime Sponsor, Kilmer: Modifying citizen oversight of toll charges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 28, 2005

ESHB 1883 Prime Sponsor, Committee on Select Committee on Hood Canal: Providing for collection of oral histories about Hood Canal. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 29, 2005

E2SHB 1888 Prime Sponsor, Committee on Appropriations: Regulating electronic mail fraud. Revised for 2nd Substitute: Regulating internet fraud. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Delvin, Franklin, Prentice and Schmidt

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1895 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying duties of the joint committee on energy supply and energy conservation. Revised for 1st Substitute: Modifying duties of the joint committee on energy supply and energy conservation. (REVISED FOR PASSED LEGISLATURE: Providing for statewide energy efficiency.) Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1951 Prime Sponsor, Committee on Education: Regarding vision exams for school-aged children. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 29, 2005

HB 1974 Prime Sponsor, Linville: Creating the association of Washington generals. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 25, 2005

SHB 1987 Prime Sponsor, Committee on Education: Regarding alternative assessments. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Benton, Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

March 29, 2005

HB 2028 Prime Sponsor, Kagi: Regarding the advisory committee of the office of public defense. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

HB 2166 Prime Sponsor, Newhouse: Creating the joint legislative committee on water supply during drought. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 30, 2005

SGA 9088 TOM KARIER, reappointed January 16, 2004, for the term ending January 15, 2007, as Member of the Pacific NW Electric Power and Conservation Planning Council. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9092 LAWRENCE KENNEY, reappointed July 1, 2002, for the term ending June 30, 2006, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest). Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9255 JAMES O. LUCE, reappointed January 12, 2005, for the term ending at the governor's pleasure, as Member of the Energy Facility Site Evaluation Council. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9287 DAVID DANNER, appointed September 27, 2004, for the term ending June 30, 2010, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1640 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6102 by Senator Swecker

AN ACT Relating to fire protection district asset ownership and assumption of responsibility upon code city annexation; amending RCW 35A.14.380 and 35A.14.400; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION
8639

By Senators Keiser, Berkey, Kastama, Weinstein, Kline, Mulliken and Esser

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, Approximately 832,000 people in Washington state have a disability requiring personal assistance services by family members, providers, and community organizations; and

WHEREAS, There are seven independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of the 31,687 home and personal care workers in Washington state working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the independence and rights of all individuals with disabilities on March 9, 2005, Independent Living Day.

Senator Keiser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8639.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8657

By Senators Brown, Finkbeiner, Spanel, Honeyford, Eide and Esser

WHEREAS, The Washington State Legislative Student Internship Program was created in the State of Washington in 1955 by Professor Emeritus Hugh A. Bone with students from the University of Washington; and

WHEREAS, The program, initially supported by a Ford Foundation grant, is accredited as one of the first programs of its kind in the nation, and is a model for state legislatures; and

WHEREAS, The intern program expanded to incorporate undergraduate students from public and private Washington State institutions of higher learning, including: Central Washington State University, Eastern Washington State University, The Evergreen State College, University of Washington, Washington State University, Western Washington State University, Seattle University, University of Puget Sound, Whitworth College, Pacific Lutheran University, Gonzaga University, St. Martin's University, Heritage University, and Seattle Pacific University; and

WHEREAS, Students who have participated in the program have provided a multitude of services to legislators, including: Constituent relations, writing and tracking bills, attending committee and legislative meetings, researching and report writing, and meetings with lobbyists, constituents, and the media; and

WHEREAS, Interns are involved in simulated legislative activities that afford them a unique educational opportunity and include: Mock budget exercise, committee hearings, Rules Committee, caucus meetings, parliamentary procedures, and floor debates based on real legislation; and

WHEREAS, Through their work as legislative interns, students have gone on to pursue careers as Senators and Representatives, Legislative staff, lobbyists, and many other prestigious positions in and around the Washington State Legislature; and

WHEREAS, Interns leave the Legislature as stronger citizens who frequently participate in their communities, return to school as stronger students, and who are prepared to explain to others, the role of citizens in the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the Legislative Internship Program in its 50th year of continued excellence be acknowledged; and

BE IT FURTHER RESOLVED, That the efforts and accomplishments of past as well as present interns be acknowledged; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Professor Bone's two sons, Christopher H. Bone and William James Bone, Coordinators Judi Best and Joan Elgee, and colleges and universities participating in the Washington State Legislative Student Internship Program.

Senators Eide, Finkbeiner, McAuliffe, Haugen, Esser and Keiser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8668

By Senators Haugen, Jacobsen, Swecker, Spanel, Fraser and Sheldon

WHEREAS, Creosote, a coal tar derivative, is a conglomeration of 300 different chemicals containing dozens of cancer-causing agents, making it a deadly compound for fish eggs and other sea life and hazardous to humans; and

WHEREAS, Old telephone poles, bulkheads, docks, pilings, and other creosote-treated wood ooze poison, first killing sea life and then washing up on beaches where they are used to build children's forts, burned in campfires, and played on - all of which can be very dangerous to humans; and

WHEREAS, In 2001, Tony Frantz, a contractor on Whidbey Island, was hospitalized for four days when his intestines were infected with creosote through inhalation while at work repairing a rock wall; and

WHEREAS, Frantz has made it his personal mission to clean up creosote, single-handedly setting out five years ago to rid the Puget Sound region of creosote-soaked logs; and

WHEREAS, Frantz has inspired creosote clean-up efforts from Bellingham to southern Whidbey Island; and

WHEREAS, Thanks to Frantz's dedication, successful creosote clean-up efforts have started around Whidbey Island; and

WHEREAS, "Mr. Creosote" created the Puget Sound Creosote Awareness Project to help educate the public about hazards of creosote and what it looks like; and

WHEREAS, Frantz has gone to great lengths to bring light to the dangers of creosote, including tying 300 red balloons to affected logs and holding a press conference to demonstrate how prevalent the problem is where children play; and

WHEREAS, His work has earned the praise and support of the ORCA Network, the Whidbey Island No Spray Coalition, the Whidbey Island Environmental Network, and the Department of Ecology;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Tony Frantz for his dedication and energy in cleaning up creosote on the beaches of western Washington and for proving that one person can be the change they wish to see in the world; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Tony Frantz.

Senator Haugen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8660

By Senator Honeyford

WHEREAS, The Sunnyside Christian boys' basketball team, the Knights, demonstrated ultimate teamwork and dedication in the 2004-2005 season deserving of special recognition by the Washington State Legislature; and

WHEREAS, While often undersized when compared to their opponents, the Knights' heart and passion for the game proved to be unmatched; and

WHEREAS, After sustaining their first and only loss early on in the year, the team went on to win their next twenty-two games; and

WHEREAS, After earning their way to the State B Tournament, the Knights made quick work of their first two opponents beating Tacoma Baptist by thirty points and DeSales by a final score of 54-31; and

WHEREAS, In the semifinal match up against Kings West, the Knights shot an amazing twenty-one for twenty-seven from the line which solidified their 53-41 victory, along with the school's historic third trip to the state championship game; and

WHEREAS, The Knights took on undefeated Willapa Valley for the state title, and after several lead changes throughout the first three quarters, the Knights pulled ahead in the fourth through sheer determination; and

WHEREAS, By a final score of 46-41, the Sunnyside Christian Knights captured their third State B Championship, with the other championships in 1992 and 2002;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the positive benefits of athletics for young people and honor Coach Dean Wagenaar's pursuit of excellence to that end; and

BE IT FURTHER RESOLVED, That the 2005 Boys' Basketball State B Champions from Sunnyside Christian High School be honored, including: Team members Chad Den Boer, John Bosma, Jon Buescher, Justin Burgers, Aaron Van de Graaf, Derek Van de Graaf, Nick DeJong, Ben Dekker, Matthew Haak, Jordan Haak, Andrew Schutt, and Sean Tudor; assistant coaches Brian and Henry Bosma; statisticians Marc DeJong and Jason Friend; team manager Trevor Wagenaar; and cheerleaders Jamie Durbin, Juliana Erickson, Taylor Gardner, Katie Schneider, Kimber Tucker, Rayann Van Beek, Vanessa Van Boven, Heather Van Wingerden, and Cheer Coach Lori Gardner; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members and coaches of the 2005 Boys' Basketball State B Champions from Sunnyside Christian High School.

Senator Honeyford spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8665

By Senators Zarelli and Eide

WHEREAS, Mount St. Helens is the most active volcano in the Cascade Range; and
WHEREAS, The long-dormant Mount St. Helens erupted at 8:32 a.m. on Sunday, May 18, 1980, resulting in the most violent volcanic eruption in the United States during the 20th century; and
WHEREAS, The lateral blast from the volcano accelerated to at least 300 miles per hour, and the blast cloud traveled as far as 17 miles northward; and
WHEREAS, The nine-hour eruption killed 57 people, destroyed 234 square miles of forest, and blocked out the sun over half the state of Washington; and
WHEREAS, Everyday citizens throughout the blast area joined with emergency crews to perform heroic acts of selflessness in rescuing and aiding people and animals alike; and
WHEREAS, The great destruction brought upon the Pacific Northwest by the eruption was followed by unprecedented forest growth and replenishment of the local ecosystem by nature; and
WHEREAS, Scientists with the U.S. Geological Survey and the University of Washington Geophysics Program continue to closely monitor Mount St. Helens for signs of renewed activity; and
WHEREAS, Mount St. Helens continues to remind Pacific Northwest residents of nature's power by periodically burping steam and venting ash; and
WHEREAS, The 1980 eruption of Mount St. Helens will always have a place in Pacific Northwest history; and
WHEREAS, To this day buckets, vials, cups, pans, and other containers full of Mount St. Helens ash can be found in garages, sheds, and basements across Washington state; and
WHEREAS, The citizens of Washington, the nation, and the world are continually fascinated by Mount St. Helens as seen by the thousands of tourists visiting the site every year;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Mount St. Helens and the brave men and women who endured its wrath on this, the 25th anniversary of its 1980 volcanic eruption.
Senator Eide spoke in favor of adoption of the resolution.
The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8666

By Senator McAuliffe

WHEREAS, The students selected for special recognition as Washington Scholars in 2005 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and
WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and
WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and
WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's Forty-nine Legislative Districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;
NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and
BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and
BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2005.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

MOTION

At 12:27 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 1, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, MARCH 31, 2005

2005 REGULAR SESSION

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 1, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Oke.

The Sergeant at Arms Color Guard consisting of Pages Spencer Nelson and Lindsey Pollino, presented the Colors. Senator Hargrove offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 30, 2005

SB 6086 Prime Sponsor, Honeyford: Concerning the retrofitting of wells during drought conditions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SB 6094 Prime Sponsor, Fraser: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6094 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

March 31, 2005

SCR 8409 Prime Sponsor, Kohl-Welles: Creating a joint select committee on workers' compensation. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 8409 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser, Parlette and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1009 Prime Sponsor, Committee on Technology, Energy & Communications: Allowing electronic payment of utility bills. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1012 Prime Sponsor, Committee on Technology, Energy & Communications: Regulating computer spyware. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Ways & Means.

March 31, 2005

SHB 1020 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding electrical transmission. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Mulliken, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Morton

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1034 Prime Sponsor, Kirby: Conducting the administrative supervision of financially distressed insurers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1062 Prime Sponsor, Committee on Technology, Energy & Communications: Regulating the energy efficiency of certain products. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Pridemore and Regala

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Mulliken

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1106 Prime Sponsor, Haigh: Modifying fire protection district property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Ways & Means.

March 31, 2005

SHB 1113 Prime Sponsor, Committee on Criminal Justice & Corrections: Regulating traffic signal preemption devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1128 Prime Sponsor, Nixon: Modifying the definition of "conviction" for chapter 77.15 RCW. (REVISED FOR PASSED LEGISLATURE: Concerning the revocation and suspension of hunting and fishing privileges.) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1131 Prime Sponsor, Nixon: Regulating mail to constituents. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1132 Prime Sponsor, Committee on State Government Operations & Accountability: Allowing more candidates to file with the secretary of state. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

E2SHB 1152 Prime Sponsor, Committee on Appropriations: Creating a Washington early learning council. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: MMR Signed by Senators Carrell, Mulliken and Schoesler

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1158 Prime Sponsor, Committee on Local Government: Modifying county treasurer administrative provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1174 Prime Sponsor, Committee on Higher Education: Changing veterans' tuition waiver provisions. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1184 Prime Sponsor, Flannigan: Providing training for new county officers. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 29, 2005

SHB 1185 Prime Sponsor, Committee on Technology, Energy & Communications: Prohibiting disclosure of personal wireless numbers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Delvin and Schmidt

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1189 Prime Sponsor, Committee on Local Government: Providing relief for indigent veterans and their families. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1208 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning forfeited property. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1210 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Providing for temporary combination fishing licenses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 28, 2005

SHB 1219 Prime Sponsor, Committee on Health Care: Authorizing a prescription drug purchasing consortium. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 30, 2005

EHB 1222 Prime Sponsor, McDermott: Increasing accountability of ballot measure petitions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1226 Prime Sponsor, Committee on State Government Operations & Accountability: Adjusting application of campaign contribution limits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1237 Prime Sponsor, Newhouse: Describing specialized commercial vehicles used for patient transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 1268 Prime Sponsor, Schual-Berke: Regulating stem cell research. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 1276 Prime Sponsor, Grant: Requiring the governor's signature on significant legislative rules. Revised for 1st Substitute: Requiring the governor's signature on significant legislative rules that met with public opposition. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, McCaslin, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1286 Prime Sponsor, Cody: Creating the medical flexible spending account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1287 Prime Sponsor, Cody: Authorizing the health care authority to receive a federal employer subsidy for continuing to provide a pharmacy benefit to retirees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1301 Prime Sponsor, Committee on Capital Budget: Creating the legislative buildings committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1307 Prime Sponsor, Haigh: Defining veteran for certain purposes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator McCaslin

Passed to Committee on Rules for second reading.

March 30, 2005

2SHB 1346 Prime Sponsor, Committee on Appropriations: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1356 Prime Sponsor, Pettigrew: Expanding local government insurance options. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benton, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1385 Prime Sponsor, Takko: Restricting the information on recorded documents. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1386 Prime Sponsor, Takko: Increasing the surcharge for the preservation of historical documents. (REVISED FOR PASSED LEGISLATURE: Modifying the county auditor surcharge for recorded documents.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1397 Prime Sponsor, Committee on Transportation: Changing vehicle emission standards provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1399 Prime Sponsor, Quall: Authorizing public tribal colleges to participate in the running start program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1401 Prime Sponsor, Committee on Local Government: Requiring certain buildings to add automatic sprinkler systems. Revised for 1st Substitute: Regulating fire safety. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1406 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Concerning specialized forest products. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 1415 Prime Sponsor, Committee on Appropriations: Managing impacts of commercial passenger vessels on marine waters. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

March 30, 2005

E2SHB 1418 Prime Sponsor, Committee on Appropriations: Regulating insurance overpayment recovery practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1439 Prime Sponsor, Green: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1447 Prime Sponsor, Moeller: Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 1458 Prime Sponsor, Committee on Appropriations: Concerning the management of on-site sewage systems in marine areas. Revised for 2nd Substitute: Concerning the management of on-site sewage disposal systems in marine areas. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1466 Prime Sponsor, Flannigan: Allowing motorcycles to stop and proceed through traffic signals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Esser, Kastama, Mulliken, Oke, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1487 Prime Sponsor, Ormsby: Concerning payment agreements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1496 Prime Sponsor, Committee on Judiciary: Authorizing the use of enrollment cards issued by federally recognized Indian tribes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1509 Prime Sponsor, Committee on Finance: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Revised for 1st Substitute: Providing a property tax exemption to widows or widowers of members of the military. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

March 31, 2005

ESHB 1539 Prime Sponsor, Committee on Technology, Energy & Communications: Making it a crime to excavate without notification near a transmission pipeline. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 1605 Prime Sponsor, Committee on Appropriations: Protecting children from area-wide soil contamination. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Mulliken, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1606 Prime Sponsor, Committee on Health Care: Providing for fairness in the informal dispute resolution process. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1608 Prime Sponsor, Committee on Economic Development, Agriculture & Trade: Creating the potato commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1631 Prime Sponsor, Committee on Local Government: Using revenues under the county conservation futures levy. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1694 Prime Sponsor, Committee on State Government Operations & Accountability: Protecting public employee personal information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1696 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Increasing penalties for the violation of certain fish and wildlife provisions. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Oke, Spanel, Stevens and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

March 31, 2005

ESHB 1703 Prime Sponsor, Committee on Finance: Exempting fare cards from the unclaimed property act. Revised for 1st Substitute: Modifying the application of the unclaimed property laws to certain public transportation fare cards. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1749 Prime Sponsor, Green: Strengthening review and correction of county election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1754 Prime Sponsor, Committee on State Government Operations & Accountability: Authorizing county-wide mail ballot elections. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1756 Prime Sponsor, Committee on Commerce & Labor: Establishing objectives for certain fire department services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 1758 Prime Sponsor, Committee on Appropriations: Revising public disclosure law. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Fairley

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1771 Prime Sponsor, McDermott: Requiring school breakfast programs in certain schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1799 Prime Sponsor, Committee on Criminal Justice & Corrections: Concerning park rangers employed by the parks and recreation commission. Revised for 1st Substitute: Creating a task force on public recreational lands and public safety. (REVISED FOR PASSED LEGISLATURE: Creating a task force on state public recreational lands and public safety.) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1817 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Improving recycling. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Fraser

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1830 Prime Sponsor, Committee on State Government Operations & Accountability: Regarding alternative public works contracting procedures. Revised for 1st Substitute: Establishing an independent oversight committee on traditional and alternative public works contracting procedures. (REVISED FOR ENGROSSED: Establishing the capital projects review board.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1850 Prime Sponsor, Committee on Health Care: Creating a retired volunteer medical worker license. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Brandland, Deccio, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1876 Prime Sponsor, Committee on State Government Operations & Accountability: Expanding voting rights of persons under guardianship. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1887 Prime Sponsor, Committee on Finance: Modifying exemptions to the litter tax. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Ways & Means.

March 31, 2005

E2SHB 1896 Prime Sponsor, Committee on Appropriations: Limiting geoduck harvest in parts of Hood Canal. Revised for 2nd Substitute: Requiring a survey of geoducks and sea cucumbers that exist in Hood Canal. (REVISED FOR ENGROSSED: Studying geoducks in Hood Canal.) Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1903 Prime Sponsor, Committee on Capital Budget: Creating a job development fund. Revised for 1st Substitute: Providing funds to stimulate community and economic development. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide and Zarelli

MINORITY recommendation: MMR Signed by Senators Pflug and Roach

Passed to Committee on Ways & Means.

March 31, 2005

EHB 1917 Prime Sponsor, Conway: Improving stability in industrial insurance premium rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 30, 2005

2SHB 1970 Prime Sponsor, Committee on Appropriations: Improving government management, accountability, and performance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore

Passed to Committee on Ways & Means.

March 31, 2005

HB 1999 Prime Sponsor, Nixon: Clarifying civil liability for traffic infractions when vehicle title is transferred. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2005

HB 2007 Prime Sponsor, Moeller: Changing requirements for petitions in cities and towns. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 2027 Prime Sponsor, Committee on State Government Operations & Accountability: Changing the date of the primary. Revised for 1st Substitute: Changing primary dates and associated election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 2060 Prime Sponsor, Committee on Health Care: Expanding participation in state purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senator Parlette

Passed to Committee on Ways & Means.

March 31, 2005

SHB 2071 Prime Sponsor, Committee on State Government Operations & Accountability: Affording certain information held by the horse racing commission the same protection from public inspection as other regulated entities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 2081 Prime Sponsor, Committee on Select Committee on Hood Canal: Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove and Spanel

MINORITY recommendation: MMR Signed by Senators Morton, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 2097 Prime Sponsor, Committee on Select Committee on Hood Canal: Establishing a management program for Hood Canal rehabilitation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 30, 2005

HB 2131 Prime Sponsor, Conway: Concerning the master licensing service. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 2163 Prime Sponsor, Committee on Appropriations: Establishing a homeless housing program. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Brandland, Franklin, Keiser, Prentice, Schmidt and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benson, Benton and Delvin

Passed to Committee on Ways & Means.

March 31, 2005

ESHB 2171 Prime Sponsor, Committee on Local Government: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. Revised for 1st Substitute: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. (REVISED FOR ENGROSSED: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, McCaslin, Pridemore and Roach

MINORITY recommendation: MMR Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 2185 Prime Sponsor, Newhouse: Establishing residence modifications standards. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2225 Prime Sponsor, Committee on Financial Institutions & Insurance: Allowing certain higher education endowment grant funds to be deposited outside the state. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 2257 Prime Sponsor, Williams: Requiring state contracts to be in the state's best interests. Revised for 2nd Substitute: Regulating state contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser and Prentice

MINORITY recommendation: MMR Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

March 31, 2005

HB 2271 Prime Sponsor, Miloscia: Extending employment opportunities for people with disabilities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 31, 2005

SGA 9241 JOHN ELLIS, appointed February 10, 2005, for the term ending June 30, 2007, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

March 31, 2005

SGA 9257 JAY MANNING, appointed February 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Ecology. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Pridemore and Regala

MINORITY recommendation: NBC Signed by Senators Honeyford, Morton and Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

SGA 9278 MARK SIDRAN, appointed March 16, 2005, for the term ending January 1, 2009, as a Chair of the Utilities and Transportation Commission. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9295 SCOTT JARVIS, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Financial Institutions. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

March 31, 2005

SGA 9296 PHILIP JONES, reappointed March 2, 2005, for the term ending March 1, 2011, as Member of the Utilities and Transportation Commission. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Mulliken, Pridemore and Regala

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Engrossed Second Substitute House Bill No. 1152, Engrossed Substitute House Bill No. 1696 and Substitute House Bill No. 1887 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSANNE BROWN-MCBRIDE, appointed March 10, 2005, for the term ending August 27, 2005, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JERRY FARLEY, reappointed February 10, 2005, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JANE NOLAND, reappointed March 30, 2005, for the term ending December 31, 2005, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

AMY C. SOLOMON, reappointed February 10, 2005, for the term ending June 30, 2005, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Environment.

MOTIONS

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

On motion of Senator Eide, the Senate advanced to the sixth order of business.

On motion of Senator Eide, the following measures:

Substitute Senate Bill 5005
Senate Bill 5007 Substitute Senate Bill 5580
Substitute Senate Bill 5009 Substitute Senate Bill 5594
Senate Bill 5033 Substitute Senate Bill 5598
Substitute Senate Bill 5057 Senate Bill 5616
Substitute Senate Bill 5061 Substitute Senate Bill 5619
Substitute Senate Bill 5077 Substitute Senate Bill 5632
Substitute Senate Bill 5081 Substitute Senate Bill 5633
Senate Bill 5095 Substitute Senate Bill 5635
Substitute Senate Bill 5107 Substitute Senate Bill 5650
Substitute Senate Bill 5123 Substitute Senate Bill 5654
Second Substitute Senate Bill 5125 Substitute Senate Bill 5658
Substitute Senate Bill 5126 Senate Bill 5679
Substitute Senate Bill 5130 Second Substitute Senate Bill 5722
Substitute Senate Bill 5131 Substitute Senate Bill 5735
Senate Bill 5133 Senate Bill 5742
Senate Bill 5144 Substitute Senate Bill 5745

Substitute Senate Bill 5172 Substitute Senate Bill 5750
Senate Bill 5193 Senate Bill 5761
Substitute Senate Bill 5200 Substitute Senate Bill 5768
Substitute Senate Bill 5208 Senate Bill 5827
Senate Bill 5223 Substitute Senate Bill 5842
Substitute Senate Bill 5224 Senate Bill 5848
Second Substitute Senate Bill 5235 Substitute Senate Bill 5849
Substitute Senate Bill 5240 Substitute Senate Bill 5856
Substitute Senate Bill 5243 Senate Bill 5866
Substitute Senate Bill 5248 Senate Bill 5877
Senate Bill 5261 Substitute Senate Bill 5878
Senate Bill 5264 Substitute Senate Bill 5883
Senate Bill 5280 Senate Bill 5894
Substitute Senate Bill 5310 Senate Bill 5904
Substitute Senate Bill 5334 Senate Bill 5909
Substitute Senate Bill 5366 Second Substitute Senate Bill 5916
Substitute Senate Bill 5369 Substitute Senate Bill 5923
Substitute Senate Bill 5389 Senate Bill 5925
Second Substitute Senate Bill 5405 Substitute Senate Bill 5963
Senate Bill 5410 Senate Bill 5967
Senate Bill 5439 Substitute Senate Bill 5971
Substitute Senate Bill 5457 Substitute Senate Bill 5972
Substitute Senate Bill 5491 Senate Bill 5975
Substitute Senate Bill 5511 Senate Bill 6000
Senate Bill 5527 Senate Bill 6026
Senate Bill 5533 Substitute Senate Bill 6028
Second Substitute Senate Bill 5544 Substitute Senate Bill 6030
Substitute Senate Bill 5554 Substitute Senate Bill 6034
Substitute Senate Bill 5559 Senate Joint Memorial 8012
Senate Bill 5560 Senate Joint Memorial 8019
Substitute Senate Bill 5574 and Senate Joint Memorial 8021
listed the second reading calender were referred to the Committee on Rules.

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 11:14 a.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 6094, by Senators Fraser and Hewitt

Making appropriations and authorizing expenditures for capital improvements.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6094 was substituted for Senate Bill No. 6094 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Johnson moved that the following amendment by Senator Johnson be adopted.

On page 15, after line 26, insert the following:

"Clark Lake Park and Retreat Center \$500,000"

On page 217, on lines 10, 12, and 15, increase the amounts by \$500,000.

Senators Johnson and Fraser spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 15, after line 26 to Substitute Senate Bill No. 6094.

The motion by Senator Johnson carried and the amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 16, after line 31, insert the following:

"Seattle Art Museum Olympic Sculpture Park \$1,500,000"

On page 217, on lines 10, 12, and 15, increase the amounts by \$1,500,000.

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senators Fraser and Thibaudeau spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 16, after line 31 to Substitute Senate Bill No. 6094.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 16, line 17, following "Lewis and Clark confluence project" strike "\$1,500,000" and insert "\$2,500,000"

On page 17, on lines 10, 12, and 15, increase the amounts by \$1,000,000.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Hewitt spoke in favor of adoption of the amendment.

Senators Fraser and Spanel spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Spanel: "Would Senator Fraser yield to a question? I noticed on page 14, there is a reappropriation for 4.3 million for the Lewis and Clark confluence project so it's my understanding that there is 4.3 million there and there's an additional 1.5 million being newly appropriated. It seems like there's still a good sum of money to be spent on this project that has not been spent. I don't know whether the chair has any more information than I have on that but if she does I would ask her that question."

Senator Fraser: "Yes, Madam President and Senator Spanel. There is a reappropriation in that amount in the budget."

Senator Spanel: "So it is the addition of the two. So essentially what's in this budget is 5.8 million?"

Senator Fraser: "I believe that would be the correct addition."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 16, line 17 to Substitute Senate Bill No. 6094.

MOTION

A division was demanded.

The motion by Senator Benton failed and the amendment was not adopted by a rising vote.

PARLIAMENTARY INQUIRY

Senator Benton: "It's my understanding that amendments are passed or failed by a percentage of those members present. Can you please tell me how many members are present in the Senate today and what the vote count was? The vote count wasn't reported on the division and I'd appreciate having those numbers please."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "Thank you for your inquiry. The vote was twenty-two for; twenty-one against. The answer to the Senator's question: We do not have anyone excused at this time. And also twenty-two is not. Senator, we need sixty percent of forty-nine and we do not have sixty percent so, therefore, the amendment fails."

MOTION

On motion of Senator Hewitt, Senators McCaslin and Oke were excused.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 92, after line 13, insert the following:

"NEW SECTION. Sec. 367. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish State Park Facility Development (06-1-951)

Appropriation:

State Building Construction Account--State.....\$1,150,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

Total.....\$1,150,000"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Pflug spoke in favor of adoption of the amendment.

Senator Fraser spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 92, after line 13 to Engrossed Substitute Senate Bill No. 6094.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Hewitt and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6094.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6094 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senators McCaslin and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

8661

By Senator Honeyford

WHEREAS, Babies are the world's sweetest miracles who fill our hearts with happiness and touch our lives with love;
and

WHEREAS, Each precious child brings new hope for a happier, more peaceful world; and
WHEREAS, Dane Anders Benson, born March 12, 2004, to Ashley Benson, is the new grandson of Senator Brad and Jill Benson; and
WHEREAS, Simone Alexandra Pollock, born July 18, 2004, to Kathryn and Christopher Pollock, is the new great-granddaughter of Senator Alex and Lucille Deccio; and
WHEREAS, Isabel Marie Badley, born May 19, 2004, to Matt and Heidi Badley, is the new granddaughter of Senator Mary Margaret Haugen and husband Basil Badley; and
WHEREAS, Katherine Anneliese Honeyford, born October 23, 2004, to Jim and Michelle Honeyford, is the new granddaughter of Senator Jim and Jerri Honeyford; and
WHEREAS, Beau Stephen Joseph Johnson, born June 28, 2004, to Tom and Juli Johnson, is the new grandson of Senator Stephen L. and Lynn Johnson; and
WHEREAS, Sophie Alice Garfinkle, born August 23, 2004, to Matt and Genevieve Kline Garfinkle, is the new granddaughter of Senator Adam Kline and Laura Gene Middaugh; and
WHEREAS, Sophia Rose McAuliffe, born March 8, 2004, to John McAuliffe and Lisa Priestman, is the new granddaughter of Senator Rosemary and James McAuliffe; and
WHEREAS, Mariah May Lucy, born May 24, 2004, to Sam and Brooke Lucy, is the new granddaughter of Senator Linda and Robert Parlette; and
WHEREAS, Camille Jean Roach, born March 8, 2005, to Representative Dan and Melanie Roach, and Mercedes Anna Roach, born March 11, 2005, to John and Claire Roach, are the new granddaughters of Senator Pam and Jim Roach; and
WHEREAS, Royal Albert Curtis Stevens, born March 24, 2005, to Curtis and Rosie Stevens, is the new grandson of Senator Val and Keith Stevens; and
WHEREAS, Logan Michael Matthews, born August 26, 2004, to Travis and Jenny Matthews, is the new grandson of Senator Dan and Debby Swecker;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcome the 2005 Session Babies born to the children of members of the Senate; and
BE IT FURTHER RESOLVED, That the Washington State Senate wish all the blessings of life for Dane, Simone, Isabel, Katherine, Beau, Sophie, Sophia, Mariah, Camille, Mercedes, Royal, and Logan; and
BE IT FURTHER RESOLVED, That Senators Benson, Deccio, Haugen, Honeyford, Johnson, Kline, McAuliffe, Parlette, Roach, Stevens, and Swecker each be given an official copy of this resolution to be placed in the baby book of his or her 2005 Session Grandbaby.

MOTION

Senator Rasmussen moved that the resolution be amended to include a grandson of the Rasmussen family.
The President Pro Tempore declared the question before the Senate to be the adoption of the amendment to add Kaden Chase Miller by Senator Rasmussen to Senate Resolution No. 8661.
The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

Senators Honeyford, Johnson, Rasmussen, McAuliffe, Roach, Stevens, Haugen and Kline spoke in favor of adoption of the resolution.
The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8661 as amended.
The motion by Senator Honeyford carried and the resolution as amended was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Jacobsen: "Thank you Madame President. I just arranged to have handed out on your desk, from probably one of the most colorful individuals that was ever here, Julia Butler Hansen. In fact she had such a forceful personality. She was chair of the Transportation Committee and when they went into, the Democrats, went into the minority, they still allowed her to chair the Joint Legislative Committee. What this is is an announcement. They just donated her house to the state in Cathlamet. The other little bit of trivia on this, our Assistant Secretary of the Senate used to, Brad Hendrickson, used to mow her lawn. Then he lost his job. He, turns out that, he tells me, that a drunk driver plowed through her yard and so Julia insisted that his sentence be two years of community service and that meant mowing that yard. So Brad lost his job. He'd done a good job. Anyway, they're having a fund raiser in Olympia, Washington and it will be on May 26 at noon. I urge everybody to think about coming because it goes for a good cause. Thank you."

MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:15 p.m. by Senator Fraser.

MOTION

On motion of Senator Rockefeller, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 31, 2005

SHB 1058 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising provisions relating to mental health treatment for minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

EHB 1068 Prime Sponsor, Quall: Eliminating mandatory norm-referenced student assessments. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Delvin, Mulliken and Schmidt

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1072 Prime Sponsor, Lovick: Including salts, isomers, and salts of isomers in controlled substances provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

HB 1081 Prime Sponsor, McDonald: Requiring prehire screening for law enforcement applicants. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1125 Prime Sponsor, Serben: Managing trusts and estates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1136 Prime Sponsor, O'Brien: Ordering a study of electronic monitoring systems. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1147 Prime Sponsor, Committee on Criminal Justice & Corrections: Protecting communities from sex offenders through the establishment of community protection zones. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 1150 Prime Sponsor, Committee on Judiciary: Changing provisions relating to dangerous dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Carrell, Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Johnson

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1153 Prime Sponsor, Committee on Local Government: Equalizing the costs of providing municipal services to newly annexed areas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Do not pass. Signed by Senators Berkey, Vice Chair; Benton, Fairley and Haugen

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1159 Prime Sponsor, Committee on Judiciary: Limiting liability for persons working with liquefied petroleum gas. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Do not pass. Signed by Senator Weinstein, Vice Chair

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1160 Prime Sponsor, Conway: Reducing workplace violence in state hospitals. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1161 Prime Sponsor, Buri: Adding entities entitled to notification about sex offenders and kidnapping offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1171 Prime Sponsor, Committee on Juvenile Justice & Family Law: Limiting the court's discretion concerning denial of dissolution decrees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Hargrove, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 1187 Prime Sponsor, Dickerson: Eliminating mandatory minimum sentences for youthful offenders tried as adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell and Stevens

MINORITY recommendation: Do not pass. Signed by Senator McAuliffe

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1206 Prime Sponsor, O'Brien: Repealing obsolete or superseded laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 1220 Prime Sponsor, Committee on Appropriations: Establishing a joint legislative and executive task force on long-term care financing and chronic care management. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1236 Prime Sponsor, Committee on Criminal Justice & Corrections: Changing duties for aiding injured persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1262 Prime Sponsor, Takko: Limiting compensation for part-time judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1279 Prime Sponsor, Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1280 Prime Sponsor, Committee on Children & Family Services: Extending the kinship care oversight committee and its duties. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1281 Prime Sponsor, Committee on Children & Family Services: Adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities when they rely upon the representation of a person claiming to be responsible for the care of the minor. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 1290 Prime Sponsor, Committee on Appropriations: Modifying community mental health services provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

March 30, 2005

HB 1294 Prime Sponsor, Williams: Revising standards for antiharassment protection order hearings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1296 Prime Sponsor, Lovick: Granting the municipal courts jurisdiction for antiharassment protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1304 Prime Sponsor, Committee on Judiciary: Revising provisions relating to animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Hargrove

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 1314 Prime Sponsor, Committee on Juvenile Justice & Family Law: Creating the domestic violence prevention account. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1337 Prime Sponsor, Committee on Criminal Justice & Corrections: Regulating storage of sex offender records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1338 Prime Sponsor, O'Brien: Adding kidnapping to the statewide registered sex offender web site. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1344 Prime Sponsor, Committee on Appropriations: Requiring information on fugitives to be posted on the internet. Revised for 1st Substitute: Requiring the department of corrections to post on its web site information on escapees. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1345 Prime Sponsor, Committee on Appropriations: Allowing state financial aid for part-time students. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Ways & Means.

March 30, 2005

SHB 1365 Prime Sponsor, Committee on Health Care: Concerning home and community services' case management responsibilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: MMR Signed by Senators Brandland, Deccio and Parlette

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1366 Prime Sponsor, Committee on Juvenile Justice & Family Law: Requiring video game retailers to inform consumers about video game rating systems. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 1402 Prime Sponsor, Committee on Criminal Justice & Corrections: Regulating supervision of offenders who travel or transfer to or from another state. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

March 31, 2005

SHB 1426 Prime Sponsor, Committee on Children & Family Services: Establishing an interagency plan for children of incarcerated parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

HB 1432 Prime Sponsor, Fromhold: Avoiding fragmentation in bargaining units for classified school employees. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1467 Prime Sponsor, Committee on Children & Family Services: Requiring mandatory reporting of abuse or neglect of a child when discovered by a person connected with specified nonprofit entities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1471 Prime Sponsor, Lovick: Changing provisions relating to authentication of documents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 1483 Prime Sponsor, Committee on Appropriations: Creating an "investing in youth program." Revised for 2nd Substitute: Establishing a reinvesting in youth program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 1494 Prime Sponsor, Committee on Health Care: Improving the delivery of health care services to school children. Revised for 1st Substitute: Requiring a work group to assess school nursing services in class I school districts. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Shin

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell, Mulliken, Pflug and Schmidt

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1495 Prime Sponsor, Committee on Education: Requiring that Washington's tribal history be taught in the common schools. Revised for 1st Substitute: Requiring that tribal history be taught in the common schools. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Schoesler

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 1516 Prime Sponsor, Committee on Appropriations: Increasing access to health services for children through the "kids get care" service delivery model. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Ways & Means.

March 31, 2005

SHB 1560 Prime Sponsor, Committee on Higher Education: Authorizing community colleges to deduct certain payments from tuition waivers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Mulliken, Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1591 Prime Sponsor, Committee on Health Care: Concerning assisted care facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 1633 Prime Sponsor, Committee on Education: Establishing procedural requirements for digital learning programs. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 1635 Prime Sponsor, Committee on Local Government: Authorizing local government funding of ambulance and emergency services. Revised for 1st Substitute: Modifying local emergency medical service funding provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, Mulliken and Pridemore

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1652 Prime Sponsor, Committee on Health Care: Authorizing fire protection districts to establish or participate in health clinic services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1661 Prime Sponsor, Committee on Juvenile Justice & Family Law: Specifying procedures for transfer of juvenile proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1668 Prime Sponsor, Lantz: Changing provisions relating to the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1681 Prime Sponsor, Committee on Criminal Justice & Corrections: Extending and adding a member to the joint task force on criminal background check processes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1687 Prime Sponsor, Committee on Judiciary: Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 1699 Prime Sponsor, Committee on Judiciary: Regulating agreements for the purchase and sale of real estate. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1717 Prime Sponsor, McDermott: Conforming legal notice broadcast requirements to current practice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1719 Prime Sponsor, Committee on State Government Operations & Accountability: Regarding school district bidding requirements. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Delvin, Eide, Kohl-Welles, Rockefeller, Schoesler and Shin

MINORITY recommendation: MMR Signed by Senators Benton, Carrell, Mulliken, Pflug and Schmidt

Passed to Committee on Rules for second reading.

March 30, 2005

HB 1769 Prime Sponsor, Sullivan, P.: Authorizing jury source lists to be divided by jury assignment area. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1837 Prime Sponsor, Rodne: Providing for child witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

EHB 1848 Prime Sponsor, Springer: Addressing construction defect disputes involving multiunit residential buildings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Without recommendation. Signed by Senator Weinstein, Vice Chair

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1872 Prime Sponsor, Ericks: Revising provisions relating to ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1893 Prime Sponsor, Committee on Education: Providing for certification of teachers of the deaf and hard of hearing. Revised for 1st Substitute: Providing for a certification endorsement for teachers of the deaf and hard of hearing. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 1934 Prime Sponsor, Committee on Criminal Justice & Corrections: Increasing penalties for assaulting a peace officer with a stun gun. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

HB 1966 Prime Sponsor, Ericks: Classifying identity theft as a crime against persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Esser, Johnson, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 1986 Prime Sponsor, Roberts: Requiring a review of tuition waivers. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 1998 Prime Sponsor, Sullivan, P.: Creating the apple award program. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Pflug, Rasmussen and Shin

Passed to Committee on Ways & Means.

March 31, 2005

E2SHB 2015 Prime Sponsor, Committee on Appropriations: Changing provisions relating to judicially supervised substance abuse treatment. Revised for 2nd Substitute: Revising the special drug offender sentencing alternative. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Esser and Johnson

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 2030 Prime Sponsor, Committee on Appropriations: Revising provisions relating to guardianship of dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Ways & Means.

March 31, 2005

HB 2058 Prime Sponsor, Quall: Regarding notice requirements for school employees convicted of sexual offenses. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2061 Prime Sponsor, Committee on Juvenile Justice & Family Law: Requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 31, 2005

HB 2064 Prime Sponsor, Roberts: Clarifying provisions relating to automatic transfer of jurisdiction from juvenile court. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

E2SHB 2069 Prime Sponsor, Committee on Appropriations: Expanding access to insurance coverage through the small business assist program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Johnson, Kastama, Kline, Parlette and Poulsen

MINORITY recommendation: MMR Signed by Senators Thibaudeau, Vice Chair and Franklin

Passed to Committee on Ways & Means.

March 31, 2005

SHB 2073 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising juvenile sentencing alternatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2085 Prime Sponsor, Committee on Transportation: Regarding the cleanup of waste tires. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton and Regala

MINORITY recommendation: Do not pass. Signed by Senator Mulliken

Passed to Committee on Ways & Means.

March 31, 2005

HB 2101 Prime Sponsor, Pearson: Changing provisions relating to registration of sex and kidnapping offenders who are students. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 2115 Prime Sponsor, Dickerson: Providing information to pregnant women about opiate treatment programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

ESHB 2126 Prime Sponsor, Committee on Judiciary: Providing accommodations to dependent persons who are victims and witnesses. Revised for 1st Substitute: Providing accommodations to dependent persons who are victims and witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2156 Prime Sponsor, Committee on Children & Family Services: Regarding dependency and termination of parental rights. Revised for 1st Substitute: Regarding dependency and termination of parental rights. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2169 Prime Sponsor, Committee on Children & Family Services: Authorizing specified counties to regulate day care. Revised for 1st Substitute: Creating a pilot project authorizing small counties to regulate day care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Thibaudeau

Passed to Committee on Rules for second reading.

March 30, 2005

SHB 2173 Prime Sponsor, Committee on Judiciary: Adopting the service members' civil relief act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

HB 2189 Prime Sponsor, Kagi: Establishing a work group to address safety of child protective services and child welfare services staff. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

ESHB 2194 Prime Sponsor, Committee on Local Government: Changing public participation requirements of the growth management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Fairley, Haugen, Kline, Pridemore and Roach

MINORITY recommendation: MMR Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

March 31, 2005

2SHB 2212 Prime Sponsor, Committee on Appropriations: Relating to educator certification. Revised for 2nd Substitute: Revising educator certification provisions. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2215 Prime Sponsor, Committee on Criminal Justice & Corrections: Changing provisions relating to background checks. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 2219 Prime Sponsor, Hunt: Expanding eligibility for urban industrial land banks. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin and Pridemore

MINORITY recommendation: MMR Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

March 31, 2005

SHB 2223 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting charging clerk's fees to law enforcement agencies for records concerning sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

March 31, 2005

EHB 2254 Prime Sponsor, Cody: Clarifying protections provided to quality improvement activities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 2266 Prime Sponsor, Committee on Health Care: Concerning access to certain precursor drugs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Esser and Johnson

Passed to Committee on Rules for second reading.

March 31, 2005

SHJR 4205 Prime Sponsor, Committee on Education: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell, Delvin, Mulliken and Schoesler

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 30, 2005

SGA 9009 SALVADOR BELTRAN, JR., appointed December 4, 2003, for the term ending September 30, 2006, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9013 MICHAEL BLAKELY, appointed January 6, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Big Bend Community College District No. 18. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9023 BEN CABILDO, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 29, 2005

SGA 9024 PAUL R. CALDERON, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9037 R. GARY CULBERT, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9083 EDWARD JAMES, JR., appointed February 4, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Renton Technical College District No. 27. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9095 JOE KING, reappointed August 8, 2000, for the term ending September 30, 2006, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

March 29, 2005

SGA 9105 DAVID E. LAMB, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 29, 2005

SGA 9121 MIKE D. MARAVE, reappointed February 10, 2005, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9126 ENRIQUETA MAYUGA, M.D., appointed June 28, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9150 BERTHA ORTEGA, appointed October 14, 2002, for the term ending September 30, 2007, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 29, 2005

SGA 9154 JOHN PERRYMAN, reappointed October 8, 2002, for the term ending October 1, 2006, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 29, 2005

SGA 9175 PAUL ROLLINS, JR., appointed March 23, 2004, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9182 IRA SENGUPTA, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Renton Technical College District No. 27. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9204 JOSIE VILLA, appointed November 1, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9219 ALEX BOLTON, appointed July 29, 2004, for the term ending May 31, 2005, as Member, Board of Regents, University of Washington. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9220 BRADY HORENSTEIN, appointed July 21, 2004, for the term ending May 31, 2005, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9224 MAYA TOMLIN, appointed July 21, 2004, for the term ending May 31, 2005, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9225 DYAMI ALLEN, appointed March 10, 2005, for the term ending May 30, 2005, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9246 MICHAEL GRUNWALD, reappointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9259 PAUL MCDONALD, reappointed December 28, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9260 HELEN MCGOVERN, appointed February 14, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9264 MAURI MOORE, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 31, 2005

SGA 9276 MARY SELECKY, appointed February 8, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Health. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9283 PATRICIA WHITEFOOT, reappointed August 11, 2004, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9285 MICHAEL WORTHY, reappointed August 12, 2004, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9289 MICHAEL MARTINO, appointed November 1, 2004, for the term ending September 30, 2006, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Delvin, Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 30, 2005

SGA 9291 ROY WILKINSON, appointed October 15, 2004, for the term ending September 30, 2008, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Mulliken, Pflug, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 1, 2005

SGA 9309 KAREN SEINFELD, appointed March 10, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Berkey, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Rockefeller, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 1220 and Engrossed Second Substitute House Bill No. 1290 which were referred to the Committee on Rules, and Engrossed Substitute House Bill No. 1314, House Bill No. 1966 and Engrossed Substitute House Bill No. 2266 which were referred to the Committee on Ways & Means..

MOTION

At 5:17 p.m., on motion of Senator Rockefeller, the Senate adjourned until 10:00 a.m. Monday, April 4, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, APRIL 1, 2005

2005 REGULAR SESSION

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 4, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Haugen, Honeyford, Jacobsen, McCaslin, Morton, Mulliken, Swecker and Weinstein.

The Sergeant at Arms Color Guard consisting of Pages Tristan Heitt and Jonathan Pridemore, presented the Colors. Roy Wilson, traditional spiritual leader of the Cowlitz Indian Tribe offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 1, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE BILL NO. 2255,

and the same is herewith transmitted.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8023 by Senators Kline, Jacobsen and Prentice

Requesting an audit of the performance of the International Commission on Holocaust-Era Insurance Claims.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

The President recognized members of the Cowlitz Indian Tribe who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Prentice: "Thank you, Mr. President. As you just acknowledged we have as guests today, many members of the Cowlitz Tribe. Today we're having in the AB&C over in Cherberg and everyone and the staff is invited to a salmon lunch they are hosting for us. They're also going to tell us something about their unique history. They are a newly acknowledged tribe. Now, mind you, that does not mean 'designated.' They held out very stubbornly for a special designation which states they've been there since timely memorial and there a whole lot of bits of information that I think are so a tribute to their cohesiveness as a group that is really quite impressive. So please everyone come and thank you all for being here. This has been a wonderful occasion. It will more wonderful yet. Thanks."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin, moved that Gubernatorial Appointment No. 9132, Jack C. McRae, as a member of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senators Shin and Schmidt spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senators Fraser, Haugen, Thibaudeau and Weinstein were excused.

On motion of Senator Esser, Senators Hewitt, Honeyford, McCaslin, Mulliken and Swecker were excused.

APPOINTMENT OF JACK C. MCRAE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9132, Jack C. McRae as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9132, Jack C. McRae as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Zarelli - 41

Absent: Senators Jacobsen and Morton - 2

Excused: Senators Haugen, Honeyford, McCaslin, Mulliken, Swecker and Weinstein - 6

Gubernatorial Appointment No. 9132, Jack C. McRae, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9114, Debra Lisser, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senator Morton was excused.

On motion of Senator Eide, Senator Jacobsen was excused.

APPOINTMENT OF DEBRA LISSER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9114, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9114, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens and Zarelli - 40

Excused: Senators Haugen, Honeyford, Jacobsen, McCaslin, Morton, Mulliken, Swecker, Thibaudeau and Weinstein - 8

Absent: Senator Thibaudeau - 1

Gubernatorial Appointment No. 9114, Debra Lisser, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9133, Gloria Mitchell, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTIONS

On motion of Senator Hewitt, Senator Carrell was excused.

On motion of Senator Regala, Senators Jacobsen and Thibaudeau were excused.

APPOINTMENT OF GLORIA MITCHELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9133, Gloria Mitchell as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9133, Gloria Mitchell as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens and Zarelli - 40

Excused: Senators Haugen, Honeyford, Jacobsen, McCaslin, Morton, Mulliken, Swecker, Thibaudeau and Weinstein - 9

Gubernatorial Appointment No. 9133, Gloria Mitchell, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

SECOND READING

HOUSE BILL NO. 1303, by Representatives Appleton, Woods and B. Sullivan

Concerning metropolitan park districts.

The measure was read the second time.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Rockefeller be adopted.

On page 4, line 6, after "after" strike "July" and insert "May"

Senators Oke and Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Rockefeller on page 4, line 6 to House Bill No. 1303.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1303, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1303, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1303, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel and Stevens - 39

Excused: Senators Haugen, Honeyford, Jacobsen, McCaslin, Morton, Mulliken, Swecker, Thibaudeau, Weinstein and Zarelli - 10

HOUSE BILL NO. 1303 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1321, by Representatives Fromhold, Conway, Crouse, Simpson, Morrell, Upthegrove, Linville, Kenney and McDermott

Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1321.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1321 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel and Stevens - 41

Excused: Senators Haugen, Jacobsen, McCaslin, Mulliken, Swecker, Thibaudeau, Weinstein and Zarelli - 8

HOUSE BILL NO. 1321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1569, by House Committee on Health Care (originally sponsored by Representatives Morrell, Clibborn, Skinner, Schual-Berke, Green, Moeller, Cody, Curtis, Condotta, Chase, O'Brien and Kenney)

Regarding quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1569 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 41

Absent: Senator Finkbeiner - 1

Excused: Senators Haugen, Jacobsen, McCaslin, Mulliken, Swecker, Thibaudeau and Zarelli - 7

SUBSTITUTE HOUSE BILL NO. 1569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1838, by Representatives Linville, Grant and Hinkle

Increasing the threshold for short board appeals before the shorelines and pollution control hearings boards.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 1838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1838.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1838 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 41

Absent: Senator Deccio - 1

Excused: Senators Fairley, Haugen, Jacobsen, McCaslin, Mulliken, Swecker and Thibaudeau - 7

HOUSE BILL NO. 1838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1086, by Representatives Linville, Kristiansen and Pettigrew

Regulating commercial feed.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1086.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1086 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 41

Excused: Senators Deccio, Fairley, Haugen, Jacobsen, McCaslin, Mulliken, Swecker and Thibaudeau - 8

HOUSE BILL NO. 1086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1323, by Representatives Conway, Fromhold, Crouse, Simpson, Linville and Chase

Changing the membership of the executive committee of the select committee on pension policy.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1323 was advanced to third reading, the second reading considered the third and the was placed on final passage.

Senators Prentice and Hewitt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1323.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1323 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 42

Excused: Senators Deccio, Haugen, McAuliffe, McCaslin, Mulliken, Swecker and Thibaudeau - 7

HOUSE BILL NO. 1323, having received the constitutional majority, was declared passed. There being no objection, the title of the was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1312, by Representatives Wood, Condotta and Linville

Modifying the boilers and unfired pressure vessel law.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1312.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1312 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Haugen, McCaslin and Thibaudeau - 3

HOUSE BILL NO. 1312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1075, by House Committee on Health Care (originally sponsored by Representatives Kenney, Morrell, Campbell, Cody, Santos, Skinner, Green, Bailey, Schual-Berke and Chase)

Modifying the composition of the nursing care quality assurance commission.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Haugen, McCaslin and Thibaudeau - 3

SUBSTITUTE HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1214, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake and Upthegrove)

Defining "deliver" and "delivery" for food fish and shellfish. Revised for 1st Substitute: Concerning food fish and shellfish commercial license requirements.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Thibaudeau - 2

SUBSTITUTE HOUSE BILL NO. 1214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1090, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Jarrett, Sommers, Bailey, Morris, Strow, Nixon, Kenney, Hasegawa, Lantz, Flannigan, Santos, Murray, Wood, Upthegrove, Dickerson, B. Sullivan, Schual-Berke, Cody, Pettigrew, Conway, Simpson, Woods, McIntire, Kagi, Chase, Tom, Morrell and Kilmer)

Using pictograms in transportation signs.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1090.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1090 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 46

Absent: Senator Zarelli - 1

Excused: Senators McCaslin and Thibaudeau - 2

SUBSTITUTE HOUSE BILL NO. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1938, by House Committee on Appropriations (originally sponsored by Representatives Hinkle, Darneille, Morrell, Ericks and O'Brien)

Addressing the employment and retirement rights of members of the armed forces called to active duty.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.005 and 2002 c 292 s 1 and 2002 c 27 s 1 are each reenacted and amended to read as follows:

(1) As used in RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, and 28B.15.380 "veteran" includes every person, who at the time he or she seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, or 28B.15.380 has received an honorable discharge, is actively serving honorably, or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

(a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:

(i) A member in any branch of the armed forces of the United States;

(ii) A member of the women's air forces service pilots;

(iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or

(iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:

(i) In any branch of the armed forces of the United States; or

(ii) As a member of the women's air forces service pilots.

(2) A "period of war" includes:

(a) World War I;

(b) World War II;

(c) The Korean conflict;

(d) The Vietnam era(~~([, which]),~~ which), which means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;

(ii) The period beginning August 5, 1964, and ending on May 7, 1975;

(e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and

(g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold

Democracy; ~~(and)~~ Bosnia, Operation Joint Endeavor; Operation Noble Eagle; Operation Enduring Freedom; and Operation Iraqi Freedom.

Sec. 2. RCW 41.40.170 and 2002 c 27 s 2 are each amended to read as follows:

(1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he or she has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he or she has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his or her control, he or she shall, upon resumption of service within ten years have such service credited to him or her.

(3) In any event, after completing twenty-five years of creditable service, any member may have service in the armed forces credited to him or her as a member whether or not he or she left the employ of an employer to enter the armed service: PROVIDED, That in no instance, described in this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following the first resumption of employment or complete twenty-five years of creditable service: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005.

(4)(a) A member, after completing twenty-five years of creditable service, who would have otherwise become eligible for a retirement benefit as defined under this chapter while serving honorably in the armed forces as referenced in RCW 41.04.005, shall, upon application to the department, be eligible to receive credit for this service without returning to covered employment.

(b) Service credit granted under (a) of this subsection applies only to veterans as defined in RCW 41.40.005.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1938.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "duty;" strike the remainder of the title and insert "amending RCW 41.40.170; reenacting and amending RCW 41.04.005; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1938 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1938 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1938, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Thibaudeau - 2

SUBSTITUTE HOUSE BILL NO. 1938, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1461, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville, Buri and Pettigrew)

Changing conservation assistance revolving account provisions.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1461 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senator Roach - 1

Excused: Senators McCaslin and Thibaudeau - 2

SUBSTITUTE HOUSE BILL NO. 1461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

HOUSE BILL NO. 2088, by Representatives Lantz, Haigh and Simpson

Adding a ninth member to the state fire protection policy board.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Mulliken spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2088.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2088 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

HOUSE BILL NO. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2255 by Representatives Conway, Simpson and Wood

AN ACT Relating to making adjustments to improve benefit equity in the unemployment insurance system; amending RCW 50.01.010, 50.20.120, 50.29.021, 50.29.025, and 50.16.030; adding a new section to chapter 50.29 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION

8670

By Senators Fraser, Weinstein, Johnson, Prentice, Kline, Benton, Carrell, Roach, Regala, Esser, Zarelli and Pridemore

WHEREAS, Softball was invented in 1895 by Minneapolis Fire Captain Louis Rober to help the members of his fire station stay fit; and

WHEREAS, The sport was originally played with a 16-inch ball and named "Kittenball"; and

WHEREAS, Senior softball began in the 1930s at a retirement community in Saint Petersburg, Florida, as a way to keep residents healthy and active; and

WHEREAS, There are more than 1.5 million active senior softball players today; and

WHEREAS, Softball is one of the few sports in the United States where men and women have achieved near parity in numbers; and

WHEREAS, Senior Softball-USA (SSUSA) is the world's largest organization of senior softball players - boasting 25,000 members - and it strives to provide every senior in the United States who wants to play softball with that opportunity; and

WHEREAS, The SSUSA divisions are split into five-year increments from ages 50 to 80 for men and ages 45 to 80 for women; and

WHEREAS, The "Northwest 75" team is composed of three players from Oregon, three from Vancouver, Washington, and nine players from Olympia to Bothell; all players are older than 75; and

WHEREAS, In September of 2004, the SSUSA held their World championships in Las Vegas, Nevada, where the Northwest 75 turned a triple play; and

WHEREAS, The Northwest 75 won the Triple Grand Slam, the highest honor, meaning they swept the Western National, National, and World championships; and

WHEREAS, The Northwest 75 is distinguished as one of only 12 teams to ever win the Triple Grand Slam;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Northwest 75 softball team for its high achievement and triumph in senior softball and for exemplifying that exercise promotes happy, full lives that can span a lifetime; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Northwest 75 softball team.

Senators Fraser, Johnson and Regala spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8670.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Hewitt: "I'd like to know which one's seventy-five."

MOTION

At 11:43 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:33 p.m. by Senator Fraser.

MOTION

There being no objection, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 4, 2005

SB 5615 Prime Sponsor, Franklin: Receiving a disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5615 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 29, 2005

SB 6092 Prime Sponsor, Poulsen: Responding to the statewide drought emergency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2005

SB 6093 Prime Sponsor, Fraser: Issuing general obligation bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Regala, Roach, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Pflug and Schoesler

Passed to Committee on Rules for second reading.

April 4, 2005

SB 6095 Prime Sponsor, Prentice: Recovering debts owed to the state for medical assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Pflug, Roach and Schoesler

Passed to Committee on Rules for second reading.

April 4, 2005

SB 6097 Prime Sponsor, Prentice: Regarding other tobacco products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SB 6099 Prime Sponsor, Prentice: Modifying water right fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SB 6101 Prime Sponsor, Prentice: Modifying public pension provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1012 Prime Sponsor, Committee on Technology, Energy & Communications: Regulating computer spyware. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Kohl-Welles, Pflug, Pridemore, Rasmussen, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1064 Prime Sponsor, Committee on State Government Operations & Accountability: Improving government performance and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1106 Prime Sponsor, Haigh: Modifying fire protection district property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

E2SHB 1152 Prime Sponsor, Committee on Appropriations: Creating a Washington early learning council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

HB 1211 Prime Sponsor, Blake: Concerning a multiple season big game permit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1219 Prime Sponsor, Committee on Health Care: Authorizing a prescription drug purchasing consortium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Parlette, Pflug, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1242 Prime Sponsor, Committee on Appropriations: Focusing the state budgeting process on outcomes and priorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

EHB 1268 Prime Sponsor, Schual-Berke: Regulating stem cell research. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1270 Prime Sponsor, Curtis: Suspending a retirement allowance upon reemployment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1313 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Revised for 1st Substitute: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1314 Prime Sponsor, Committee on Juvenile Justice & Family Law: Creating the domestic violence prevention account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Roach and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Pflug, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1345 Prime Sponsor, Committee on Appropriations: Allowing state financial aid for part-time students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1379 Prime Sponsor, Committee on Appropriations: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1402 Prime Sponsor, Committee on Criminal Justice & Corrections: Regulating supervision of offenders who travel or transfer to or from another state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

HB 1407 Prime Sponsor, Grant: Providing an expiration date for the tax deduction for certain businesses impacted by the ban on American beef products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1408 Prime Sponsor, Committee on Appropriations: Creating an individual development account program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on International Trade & Economic Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette and Pflug

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1428 Prime Sponsor, Condotta: Authorizing the economic development finance authority to continue issuing bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1429 Prime Sponsor, Dickerson: Authorizing personal rapid transit and magnetic levitation transit systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1541 Prime Sponsor, Committee on Transportation: Enacting the Transportation Innovative Partnerships Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Benson

Passed to Committee on Rules for second reading.

April 4, 2005

2SHB 1542 Prime Sponsor, Committee on Appropriations: Providing indigent defense services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

2SHB 1565 Prime Sponsor, Committee on Transportation: Addressing transportation concurrency strategies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Mulliken

Passed to Committee on Rules for second reading.

April 4, 2005

E2SHB 1605 Prime Sponsor, Committee on Appropriations: Protecting children from area-wide soil contamination. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Environment. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Parlette, Pflug, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

ESHB 1640 Prime Sponsor, Committee on Housing: Providing a dispute mechanism for manufactured/mobile home landlord and tenant disputes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions, Housing & Consumer Protection. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

April 4, 2005

E2SHB 1688 Prime Sponsor, Committee on Appropriations: Creating a task force to review the certificate of need program and the health care facilities bonding program. Revised for 2nd Substitute: Creating a task force to review health care facilities and services supply issues. (REVISED FOR ENGROSSED: Studying and preparing recommendations to improve and update the certificate of need program.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1696 Prime Sponsor, Committee on Natural Resources, Ecology & Parks: Increasing penalties for the violation of certain fish and wildlife provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1739 Prime Sponsor, Ericksen: Modifying snowmobile registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Mulliken, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1747 Prime Sponsor, Committee on Judiciary: Administering the state-funded civil representation of indigent persons. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

E2SHB 1794 Prime Sponsor, Committee on Appropriations: Expanding access to baccalaureate degree programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Hewitt, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: MMR Signed by Senators Fairley, Parlette and Schoesler

Passed to Committee on Rules for second reading.

April 1, 2005

EHB 1848 Prime Sponsor, Springer: Addressing construction defect disputes involving multiunit residential buildings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Carrell, Esser, Hargrove, Johnson, McCaslin and Rasmussen

MINORITY recommendation: Without recommendation. Signed by Senator Weinstein, Vice Chair

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1865 Prime Sponsor, Committee on Transportation: Modifying sales and use taxation related to the state route 16 corridor improvements project. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pflug, Pridemore, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette and Schoesler

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1887 Prime Sponsor, Committee on Finance: Modifying exemptions to the litter tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 1903 Prime Sponsor, Committee on Capital Budget: Creating a job development fund. Revised for 1st Substitute: Providing funds to stimulate community and economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: MMR Signed by Senators Pflug, Roach and Schoesler

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 1936 Prime Sponsor, Committee on Appropriations: Allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

HB 1966 Prime Sponsor, Ericks: Classifying identity theft as a crime against persons. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

2SHB 1970 Prime Sponsor, Committee on Appropriations: Improving government management, accountability, and performance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Government Operations & Elections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1987 Prime Sponsor, Committee on Education: Regarding alternative assessments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning, K-12 & Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 1, 2005

SHB 1995 Prime Sponsor, Committee on Capital Budget: Concerning historic public facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

EHB 1998 Prime Sponsor, Sullivan, P.: Creating the apple award program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

2SHB 2030 Prime Sponsor, Committee on Appropriations: Revising provisions relating to guardianship of dependent children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 2060 Prime Sponsor, Committee on Health Care: Expanding participation in state purchased health care programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 2085 Prime Sponsor, Committee on Transportation: Regarding the cleanup of waste tires. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Environment. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

April 4, 2005

SHB 2124 Prime Sponsor, Committee on Transportation: Increasing state participation in public transportation service and planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Spanel, Swecker and Weinstein

MINORITY recommendation: MMR Signed by Senators Benson, Esser and Mulliken

Passed to Committee on Rules for second reading.

April 4, 2005

E2SHB 2163 Prime Sponsor, Committee on Appropriations: Establishing a homeless housing program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions, Housing & Consumer Protection. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

EHB 2257 Prime Sponsor, Williams: Requiring state contracts to be in the state's best interests. Revised for 2nd Substitute: Regulating state contracts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

ESHB 2266 Prime Sponsor, Committee on Health Care: Concerning access to certain precursor drugs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

April 1, 2005

EHB 2270 Prime Sponsor, McIntire: Exempting payment for certain services provided by public development authorities from business and occupation taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 4, 2005

SHJR 4205 Prime Sponsor, Committee on Education: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL INTRODUCTION & FIRST READING

SB 6103 by Senators Haugen and Swecker

Providing funding and funding options for transportation projects.

Referred to Committee on Transportation.

SB 6104 by Senators Haugen and Swecker; by request of Department of Transportation

Expediting new vessel construction for Washington State Ferries.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Second Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:35 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, April 5, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 4, 2005

2005 REGULAR SESSION

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 5, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Doumit, Finkbeiner, Haugen, Oke, Pflug, Rasmussen, Rockefeller and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Ashli Marie Grant and Jacob Thorpe, presented the Colors. Pastor Dave Minton of the Capital Christian Center offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

April 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University Athletic Department Report on Financial Statements Audit.
If you have any questions about the report, please call 360-902-0379.

Sincerely,
Brian Sonntag, State Auditor

The Central Washington University Athletic Department Report on Financial Statements Audit is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Eastern Washington State Historical Society, Report of Financial Statements Audit.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntage, State Auditor

The Eastern Washington State Historical Society, Report of Financial Statements Audit is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Renton Technical College Accountability Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Renton Technical College Accountability Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2005

The Speaker has signed:

SENATE BILL NO. 5148,
SENATE BILL NO. 5356,
SENATE BILL NO. 5433,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5509,
SENATE JOINT MEMORIAL NO. 8000,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8018,
SENATE JOINT RESOLUTION NO. 8207,

and the same are herewith transmitted.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2188, by Representatives Lantz, Kessler, Sells, Tom, McDermott, Conway, Kenney and Santos

Funding the conservation of the state art collection.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2188.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2188 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 7; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Doumit, Finkbeiner, Haugen, Oke, Rasmussen, Rockefeller and Sheldon - 7

Excused: Senator Pflug - 1

HOUSE BILL NO. 2188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senators Finkbeiner and Oke were excused.

On motion of Senator Regala, Senator Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1536, by House Committee on Health Care (originally sponsored by Representatives Moeller, Hinkle, Cody, Morrell, Skinner, Campbell, Clibborn, Schual-Berke and Kenney)

Providing the secretary of health with authority to administer grants.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Doumit, Haugen, Rasmussen and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1536.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1536 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Finkbeiner, Pflug and Sheldon - 3

SUBSTITUTE HOUSE BILL NO. 1536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:18 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 10:51 a.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1007, by Representatives Hunt, Alexander, Sommers, Kenney and Chase

Establishing a commemorative works account for the department of general administration.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1007.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1007 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Parlette - 1

HOUSE BILL NO. 1007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Rules Committee House Bill No. 1515 and referring the bill to the Committee on Judiciary.

Senator Esser spoke in favor of the motion.
Senator Brown spoke against the motion.

The President declared the question to be the motion by Senator Esser to advance to the ninth order of business for the purpose of relieving the Rules Committee on House Bill No. 1515 and referring the bill to the Committee on Judiciary.

Senator Brown demanded a roll call.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to advance to the ninth order of business for the purpose of relieving the Rules Committee of House Bill No. 1515 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 25.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 24.

The Senate advanced to the ninth order of business.

MOTION

Senator Esser moved that the Rules Committee be relieved of House Bill No. 1515 and the bill be referred to the Committee on Judiciary.

The President declared the question to be the motion by Senator Esser to relieve the Rules Committee of House Bill No. 1515 and refer the bill to the Committee on Judiciary.

Senator Sheldon demanded a division.

The motion by Senator Esser carried and the Rules Committee was relieved of House Bill No. 1515 and the bill was referred to the Committee on Judiciary by a rising vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1394, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Condotta and Kenney)

Creating the business and professions account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1394.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1394 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Carrell - 1

SUBSTITUTE HOUSE BILL NO. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1269, by Representatives Conway, Curtis, Simpson, Hinkle, Upthegrove, Moeller, Morrell, Green, O'Brien, P. Sullivan, Kenney, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Wallace, Serben and Strow

Permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1269.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1269 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Carrell and Deccio - 2

HOUSE BILL NO. 1269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1008, by Representatives Sommers, Alexander, Hunt, Wallace and Chase

Managing the motor pool within the department of general administration.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.565 and 1998 c 111 s 3 are each amended to read as follows:

The department of general administration shall establish a motor vehicle transportation service which is hereby empowered to:

(1) Provide suitable motor vehicle transportation services to any state agency on either a temporary or permanent basis upon requisition from a state agency and upon such demonstration of need as the department may require;

(2) Provide motor pools for the use of state agencies located in the Olympia (~~and Seattle~~) area(s) and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department;

(3) Establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to cover replacement of vehicles after one hundred twenty thousand miles of use, working capital reserves, and to recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, interest and other financing expenses, overhead, and nonrecoverable collision or other damage to vehicles(~~— Additions to capital such as the purchase of additional vehicles shall be budgeted and purchased from funds appropriated for such purposes under such procedures as may be provided by law; and~~);

(4) Adopt a vehicle retention policy that retains vehicles until at least one hundred twenty thousand miles of use. The vehicle retention policy shall specify the extent of damage to a vehicle that would require disposal prior to one hundred twenty thousand miles of use. Disposal of vehicles without significant damage prior to one hundred twenty thousand miles of use shall occur only after the department can demonstrate in a report to the appropriate committees of the legislature that earlier disposal of vehicles will reduce routine maintenance and repair costs and/or increase resale price sufficient to reduce the rates charged to state agencies. The reduced rates cited in this report shall be used in subsequent budget requests for the department; and

(5) Establish guidelines, procedures, and standards for fleet operations that other state agencies and institutions of higher education may adopt. The guidelines, procedures, and standards shall be consistent with and carry out the objectives of any general policies adopted by the office of financial management under RCW 43.41.130.

Sec. 2. RCW 43.19.615 and 1998 c 105 s 13 are each amended to read as follows:

The director of general administration shall deposit in the general administration services account all receipts, including the initial transfer of automobile pool capital from the highway equipment fund and any other funds transferred, rentals or other fees and charges for transportation services furnished, proceeds from the sale of surplus or replaced property under the control of the supervisor of motor transport and other income, and from which shall be paid operating costs, including salaries and wages, administrative expense, overhead, the cost of replacement vehicles, additional passenger vehicles (~~authorized pursuant to RCW 43.19.565~~), and any other expenses. (~~If it is necessary at any time for the department to request any appropriation from the general fund or various dedicated, revolving, or trust funds to purchase additional vehicles, any appropriation therefor may provide that such advance shall be repaid together with reasonable interest from surpluses of the general administration services account.~~)

NEW SECTION. **Sec. 3.** RCW 43.19.605 (Motor vehicle transportation service--Reimbursement for property transferred--Credits--Accounting-- Disputes) and 1998 c 105 s 11, 1989 c 57 s 6, & 1975 1st ex.s. c 167 s 11 are each repealed."

Senators Prentice and Parlette spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1008.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 43.19.565 and 43.19.615; and repealing RCW 43.19.605."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1008 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of House Bill No. 1008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1008, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Benson, Carrell and Deccio - 3

HOUSE BILL NO. 1008, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1462, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville, Buri, Pettigrew and Chase)

Funding conservation districts.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Prentice was excused.

On motion of Senator Mulliken, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1462.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1462 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Parlette - 1

SUBSTITUTE HOUSE BILL NO. 1462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8669

By Senators Spanel, Haugen and Stevens

WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and
WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the No. 1 producer of tulip bulbs in North America; and
WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and
WHEREAS, This year's 22nd annual festival will run from April 1 through 30, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and
WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and
WHEREAS, This year's Tulip Festival ambassadors, Hailey Wright and Cody Patrick, will ably and personally perform their responsibilities as representatives of this festival; and
WHEREAS, Highlights of the event include the Kiwanis Club's 17th Annual Salmon Barbeque, the 25th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, and much more;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and
BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.
Senators Spanel, Haugen, Stevens and McCaslin spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8669.
The motion by Senator Spanel carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved that the Senate recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1246, by Representatives Dunshee, Pearson, Lovick, Kristiansen, Morrell, P. Sullivan, Murray, Wallace, Chase and Ormsby

Requiring vehicle sound system components to be securely attached.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed House Bill No. 1246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Haugen, Schmidt and McCaslin spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1246.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1246 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon and Stevens - 18

Absent: Senator Zarelli - 1

ENGROSSED HOUSE BILL NO. 1246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Morton: "Thank you Madame President. I find on my desk when I returned from lunch a document without any identification as to its source. My inquiry is if this is appropriate with the rules of the Senate? It's my understanding that we needed to have some type of identification as to the source of material on our desk. Thank you."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Franklin: "Thanks for the question Senator Morton. That is the rule. If it's official, it should have a signature of some type there of identity."

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

SECOND READING

HOUSE BILL NO. 1319, by Representatives Conway, Fromhold, Crouse, Simpson, Upthegrove and Campbell

Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1319.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1319 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1048, by Representatives Linville, Jarrett, McIntire, Ericksen, Rodne and Clibborn

Modifying the date for submitting local government property tax estimates to counties.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1048.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1048 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1325, by Representatives Conway, Fromhold, Crouse, Simpson, Morrell, Moeller, Sells, Chase and Campbell

Authorizing interruptive military service credit.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Hewitt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1325.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1325 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1327, by Representatives Alexander, Conway, Crouse, Simpson, Linville and Chase

Permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Fairley and Spanel were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1327.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1327 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Fairley and Spanel - 3

HOUSE BILL NO. 1327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1759, by Representatives Appleton, Bailey, Tom, Chase, Takko, McCoy, Skinner, Sells, Darneille, Schual-Berke, Hasegawa, Green, O'Brien, Strow, Eickmeyer, Morris, Moeller, Linville, Cody, Rodne, Morrell, Hudgins, Quall, Williams, Dunn, Campbell and Santos

Designating the orca as the state official marine mammal.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Roach, Sheldon, Haugen and Hargrove spoke in favor of passage of the bill.
The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1759.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1759 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau and Zarelli - 46

Voting nay: Senator Weinstein - 1

Excused: Senators Brown and Spanel - 2

HOUSE BILL NO. 1759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1328, by Representatives Conway, Crouse, Simpson and Chase

Establishing the composition and jurisdiction of city and county disability boards.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1328.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1328 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senator Brown and Spanel - 2

HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1329, by Representatives Conway, Crouse, Simpson and Chase

Choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1329.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1329 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

HOUSE BILL NO. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1502, by House Committee on Finance (originally sponsored by Representatives Takko and DeBolt)

Modifying tax abatement provisions.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1502.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1502 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 1502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1330, by Representatives Conway, Fromhold, Crouse and Chase

Making technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 15 after line 12 insert the following:

"Sec. 14. RCW 41.50.088 and 2000 c 247 s 602 are each amended to read as follows:

(1) The board shall adopt rules as necessary and exercise the following powers and duties:

(a) The board shall recommend to the state investment board types of options for member self-directed investment in the teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 as deemed by the board to be reflective of the members' preferences;

(b) By July 1, 2005, subject to favorable tax determination by the Internal Revenue Service, the board shall make optional actuarially equivalent life annuity benefit payment schedules available to members and survivors that may be purchased from the combined plan 2 and plan 3 funds under RCW 41.50.075; and

(c) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses;

(2) The board shall recommend to the state investment board types of options for participant self-directed investment in the state deferred compensation plan, as deemed by the board to be reflective of the participants' preferences."

Senator Prentice spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 1330.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, on line 6 of the title, after "41.40.197, ", insert "41.50.088, ".

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1330, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1330, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

HOUSE BILL NO. 1330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6003, by Senator Jacobsen

Modifying the commute trip reduction tax credit.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.70.010 and 2003 c 364 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 70.94.996 unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

(7) "Applicant" means a person applying for a tax credit under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.70 RCW to read as follows:

(1) Application for tax credits under this chapter must be received by the department between the first day of January and the 31st day of January, following the calendar year in which the applicant made payments to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the number of employees for which incentives are paid during the calendar year, the amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, the amount of credit deferred under RCW 82.70.040(2)(b)(i) to be used, and other information required by the department. For applications due by January 31, 2006, the application shall not include amounts paid from January 1, 2005, through June 30, 2005, to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(2) The department shall rule on the application within sixty days of the deadline provided in subsection (1) of this section.

(3) The department shall disapprove any application not received by the deadline provided in subsection (1) of this section regardless of the reason that the application was received after the deadline.

(4) After an application is approved and tax credit granted, no increase in the credit shall be allowed.

Sec. 3. RCW 82.70.020 and 2003 c 364 s 2 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per fiscal year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 4. RCW 82.70.030 and 2003 c 364 s 3 are each amended to read as follows:

~~((1) Application for tax credit under RCW 82.70.020 may only be made in the form and manner prescribed in rules adopted by the department.~~

~~(2) The credit under this section must be taken or deferred under RCW 82.70.040 against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.~~

~~(3)) Any person who knowingly makes a false statement of a material fact in the application required under section 2 of this act for a credit under RCW 82.70.020 is guilty of a gross misdemeanor.~~

Sec. 5. RCW 82.70.040 and 2003 c 364 s 4 are each amended to read as follows:

(1)(a) The department shall keep a running total of all credits ~~((accrued))~~ allowed under RCW 82.70.020 during each fiscal year. ~~((No person is eligible for tax credits under RCW 82.70.020 if the credits would cause the tabulation for the total amount of credits taken in any fiscal year))~~ The department shall not allow any credits that would cause the total amount allowed to exceed two million ((two)) seven hundred fifty thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section but does not include any credits carried forward under subsection (2)(b)(ii) of this section from prior years.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department shall ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If an application for credit under section 2 of this act includes credit deferred under subsection (2)(b)(i) of this section, in addition to credit requested for incentives paid in the previous calendar year, the reduction under this subsection (1)(b) is applied first to credit for incentives paid in the previous calendar year and then, if necessary, to any deferred credit.

(2)(a) No person is eligible for tax credits under RCW 82.70.020 in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b)(i) Until July 1, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. No credits deferred under this subsection (2)(b)(i) may be used after June 30, 2008. A person deferring tax credits under this subsection (2)(b)(i) must submit an application as provided in section 2 of this act in the year in which the tax credits will be ~~((applied))~~ used. This application is subject to ~~((eligibility under))~~ the provisions of subsection (1) of this section for the ~~((fiscal))~~ year in which the tax credits will be applied. If a deferred credit is reduced under subsection (1)(b) of this section, the amount of deferred credit disallowed because of the reduction may be carried forward as long as the period of deferral does not exceed three years after the year in which the credit was earned.

(ii) For credits approved by the department after the effective date of this act, the credit may be carried over until used.

(3) No person ~~((is eligible))~~ shall be approved for tax credits under RCW 82.70.020 in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits ~~((deferred in))~~ carried forward from prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits~~((, including deferred credits authorized under subsection (2)(b) of this section,))~~ after June 30, 2013.

(5) Credits may not be carried forward ~~((or carried backward))~~ other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

NEW SECTION. Sec. 7. If Senate Bill No. 6103 is not enacted by June 30, 2005, this act is null and void."

Senator Haugen spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Senate Bill No. 6003.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

In line 1 of the title, after "credit;" strike the remainder of the title and insert "amending RCW 82.70.010, 82.70.020, 82.70.030, and 82.70.040; adding a new section to chapter 82.70 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 6003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker and Jacobsen spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6003.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6003 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 19

ENGROSSED SENATE BILL NO. 6003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate. The President has had the great privilege for the last half hour or hour or so with spending a little time with these incredible football stars for the Seattle Seahawks. You might recognize them or at least the Qwest commercial that's been coming out recently with Mr. Hasselbeck over here. They've agreed to come up and spend a little time up here today, sign some autographs. When we get done here they will be available for you in the wings if you would like. Then, later on, for staff and the folks around the capitol. They will be in my office around 3:15 -3:30 or so and please don't rush into the office. You might try the Rules Room first and then they'd be happy to sign some autographs there. It's my great privilege to be able to introduce to my right, Mr. Mack Strong, to my left Mr. Matt Hasselbeck, and from Washington State University Mr. Robbie Tobeck.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I am very excited about having the Seahawks here today and for those of you that were not here in 1998, I had a nickname attached to me, 'Senator Jock.' I had worked on football stadium legislation, cosponsoring along with the prime sponsor, Senator Deccio. We embarked on quite an effort over the actually the 1998 session. It started for me the year before. I had been appointed to Kingdome Task Force by then King County Executive, Gary Locke. What started off to be just a, we thought, maybe six weeks, two months meetings to determine what we were going to do with the Kingdome task. The Kingdome turned into a eleven month ordeal of meetings nearly every week resulting in a vote in December to make recommendations to the legislature in 1998 to have legislation get through pertaining to creating the new plan for the football stadium. Senator Deccio and I bonded during that time. We spent a lot of time together and we did have the results of a referendum on the ballot in June. As a result we created a public stadium authority and Senator Deccio and I are members of the public stadium authority legislative advisory committee. We know that a lot of really exciting days have come out of that. In fact, this last season the Seahawks were the National Football Conference - West Division Champions. Congratulations and we expect that there going to go on even more from that title. It's a very exciting sport and many people don't know that we have the only professional football team, I believe west of Denver and North of San Francisco so people come here from all over the northwest and even beyond for the football games and bring a lot of revenue into our state as well. I would also like to mention that I hope that many of you will be attending the pre-season game on Saturday, August 20 when we have the National Conference of State Legislatures annual meeting being held in Seattle, August 14-20 and on Thursday night of that week we will be having the closing reception in the Exhibition hall between Safeco Field and Qwest Field. The Seahawks are going to have a whole lot of equipment there for kids because of the football game on that Saturday. So, it's going to be a really terrific event but more important than that I would just like to say, you guys are terrific, you embody great sportsmanship and skills and bring a great deal of excitement and with your having, with you going to Eastern Washington University every summer for your training camp, you bring a lot of thrills, enjoyment, family participation watching you work your hearts out and a lot more during that summer time. So, thank you Lt. Governor, President Owen for having the Seahawks here today."

PERSONAL PRIVILEGE

Senator Deccio: "I remember the day well. A lobbyist for the Seahawks came over and said the gentlemen that Luke Esser defeated for the Senate seat in the forty-eighth district couldn't get the bill out of committee. Would I sponsor the bill? I said, 'Well if I'm asked by the proper folks I'll do it.' I'm probably the only legislator who in the same day got a letter from a multi-

million, billionaire by the name of Paul Allen and the Governor of the State of Washington asking me, 'Would you sponsor the bill?' I said, 'OK, but I got to have a Seattle co-sponsor.' It was tough, here a kid from the apple country sponsoring a multi-million dollar facility and I don't even go any Seahawks games folks. That's how far sighted I am. Looking out for King County. I want you to appreciate it. It was hard particularly when another gentlemen sitting on the floor opposed it. He's pretty successful in his arguments but he lost too. But, anyway, I do congratulate you folks, I'm glad you're here. Glad we got through the greatest facilities in the country, the Seahawks and the baseball stadium and good luck to you."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. Strong, did you forget to take your should pads off?"

PERSONAL PRIVILEGE

Senator McAuliffe: "I just do remember the day as well when we were going to be voting on the stadium. The Senator from the thirty-sixth district worked very, very hard to bring down Paul Allen. He shook our hands, he asked for our vote and we were very pleased to do that. I believe that a metropolitan city should have a great football team and we do. I brought my football for grandsons to get signed today. So thanks for being here."

PERSONAL PRIVILEGE

Senator Esser: "It's a great honor for those of us in the forty-eighth district to be the host of the Seahawks offices and training facility in Kirkland. They do us a great honor. In addition to that, in addition to that, I'm someone whose had a little bit of experience as a free lance sports writer which, for those who've known me for a long time are aware of, an old saying, 'Those that can't do, write.' That was certainly the case with me when it came to athletics. It gave me the opportunity to really appreciate the incredible athleticism and frankly tolerance for pain that professional football players have. So I salute all of these three gentlemen for those attributes. In addition, I think it's appropriate that we honor them for their excellence and they have a team for their excellence. Fortunately the National Football League has a playoff scheme that does not just allow everybody to make the post-season. Only twelve of thirty-two teams make the playoffs. The Seahawks have been in the playoffs the last two years. We expect even greater things in the years ahead but you've given us a lot of thrills and looking forward to you building upon that record of success in the future. Thank you very much."

PERSONAL PRIVILEGE

Senator Schmidt: "In regards to Senator Kohl-Welles and Senator Deccio: At that time I was on the other side of the rotunda and prime sponsor of that was the former Representative Van Luven but I was the number two sponsor signer on that bill. I was kind of the behind the scenes guy and I don't remember how many times that I had Bob in my office working on this issue. I had always made the statement, 'You know this was the whole northwest team, not just the Seattle team.' This was an issue that was also strong issue for us, economic development State of Washington. One of the things that we were frequently told is back then when the new stadium was being built that twenty-two percent of the season ticket holders were from the State of Alaska. They would come down, fly down around planes ten times a year to go to the games. Twenty-two percent of the season ticket holders were from the State of Alaska. We knew how important was, we knew the value that you bring to whole northwest, not just us in the State of Washington. We're very thankful for what you do, but with that I got to mention one little personal note. Maybe this is my ego moment of the legislature. If I ever had the opportunity to play professional sports it was as a kicker. When I was in high school I could put it in the end zone, but then when I did I dislocated my toe, my senior year in high school so I couldn't go out on and play football in college. I hadn't touched a ball in three years. After three years of not touching a ball I was three for four from the forty and one for two from the fifty yard line. At the age of forty-five I can still kick a forty yard field goal. Thank you."

PERSONAL PRIVILEGE

Senator Jacobsen: "And I just want to point out one thing that a lot of people probably forgotten but this wasn't only good for the fans and the Seahawks. It was also good for the kids of the State of Washington because inside that bill there was a provision that if there was more revenue than was needed to pay off the bonds that that would go to a interagency and outdoor recreation to build fields for kids and it's funded millions of dollars in fields that way. So all over the state there's been a beneficiary of that part of the Seahawks bill. So it benefitted players and kids."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you, I'd like to make just one more statement if you don't mind. What Senator Jacobsen said brought to mind something. I don't think people are aware that the Seattle Seahawks have a tremendous outreach to the community. Players, I'm sure these three here, too as well go out all over and raise funds for charity organizations. Go out on appearances in the community. Do a terrific job, so thank you."

PERSONAL PRIVILEGE

Senator Spanel: "Well, I'll be the first to acknowledge that I'm not a football fan and don't go to games. But what I wanted to say was thank you to you guys because today is a special day for some people from Skagit County and I think the group that had an appointment with the Governor right ahead of you were some kids and their parents from Skagit Valley, the Tulip Festival Ambassadors. I think, they're not going to remember that they came to see the Senate, the Governor and the House today. They saw you guys and they were thrilled and so thanks for giving them some attention."

REMARKS BY THE PRESIDENT

President Owen: "The President sometimes will bend his rules of decorum and it appears that he may have to do that for a certain Senator from Seattle in the back who is wearing a hat today. The hat seems to be appropriate for the occasion, Senator Poulsen. Again, thank you for all your comments. The President would now like to turn the mike over to Mr. Hasselbeck."

REMARKS BY MATT HASSELBECK

Mr. Hasselbeck: "I don't really have anything prepared to say but I just want to say how humble I know that we all feel right now by your kind comments. How honored we feel to be here. This is the first time for me and I know it's been quite an experience. It's been a learning experience, I've learned some things that I did not know and I've got to meet some great people from all over the State of Washington already since I've been here. We are trying so hard, I can promise you this. We are trying so hard, we're working so hard whether it's in Kirkland or it be this summer in Cheney, Washington to bring a championship to this state. That's what we're working for and I know people in this room want the same thing. We're giving it everything we have and the feeling of excitement that the Mariners had for their big opening day win yesterday. We're trying to blow that out of the water with a Super Bowl trophy, Lombardi Trophy here in Seattle, here in Washington. The stuff we're trying to do is great but it's no where near as important as the job that you guys are all doing here. We know that everyone knows that but I would just like to take it upon myself to say it publicly to say it to you all that the real noble work that gets done, gets done here. We know nothing that we do is really that important but if we can build self-esteem in young boys and even young girls growing up and do things in the community to help raise money for good causes then we're very excited to do that also. So, we're happy, we're very happy to be here. We'd love to sign autographs and take pictures for kids, grandkids, friends, friends of friends, whatever it is. Also, just wanted to say thank you and we've enjoyed our time very much."

SECOND READING

HOUSE BILL NO. 1108, by Representatives Grant, Walsh, Wallace, Rodne, Wood, Morrell, Lovick, Williams, Jarrett, Kilmer, Simpson, Kessler, Chase and Dickerson

Providing additional limitations for vehicles passing pedestrians or bicyclists.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.110 and 1965 ex.s. c 155 s 17 are each amended to read as follows:

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking (~~(another vehicle)~~) other traffic proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken (~~(vehicle)~~) traffic.

(2) The driver of a vehicle approaching a pedestrian or bicycle that is on the roadway or on the right-hand shoulder or bicycle lane of the roadway shall pass to the left at a safe distance to clearly avoid coming into contact with the pedestrian or bicyclist, and shall not again drive to the right side of the roadway until safely clear of the overtaken pedestrian or bicyclist.

(3) Except when overtaking and passing on the right is permitted, ~~((the driver of an))~~ overtaken ~~((vehicle))~~ traffic shall give way to the right in favor of ~~((the))~~ an overtaking vehicle on audible signal and shall not increase ~~((the))~~ speed ~~((of his vehicle))~~ until completely passed by the overtaking vehicle.

Sec. 2. RCW 46.61.120 and 1965 ex.s. c 155 s 19 are each amended to read as follows:

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing ~~((another vehicle))~~ other traffic proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46.61.160 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any ~~((vehicle))~~ traffic approaching from the opposite direction or any ~~((vehicle))~~ traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching ~~((vehicle))~~ traffic.

Sec. 3. RCW 46.61.125 and 1972 ex.s. c 33 s 2 are each amended to read as follows:

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event ~~((another vehicle))~~ other traffic might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel;

(d) When a bicycle or pedestrian is within view of the driver and is approaching from the opposite direction, or is present, in the roadway, shoulder, or bicycle lane within a distance unsafe to the bicyclist or pedestrian due to the width or condition of the roadway, shoulder, or bicycle lane.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:

Nothing in RCW 46.61.110, 46.61.120, or 46.61.125 relieves pedestrians and bicyclists of their legal duties while traveling on public highways."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1108.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "bicyclists;" strike the remainder of the title and insert "amending RCW 46.61.110, 46.61.120, and 46.61.125; and adding a new section to chapter 46.61 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1108, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1108 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1108, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Morton - 1

Absent: Senators Brown, Delvin and Poulsen - 3

HOUSE BILL NO. 1108, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1260, by Representatives Jarrett, Clibborn, Pettigrew and Wallace

Allowing reciprocal waiver of driver's license exams.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1260.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1260 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, Honeyford and Schoesler - 3

Absent: Senators Benton and Roach - 2

HOUSE BILL NO. 1260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1097, by House Committee on Transportation (originally sponsored by Representatives Schual-Berke, Hinkle, Kagi, McCoy, Dickerson, Sells, Hunter, Roach, Tom, Nixon, Jarrett, Upthegrove, Murray, Campbell, Pettigrew, Roberts, Simpson, Ormsby, Appleton, Morrell, Haler, Dunn, P. Sullivan, O'Brien, Chase, Strow and Conway)

Creating the "Keep Kids Safe" license plate series.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1097 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Rasmussen and Shin - 2

SUBSTITUTE HOUSE BILL NO. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1791, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Schual-Berke, Kenney, Hankins, Lovick, Morrell, Wood, Kagi, Simpson, McDonald, Eickmeyer, Appleton, O'Brien, Ormsby, DeBolt, Wallace, Upthegrove, Strow, Moeller, Jarrett, Kessler, Miloscia, Murray, Cody, Conway, McCune, Lantz, P. Sullivan, Tom, Ericks, Haigh, McDermott, Hasegawa and Linville)

Creating a developmental disabilities community trust account.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the importance of serving individuals with developmental disabilities in the communities in which they reside. The legislature finds that using these excess properties to provide services in the community will promote the integration and independence of individuals with developmental disabilities and will enable these individuals to avoid reliance on institutional services.

The legislature finds that the life of Dan Thompson is exemplary of the contributions that persons with developmental disabilities can make to their communities and the enrichment they bring to all our lives when suitably served in the communities in which they reside.

It is the intent of the legislature to allow use of the proceeds from these excess properties at residential habilitation centers to provide family support, employment, and day services to eligible persons with developmental disabilities not receiving these services prior to January 1, 2005.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.20 RCW to read as follows:

(1) Excess property identified in the 2002 joint legislative audit and review committee capital study of the division of developmental disabilities residential habilitation centers must be managed to provide as much income as feasible and this income deposited into the developmental disabilities community trust account created in section 3 of this act. Income may come from lease or sale of the land, conservation easements, sale of timber, or other activities.

(2) The department shall report on its efforts and strategies to provide income to the developmental disabilities community trust account from the excess property identified in subsection (1) of this section from the lease or sale of the property, sale of timber, or other activity. The department shall report by June 30, 2006.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.20 RCW to read as follows:

The developmental disabilities community trust account is created in the state treasury. All income from the use of excess property identified in the 2002 joint legislative audit and review committee capital study of the division of developmental disabilities residential habilitation centers, any building, facility, or tract of land not held in trust at any of the residential habilitation centers identified in this chapter, or sale of timber on these excess lands, must be deposited into this account. Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. Investment income from the account may be spent only after appropriation and must be used solely for eligible persons with developmental

disabilities who can be served by family support, employment, and day services. Moneys in the account may not be used to supplant ongoing expenditures for services to persons with developmental disabilities.

Sec. 4. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the

public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 43.84.092 and 2004 c 242 s 60 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 72.01.140 and 1981 c 238 s 1 are each amended to read as follows:

The secretary shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced.

~~((This section shall not apply to the Rainier school for which cognizance of farming operations has been transferred to Washington State University by RCW 72.01.142.))~~

NEW SECTION. Sec. 7. This act may be known and cited as the Dan Thompson act.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 28B.30.820 (Dairy/forage and agricultural research facility--Transfer of property and facilities for) and 1981 c 238 s 3; and

(2) RCW 72.01.142 (Transfer of dairy operation from Rainier school) and 1981 c 238 s 2.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005, except for section 5 of this act which takes effect July 1, 2006.

NEW SECTION. Sec. 10. Section 4 of this act expires July 1, 2006."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1791.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "amending RCW 43.84.092 and 72.01.140; reenacting and amending RCW 43.84.092; adding new sections to chapter 71A.20 RCW; creating new sections; repealing RCW 28B.30.820 and 72.01.142; providing effective dates; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1791, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Zarelli and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1791, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1791, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1791, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1396, by Representatives Williams, Alexander, Springer, DeBolt, Conway, Wood, McCoy, Condotta and Armstrong

Requiring continuing education for land surveyors.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Parlette yield to a question? Thank you. Senator Parlette, can you tell me? You said that this allows continuing education. Does it simply allow and is it voluntary or is it a requirement that land surveyors actually attain continuing education credits or they'll lose their license if they don't?"

Senator Parlette: "I believe that it is a requirement and the group wants it and I don't have any pieces of paper in front of me but they've wanted this for three years. I can get those details for you later."

MOTION

On motion of Senator Mulliken, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1396.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1396 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Benton - 1

HOUSE BILL NO. 1396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1074, by Representatives Dunshee, Jarrett, Chase and Schual-Berke

Increasing the administrative cap on the housing assistance program and the affordable housing program.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

On page 5, line 17, strike all of section 4

Senator Fraser spoke in favor of adoption of the committee amendment.

Senator Benton spoke against adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed House Bill No. 1074.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "program;" insert "and" and on line 3 after "43.185A.030" strike "; and providing an expiration date"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed House Bill No. 1074, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1074, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1074, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22

ENGROSSED HOUSE BILL NO. 1074, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1054, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest and Morrell)

Enacting the revised Uniform Arbitration Act.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Arbitration organization" means a neutral association, agency, board, commission, or other entity that initiates, sponsors, or administers arbitration proceedings or is involved in the appointment of arbitrators.

(2) "Arbitrator" means an individual appointed to render an award in a controversy between persons who are parties to an agreement to arbitrate.

(3) "Authenticate" means:

(a) To sign; or

(b) To execute or adopt a record by attaching to or logically associating with the record, an electronic sound, symbol, or process with the intent to sign the record.

(4) "Court" means a court of competent jurisdiction in this state.

(5) "Knowledge" means actual knowledge.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(7) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

NEW SECTION. Sec. 2. NOTICE. Unless the parties to an agreement to arbitrate otherwise agree or except as otherwise provided in this chapter, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course, whether or not the other person acquires knowledge of the notice. A person has notice if the person has knowledge of the notice or has received notice. A person receives notice when it comes to the person's attention or the notice is delivered at the person's place of residence or place of business, or at another location held out by the person as a place of delivery of such communications.

NEW SECTION. Sec. 3. WHEN CHAPTER APPLIES. (1) Before July 1, 2006, this chapter governs agreements to arbitrate entered into:

(a) On or after the effective date of this act; and

(b) Before the effective date of this act, if all parties to the agreement to arbitrate or to arbitration proceedings agree in a record to be governed by this chapter.

(2) On or after July 1, 2006, this chapter governs agreements to arbitrate even if the arbitration agreement was entered into before the effective date of this act.

(3) This chapter does not apply to any arbitration governed by chapter 7.06 RCW.

(4) This chapter does not apply to any arbitration agreement between employers and employees or between employers and associations of employees.

NEW SECTION. Sec. 4. EFFECT OF AGREEMENT TO ARBITRATE--NONWAIVABLE PROVISIONS. (1) Except as otherwise provided in subsections (2) and (3) of this section, the parties to an agreement to arbitrate or to an arbitration proceeding may waive or vary the requirements of this chapter to the extent permitted by law.

(2) Before a controversy arises that is subject to an agreement to arbitrate, the parties to the agreement may not:

(a) Waive or vary the requirements of section 5(1), 6(1), 8, 17 (1) or (2), 26, or 28 of this act;

(b) Unreasonably restrict the right under section 9 of this act to notice of the initiation of an arbitration proceeding;

(c) Unreasonably restrict the right under section 12 of this act to disclosure of any facts by a neutral arbitrator; or

(d) Waive the right under section 16 of this act of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under this chapter.

(3) The parties to an agreement to arbitrate may not waive or vary the requirements of this section or section 3 (1)(a) or (2), 7, 14, 18, 20 (3) or (4), 22, 23, 24, 25 (1) or (2), 29, 31, 50, or 51 of this act.

NEW SECTION. Sec. 5. APPLICATION TO COURT. (1) Except as otherwise provided in section 28 of this act, an application for judicial relief under this chapter must be made by motion to the court and heard in the manner and upon the notice provided by law or rule of court for making and hearing motions.

(2) Notice of an initial motion to the court under this chapter must be served in the manner provided by law for the service of a summons in a civil action unless a civil action is already pending involving the agreement to arbitrate.

NEW SECTION. Sec. 6. VALIDITY OF AGREEMENT TO ARBITRATE. (1) An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable, and irrevocable except upon a ground that exists at law or in equity for the revocation of contract.

(2) The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

(3) An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

(4) If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

NEW SECTION. Sec. 7. MOTION TO COMPEL OR STAY ARBITRATION. (1) On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate pursuant to the agreement, the court shall order the parties to arbitrate if the refusing party does not appear or does not oppose the motion. If the refusing party opposes the motion, the court shall proceed summarily to decide the issue. Unless the court finds that there is no enforceable agreement to arbitrate, it

shall order the parties to arbitrate. If the court finds that there is no enforceable agreement, it may not order the parties to arbitrate.

(2) On motion of a person alleging that an arbitration proceeding has been initiated or threatened but that there is no agreement to arbitrate, the court shall proceed summarily to decide the issue. If the court finds that there is an enforceable agreement to arbitrate, it shall order the parties to arbitrate. If the court finds that there is no enforceable agreement, it may not order the parties to arbitrate.

(3) The court may not refuse to order arbitration because the claim subject to arbitration lacks merit or grounds for the claim have not been established.

(4) If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, a motion under this section must be filed in that court. Otherwise a motion under this section may be filed in any court as required by section 27 of this act.

(5) If a party files a motion with the court to order arbitration under this section, the court shall on just terms stay any judicial proceeding that involves a claim alleged to be subject to the arbitration until the court renders a final decision under this section.

(6) If the court orders arbitration, the court shall on just terms stay any judicial proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is severable, the court may sever it and limit the stay to that claim.

NEW SECTION. Sec. 8. PROVISIONAL REMEDIES. (1) Before an arbitrator is appointed and is authorized and able to act, the court, upon motion of a party to an arbitration proceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of a civil action.

(2) After an arbitrator is appointed and is authorized and able to act, the arbitrator may issue such orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the same extent and under the same conditions as if the controversy were the subject of a civil action. After an arbitrator is appointed and is authorized and able to act, a party to an arbitration proceeding may move the court for a provisional remedy only if the matter is urgent and the arbitrator is not able to act timely or if the arbitrator cannot provide an adequate remedy.

(3) A motion to a court for a provisional remedy under subsection (1) or (2) of this section does not waive any right of arbitration.

NEW SECTION. Sec. 9. INITIATION OF ARBITRATION. (1) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by mail certified or registered, return receipt requested and obtained, or by service as authorized for the initiation of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(2) Unless a person interposes an objection as to lack or insufficiency of notice under section 15(3) of this act not later than the commencement of the arbitration hearing, the person's appearance at the hearing waives any objection to lack of or insufficiency of notice.

NEW SECTION. Sec. 10. CONSOLIDATION OF SEPARATE ARBITRATION PROCEEDINGS. (1) Except as otherwise provided in subsection (3) of this section, upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:

(a) There are separate agreements to arbitrate or separate arbitration proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitration proceeding with a third person;

(b) The claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;

(c) The existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and

(d) Prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

(2) The court may order consolidation of separate arbitration proceedings as to certain claims and allow other claims to be resolved in separate arbitration proceedings.

(3) The court may not order consolidation of the claims of a party to an agreement to arbitrate that prohibits consolidation.

NEW SECTION. Sec. 11. APPOINTMENT OF ARBITRATOR--SERVICE AS A NEUTRAL ARBITRATOR. (1) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is unable to act and a successor has not been appointed, the court, on motion of a party to the arbitration proceeding, shall appoint the arbitrator. The arbitrator so appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed under the agreed method.

(2) An arbitrator who has a known, direct, and material interest in the outcome of the arbitration proceeding or a known, existing, and substantial relationship with a party may not serve as a neutral arbitrator.

NEW SECTION. Sec. 12. DISCLOSURE BY ARBITRATOR. (1) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

(a) A financial or personal interest in the outcome of the arbitration proceeding; and
(b) An existing or past relationship with any of the parties to the agreement to arbitrate or the arbitration proceeding, their counsel or representatives, witnesses, or the other arbitrators.

(2) An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitration proceedings and to any other arbitrators any facts that the arbitrator learns after accepting appointment that a reasonable person would consider likely to affect the impartiality of the arbitrator.

(3) If an arbitrator discloses a fact required by subsection (1) or (2) of this section to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the disclosure, the objection may be a ground to vacate the award under section 23(1)(b) of this act.

(4) If the arbitrator did not disclose a fact as required by subsection (1) or (2) of this section, upon timely objection of a party, an award may be vacated under section 23(1)(b) of this act.

(5) An arbitrator appointed as a neutral who does not disclose a known, direct, and material interest in the outcome of the arbitration proceeding or a known, existing, and substantial relationship with a party is presumed to act with evident partiality under section 23(1)(b) of this act.

(6) If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or any other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under section 23(1)(b) of this act.

NEW SECTION. Sec. 13. ACTION BY MAJORITY. If there is more than one arbitrator, the powers of the arbitrators must be exercised by a majority of them.

NEW SECTION. Sec. 14. IMMUNITY OF ARBITRATOR--COMPETENCY TO TESTIFY--ATTORNEYS' FEES AND COSTS. (1) An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

(2) The immunity afforded by this section supplements any other immunity.

(3) If an arbitrator does not make a disclosure required by section 12 of this act, the nondisclosure does not cause a loss of immunity under this section.

(4) In any judicial, administrative, or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify or required to produce records as to any statement, conduct, decision, or ruling occurring during the arbitration proceeding to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection does not apply:

(a) To the extent necessary to determine the claim of an arbitrator or an arbitration organization or a representative of the arbitration organization against a party to the arbitration proceeding; or

(b) If a party to the arbitration proceeding files a motion to vacate an award under section 23(1) (a) or (b) of this act and establishes prima facie that a ground for vacating the award exists.

(5) If a person commences a civil action against an arbitrator, an arbitration organization, or a representative of an arbitration organization arising from the services of the arbitrator, organization, or representative or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify in violation of subsection (4) of this section, and the court decides that the arbitrator, arbitration organization, or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is incompetent to testify, the court shall award to the arbitrator, organization, or representative reasonable attorneys' fees and other reasonable expenses of litigation.

NEW SECTION. Sec. 15. ARBITRATION PROCESS. (1) The arbitrator may conduct the arbitration in such manner as the arbitrator considers appropriate so as to aid in the fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and to determine the admissibility, relevance, materiality, and weight of any evidence.

(2) The arbitrator may decide a request for summary disposition of a claim or particular issue by agreement of all interested parties or upon request of one party to the arbitration proceeding if that party gives notice to all other parties to the arbitration proceeding and the other parties have a reasonable opportunity to respond.

(3) The arbitrator shall set a time and place for a hearing and give notice of the hearing not less than five days before the hearing. Unless a party to the arbitration proceeding interposes an objection to lack of or insufficiency of notice not later than the commencement of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced although a party who was duly notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to promptly conduct the hearing and render a timely decision.

(4) If an arbitrator orders a hearing under subsection (3) of this section, the parties to the arbitration proceeding are entitled to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing.

(5) If there is more than one arbitrator, all of them shall conduct the hearing under subsection (3) of this section; however, a majority shall decide any issue and make a final award.

(6) If an arbitrator ceases, or is unable, to act during the arbitration proceeding, a replacement arbitrator must be appointed in accordance with section 11 of this act to continue the hearing and to decide the controversy.

NEW SECTION. Sec. 16. REPRESENTATION BY LAWYER. A party to an arbitration proceeding may be represented by a lawyer.

NEW SECTION. Sec. 17. WITNESSES--SUBPOENAS--DEPOSITIONS--DISCOVERY. (1) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

(2) On request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of any witness, including a witness who cannot be subpoenaed for or is unable to attend a hearing, to be taken under conditions determined by the arbitrator for use as evidence in order to make the proceeding fair, expeditious, and cost-effective.

(3) An arbitrator may permit such discovery as the arbitrator decides is appropriate in the circumstances, taking into account the needs of the parties to the arbitration proceeding and other affected persons and the desirability of making the proceeding fair, expeditious, and cost-effective.

(4) If an arbitrator permits discovery under subsection (3) of this section, the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-related orders, including the issuance of a subpoena for the attendance of a witness and for the production of records and other evidence at a discovery proceeding, and may take action against a party to the arbitration proceeding who does not comply to the extent permitted by law as if the controversy were the subject of a civil action in this state.

(5) An arbitrator may issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets, and other information protected from disclosure as if the controversy were the subject of a civil action in this state.

(6) All laws compelling a person under subpoena to testify and all fees for attending a judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an arbitration proceeding as if the controversy were the subject of a civil action in this state.

(7) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this state and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court in order to make the arbitration proceeding fair, expeditious, and cost-effective. A subpoena or discovery-related order issued by an arbitrator must be served in the manner provided by law for service of subpoenas in a civil action in this state and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

NEW SECTION. Sec. 18. COURT ENFORCEMENT OF PREAWARD RULING BY ARBITRATOR. If an arbitrator makes a preaward ruling in favor of a party to the arbitration proceeding, the party may request the arbitrator to incorporate the ruling into an award under section 19 of this act. The successful party may file a motion to the court for an expedited order to confirm the award under section 22 of this act, in which case the court shall proceed summarily to decide the motion. The court shall issue an order to confirm the award unless the court vacates, modifies, or corrects the award of the arbitrator under sections 23 and 24 of this act.

NEW SECTION. Sec. 19. AWARD. (1) An arbitrator shall make a record of an award. The record must be authenticated by any arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

(2) An award must be made within the time specified by the agreement to arbitrate or, if not specified therein, within the time ordered by the court. The court may extend or the parties to the arbitration proceeding may agree in a record to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives any objection that an award was not timely made unless the party gives notice of the objection to the arbitrator before receiving notice of the award.

NEW SECTION. Sec. 20. CHANGE OF AWARD BY ARBITRATOR. (1) On motion to an arbitrator by a party to the arbitration proceeding, the arbitrator may modify or correct an award:

(a) Upon the grounds stated in section 24(1) (a) or (c) of this act;

(b) Because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or

(c) To clarify the award.

(2) A motion under subsection (1) of this section must be made and served on all parties within twenty days after the movant receives notice of the award.

(3) A party to the arbitration proceeding must serve any objections to the motion within ten days after receipt of the notice.

(4) If a motion to the court is pending under section 22, 23, or 24 of this act, the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

(a) Upon the grounds stated in section 24(1) (a) or (c) of this act;

(b) Because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or

(c) To clarify the award.

(5) An award modified or corrected under this section is subject to sections 22, 23, and 24 of this act.

NEW SECTION. Sec. 21. REMEDIES--FEES AND EXPENSES OF ARBITRATION PROCEEDING. (1) An arbitrator may award punitive damages or other exemplary relief if such an award is authorized under the applicable law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

(2) An arbitrator may award attorneys' fees and other reasonable expenses of arbitration if such an award is authorized by law in a civil action involving the same claim or by the agreement of the parties to the arbitration proceeding.

(3) As to all remedies other than those authorized by subsections (1) and (2) of this section, an arbitrator may order such remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that such a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under section 22 of this act or for vacating an award under section 23 of this act.

(4) An arbitrator's expenses and fees, together with other expenses, must be paid as provided in the award.

(5) If an arbitrator awards punitive damages or other exemplary relief under subsection (1) of this section, the arbitrator shall specify in the award the basis in fact justifying and the basis in law authorizing the award and state separately the amount of the punitive damages or other exemplary relief.

NEW SECTION. Sec. 22. CONFIRMATION OF AWARD. After a party to the arbitration proceeding receives notice of an award, the party may file a motion with the court for an order confirming the award, at which time the court shall issue such an order unless the award is modified or corrected under section 20 or 24 of this act or is vacated under section 23 of this act.

NEW SECTION. Sec. 23. VACATING AWARD. (1) Upon motion of a party to the arbitration proceeding, the court shall vacate an award if:

(a) The award was procured by corruption, fraud, or other undue means;

(b) There was:

(i) Evident partiality by an arbitrator appointed as a neutral;

(ii) Corruption by an arbitrator; or

(iii) Misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;

(c) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to section 15 of this act, so as to prejudice substantially the rights of a party to the arbitration proceeding;

(d) An arbitrator exceeded the arbitrator's powers;

(e) There was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under section 15(3) of this act not later than the commencement of the arbitration hearing; or

(f) The arbitration was conducted without proper notice of the initiation of an arbitration as required in section 9 of this act so as to prejudice substantially the rights of a party to the arbitration proceeding.

(2) A motion under this section must be filed within ninety days after the movant receives notice of the award in a record under section 19 of this act or within ninety days after the movant receives notice of an arbitrator's award in a record on a motion to modify or correct an award under section 20 of this act, unless the motion is predicated upon the ground that the award was procured by corruption, fraud, or other undue means, in which case it must be filed within ninety days after such a ground is known or by the exercise of reasonable care should have been known by the movant.

(3) In vacating an award on a ground other than that set forth in subsection (1)(e) of this section, the court may order a rehearing before a new arbitrator. If the award is vacated on a ground stated in subsection (1)(c), (d), or (f) of this section, the court may order a rehearing before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in section 19(2) of this act for an award.

(4) If a motion to vacate an award is denied and a motion to modify or correct the award is not pending, the court shall confirm the award.

NEW SECTION. Sec. 24. MODIFICATION OR CORRECTION OF AWARD. (1) Upon motion filed within ninety days after the movant receives notice of the award in a record under section 19 of this act or within ninety days after the movant receives notice of an arbitrator's award in a record on a motion to modify or correct an award under section 20 of this act, the court shall modify or correct the award if:

(a) There was an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property referred to in the award;

(b) The arbitrator has made an award on a claim not submitted to the arbitrator and the award may be corrected without affecting the merits of the decision upon the claims submitted; or

(c) The award is imperfect in a matter of form not affecting the merits of the decision on the claims submitted.

(2) If a motion filed under subsection (1) of this section is granted, the court shall modify or correct and confirm the award as modified or corrected. Otherwise, the court shall confirm the award.

(3) A motion to modify or correct an award under this section may be joined with a motion to vacate the award.

NEW SECTION. Sec. 25. JUDGMENT ON AWARD--ATTORNEYS' FEES AND LITIGATION EXPENSES. (1) Upon granting an order confirming, vacating without directing a rehearing, modifying, or correcting an award, the court shall enter a judgment in conformity with the order. The judgment may be recorded, docketed, and enforced as any other judgment in a civil action.

(2) A court may allow reasonable costs of the motion and subsequent judicial proceedings.

(3) On application of a prevailing party to a contested judicial proceeding under section 22, 23, or 24 of this act, the court may add to a judgment confirming, vacating without directing a rehearing, modifying, or correcting an award, attorneys' fees and other reasonable expenses of litigation incurred in a judicial proceeding after the award is made.

NEW SECTION. Sec. 26. JURISDICTION. (1) A court of this state having jurisdiction over the dispute and the parties may enforce an agreement to arbitrate.

(2) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under this chapter.

NEW SECTION. Sec. 27. VENUE. A motion under section 5 of this act must be filed in the court of the county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which it was held. Otherwise, the motion must be filed in any county in which an adverse party resides or has a place of business or, if no adverse party has a residence or place of business in this state, in the court of any county in this state. All subsequent motions must be filed in the court hearing the initial motion unless the court otherwise directs.

NEW SECTION. Sec. 28. APPEALS. (1) An appeal may be taken from:

- (a) An order denying a motion to compel arbitration;
- (b) An order granting a motion to stay arbitration;
- (c) An order confirming or denying confirmation of an award;
- (d) An order modifying or correcting an award;
- (e) An order vacating an award without directing a rehearing; or
- (f) A final judgment entered under this chapter.

(2) An appeal under this section must be taken as from an order or a judgment in a civil action.

NEW SECTION. Sec. 29. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 30. CAPTIONS. Captions used in this act are not part of the law.

NEW SECTION. Sec. 31. SAVINGS CLAUSE. This act does not affect an action or proceeding commenced or right accrued before the effective date of this act.

NEW SECTION. Sec. 32. RELATIONSHIP TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. The provisions of this chapter governing the legal effect, validity, and enforceability of electronic records or electronic signatures, and of contracts performed with the use of such records or signatures conform to the requirements of section 102 of the electronic signatures in global and national commerce act.

Sec. 33. RCW 3.46.150 and 2001 c 68 s 2 are each amended to read as follows:

(1) Any city, having established a municipal department as provided in this chapter may, by written notice to the county legislative authority not less than one year prior to February 1st of the year in which all district court judges are subject to election, require the termination of the municipal department created pursuant to this chapter. A city may terminate a municipal department only at the end of a four-year judicial term. However, the city may not give the written notice required by this section unless the city has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act).

(2) A county that wishes to terminate a municipal department of the district court must provide written notice to the city legislative authority at least one year prior to the date of the intended termination.

Sec. 34. RCW 3.50.800 and 1984 c 258 s 202 are each amended to read as follows:

(1) If a municipality has, prior to July 1, 1984, repealed in its entirety that portion of its municipal code defining crimes but continues to hear and determine traffic infraction cases under chapter 46.63 RCW in a municipal court, the municipality and the appropriate county shall, prior to January 1, 1985, enter into an agreement under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs incurred after January 1, 1985, associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. If the municipality and the county cannot come to an agreement within the time prescribed by this section, they shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act). The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act).

(2) The agreement between the municipality and the county shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights as other parties who have agreed to submit to arbitration under chapter ((7-04)) 7.-- RCW (sections 1 through 32 of this act).

Sec. 35. RCW 3.50.805 and 1984 c 258 s 203 are each amended to read as follows:

(1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county or municipality are unable to agree on the terms for

renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county or municipality have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). A municipality that has entered into agreements with other municipalities that have terminated their municipal courts may not thereafter terminate its court unless each municipality has reached an agreement with the appropriate county in accordance with this section.

(2) A municipality operating a municipal court under this chapter may not repeal in its entirety that portion of its municipal code defining crimes while retaining the court's authority to hear and determine traffic infractions under chapter 46.63 RCW unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

(3) A municipality operating a municipal court under this chapter may not repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 36. RCW 15.49.071 and 1989 c 354 s 77 are each amended to read as follows:

(1) When a buyer is damaged by the failure of any seed covered by this chapter to produce or perform as represented by the required label, by warranty, or as a result of negligence, the buyer, as a prerequisite to maintaining a legal action against the dealer of such seed, shall have first provided for the arbitration of the claim. Any statutory period of limitations with respect to such claim shall be tolled from the date arbitration proceedings are instituted until ten days after the date on which the arbitration award becomes final.

(2) Similarly, no such claim may be asserted as a counterclaim or defense in any action brought by a dealer against a buyer until the buyer has first provided for arbitration of the claim. Upon the buyer's filing of a written notice of intention to assert such a claim as a counterclaim or defense in the action accompanied by a copy of the buyer's complaint in arbitration filed as provided in this chapter, the action shall be stayed, and any applicable statute of limitations shall be tolled with respect to such claim from the date arbitration proceedings are instituted until ten days after the arbitration award becomes final.

(3) Conspicuous language calling attention to the requirement for arbitration under this section shall be referenced or included on the analysis label required under RCW 15.49.011 through 15.49.101.

(4) If the parties agree to submit the claim to arbitration and to be bound by the arbitration award, then the arbitration shall be subject to chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act), and RCW 15.49.081 through 15.49.111 will not apply to the arbitration. If the parties do not so agree, then the buyer may provide for mandatory arbitration by the arbitration committee under RCW 15.49.081 through 15.49.111. An award rendered in such mandatory arbitration shall not be binding upon the parties and any trial on any claim so arbitrated shall be de novo.

(5) This section applies only to claims, or counterclaims, where the relief sought is, or includes, a monetary amount in excess of two thousand dollars. All claims for two thousand dollars or less shall be commenced in either district court or small claims court.

Sec. 37. RCW 35.20.010 and 2001 c 68 s 3 are each amended to read as follows:

(1) There is hereby created and established in each incorporated city of this state having a population of more than four hundred thousand inhabitants, as shown by the federal or state census, whichever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

(2) A municipality operating a municipal court under this section may terminate that court if the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

(3) A city that has entered into an agreement for court services with the county must provide written notice of the intent to terminate the agreement to the county legislative authority not less than one year prior to February 1st of the year in which all district court judges are subject to election. A city that terminates an agreement for court services to be provided by a district court may terminate the agreement only at the end of a four-year district court judicial term.

(4) A county that wishes to terminate an agreement with a city for the provision of court services must provide written notice of the intent to terminate the agreement to the city legislative authority not less than one year prior to the expiration of the agreement.

Sec. 38. RCW 35.22.425 and 1984 c 258 s 204 are each amended to read as follows:

A city of the first class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 39. RCW 35.23.555 and 1994 c 81 s 52 are each amended to read as follows:

A city of the second class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 40. RCW 35.27.515 and 1984 c 258 s 207 are each amended to read as follows:

A town operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 41. RCW 35.30.100 and 1984 c 258 s 208 are each amended to read as follows:

A city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 42. RCW 35A.11.200 and 1984 c 258 s 209 are each amended to read as follows:

A code city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 43. RCW 46.96.150 and 1994 c 274 s 2 are each amended to read as follows:

(1) Within thirty days after receipt of the notice under RCW 46.96.140, or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the department protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

(2) If a manufacturer provides in the franchise agreement or by written statement distributed and provided to its dealers for arbitration under the ~~((Washington))~~ Uniform Arbitration Act, chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act), as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the provisions of this section and RCW 46.96.170 relating to hearings by an administrative law judge do not apply, and a dispute regarding the establishment of an additional new motor vehicle dealer or the relocation of an existing new motor vehicle dealer shall be determined in an arbitration proceeding conducted in accordance with the ~~((Washington))~~ Uniform Arbitration Act, chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act). The thirty-day period for filing a protest under this section still applies except that the protesting dealer shall file his protest with the manufacturer within thirty days after receipt of the notice under RCW 46.96.140.

(3) The dispute shall be referred for arbitration to such arbitrator as may be agreed upon by the parties to the dispute. If the parties cannot agree upon a single arbitrator within thirty days from the date the protest is filed, the protesting dealer will select an arbitrator, the manufacturer will select an arbitrator, and the two arbitrators will then select a third. If a third arbitrator is not agreed upon within thirty days, any party may apply to the superior court, and the judge of the superior court having jurisdiction will appoint the third arbitrator. The protesting dealer will pay the arbitrator selected by him, and the manufacturer will pay the arbitrator it selected. The expense of the third arbitrator and all other expenses of arbitration will be shared equally by the parties. Attorneys' fees and fees paid to expert witnesses are not expenses of arbitration and will be paid by the person incurring them.

(4) Notwithstanding the terms of a franchise or written statement of the manufacturer and notwithstanding the terms of a waiver, the arbitration will take place in the state of Washington in the county where the protesting dealer has his principal place of business. RCW 46.96.160 applies to a determination made by the arbitrator or arbitrators in determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer, and the manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation. After a hearing has been held, the arbitrator or arbitrators shall render a decision as expeditiously as possible, but in any event not later than one hundred twenty days from the date the arbitrator or arbitrators are selected or appointed. The manufacturer shall not establish or relocate the new motor vehicle dealer until the arbitration hearing has been held and the arbitrator or arbitrators have determined that there is good cause for permitting the proposed establishment or relocation. The written decision of the arbitrator is binding upon the parties unless modified, corrected, or vacated under the Washington Arbitration Act. Any party may appeal the decision of the arbitrator under the ~~((Washington))~~ Uniform Arbitration Act, chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

(5) If the franchise agreement or the manufacturer's written statement distributed and provided to its dealers does not provide for arbitration under the ~~((Washington))~~ Uniform Arbitration Act as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the hearing provisions of this section and RCW 46.96.170 apply. Nothing in this section is intended to preclude a new motor vehicle dealer from electing to use any other dispute resolution mechanism offered by a manufacturer.

Sec. 44. RCW 49.66.090 and 1973 2nd ex.s. c 3 s 7 are each amended to read as follows:

In the event that a health care activity and an employees' bargaining unit shall reach an impasse, the matters in dispute shall be submitted to a board of arbitration composed of three arbitrators for final and binding resolution. The board shall be selected in the following manner: Within ten days, the employer shall appoint one arbitrator and the employees shall appoint one arbitrator. The two arbitrators so selected and named shall within ten days agree upon and select the name of a third arbitrator who shall act as chairman. If, upon the expiration of the period allowed therefor the arbitrators are unable to agree on the selection of a third arbitrator, such arbitrator shall be appointed at the request of either party in accordance with ~~((the provisions of RCW 7.04.050))~~ section 11 of this act, and ~~((he))~~ that person shall act as ~~((chairman))~~ chair of the arbitration board.

Sec. 45. RCW 59.18.320 and 1973 1st ex.s. c 207 s 32 are each amended to read as follows:

(1) The landlord and tenant may agree, in writing, except as provided in RCW 59.18.230(2)(e), to submit to arbitration, in conformity with the provisions of this section, any controversy arising under the provisions of this chapter, except the following:

(a) Controversies regarding the existence of defects covered in subsections (1) and (2) of RCW 59.18.070: PROVIDED, That this exception shall apply only before the implementation of any remedy by the tenant;

(b) Any situation where court action has been started by either landlord or tenant to enforce rights under this chapter; when the court action substantially affects the controversy, including but not limited to:

(i) Court action pursuant to subsections (2) and (3) of RCW 59.18.090 and subsections (1) and (2) of RCW 59.18.160;

and

(ii) Any unlawful detainer action filed by the landlord pursuant to chapter 59.12 RCW.

(2) The party initiating arbitration under subsection (1) of this section shall give reasonable notice to the other party or parties.

(3) Except as otherwise provided in this section, the arbitration process shall be administered by any arbitrator agreed upon by the parties at the time the dispute arises: PROVIDED, That the procedures shall comply with the requirements of chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act) (relating to arbitration) and of this chapter.

Sec. 46. RCW 59.18.330 and 1973 1st ex.s. c 207 s 33 are each amended to read as follows:

(1) Unless otherwise mutually agreed to, in the event a controversy arises under RCW 59.18.320 the landlord or tenant, or both, shall complete an application for arbitration and deliver it to the selected arbitrator.

(2) The arbitrator so designated shall schedule a hearing to be held no later than ten days following receipt of notice of the controversy, except as provided in RCW 59.18.350.

(3) The arbitrator shall conduct public or private hearings. Reasonable notice of such hearings shall be given to the parties, who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings may be taken. Any oral or documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to issue subpoenas, to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the arbitrator material to a just determination of the issues in dispute. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party, or attorney is guilty of any contempt while in attendance at any hearing held hereunder, the arbitrator may invoke the jurisdiction of any superior court, and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof.

(4) Within five days after conclusion of the hearing, the arbitrator shall make a written decision upon the issues presented, a copy of which shall be mailed by certified mail or otherwise delivered to the parties or their designated representatives. The determination of the dispute made by the arbitrator shall be final and binding upon both parties.

(5) If a defective condition exists which affects more than one dwelling unit in a similar manner, the arbitrator may consolidate the issues of fact common to those dwelling units in a single proceeding.

(6) Decisions of the arbitrator shall be enforced or appealed according to the provisions of chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 47. RCW 59.20.260 and 1984 c 58 s 13 are each amended to read as follows:

(1) The landlord and tenant may agree in writing to submit a controversy arising under this chapter to arbitration. The agreement shall contain the name of the arbitrator agreed upon by the parties or the process for selecting the arbitrator.

(2) The arbitration shall be administered under this chapter and chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 48. RCW 59.20.270 and 1984 c 58 s 14 are each amended to read as follows:

(1) If the landlord and tenant agree to submit the matter to arbitration, the parties shall complete an application for arbitration and deliver it to the selected arbitrator.

(2) The arbitrator shall schedule a hearing to be held no later than ten days following receipt of the application.

(3) Reasonable notice of the hearings shall be given to the parties, who shall appear and be heard either in person, by counsel, or by other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Hearings may be public or private. The proceedings may be recorded. Any oral or documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator may administer oaths, issue subpoenas, and require the attendance of witnesses and the production of books, papers, contracts, agreements, and documents deemed by the arbitrator to be material to a just determination of the issues in dispute. If a person refuses to obey a subpoena or refuses to be sworn to testify, or any witness, party, or attorney is guilty of any contempt while in attendance at any hearing held under this section, the arbitrator may invoke the jurisdiction of any district or superior court, and the court shall have jurisdiction to issue an appropriate order. Failure to obey the order may be punished by the court as contempt.

(4) Within five days after the hearing, the arbitrator shall make a written decision upon the issues presented. A copy of the decision shall be mailed by certified mail or otherwise delivered to the parties or their designated representatives. The decision of the arbitrator shall be final and binding upon all parties.

(5) If a dispute exists affecting more than one tenant in a similar manner, the arbitrator may with the consent of the parties consolidate the cases into a single proceeding.

(6) Decisions of the arbitrator shall be enforced or appealed under chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act).

Sec. 49. RCW 70.87.205 and 1983 c 123 s 23 are each amended to read as follows:

(1) Disputes arising under RCW 70.87.200(2) shall be resolved by arbitration. The request shall be sent by certified mail.

(2) The department shall appoint one arbitrator; the municipality shall appoint one arbitrator; and the arbitrators chosen by the department and the municipality shall appoint the third arbitrator. If the two arbitrators cannot agree on the third arbitrator, the presiding judge of the Thurston county superior court, or his or her designee, shall appoint the third arbitrator.

(3) The arbitration shall be held pursuant to the procedures in chapter ~~((7.04))~~ 7.-- RCW (sections 1 through 32 of this act), except that ~~((RCW 7.04.220))~~ section 28(1)(f) of this act shall not apply. The decision of the arbitrators is final and binding on the parties. Neither party may appeal a decision to any court.

(4) A party may petition the Thurston county superior court to enforce a decision of the arbitrators.

NEW SECTION. Sec. 50. REPEALER. The following acts or parts of acts are each repealed:

- (1) RCW 7.04.010 (Arbitration authorized) and 1947 c 209 s 1 & 1943 c 138 s 1;
- (2) RCW 7.04.020 (Applications in writing--How heard--Jurisdiction) and 1982 c 122 s 1 & 1943 c 138 s 2;
- (3) RCW 7.04.030 (Stay of action pending arbitration) and 1943 c 138 s 3;
- (4) RCW 7.04.040 (Motion to compel arbitration--Notice and hearing--Motion for stay) and 1943 c 138 s 4;
- (5) RCW 7.04.050 (Appointment of arbitrators by court) and 1943 c 138 s 5;
- (6) RCW 7.04.060 (Notice of intention to arbitrate--Contents) and 1943 c 138 s 6;
- (7) RCW 7.04.070 (Hearing by arbitrators) and 1943 c 138 s 7;
- (8) RCW 7.04.080 (Failure of party to appear no bar to hearing and determination) and 1943 c 138 s 8;
- (9) RCW 7.04.090 (Time of making award--Extension--Failure to make award when required) and 1985 c 265 s 1 & 1943 c 138 s 9;
- (10) RCW 7.04.100 (Representation by attorney) and 1943 c 138 s 10;
- (11) RCW 7.04.110 (Witnesses--Compelling attendance) and 1943 c 138 s 11;
- (12) RCW 7.04.120 (Depositions) and 1943 c 138 s 12;
- (13) RCW 7.04.130 (Order to preserve property or secure satisfaction of award) and 1943 c 138 s 13;
- (14) RCW 7.04.140 (Form of award--Copies to parties) and 1943 c 138 s 14;
- (15) RCW 7.04.150 (Confirmation of award by court) and 1982 c 122 s 2 & 1943 c 138 s 15;
- (16) RCW 7.04.160 (Vacation of award--Rehearing) and 1943 c 138 s 16;
- (17) RCW 7.04.170 (Modification or correction of award by court) and 1943 c 138 s 17;
- (18) RCW 7.04.175 (Modification or correction of award by arbitrators) and 1985 c 265 s 2;
- (19) RCW 7.04.180 (Notice of motion to vacate, modify, or correct award--Stay) and 1943 c 138 s 18;
- (20) RCW 7.04.190 (Judgment--Costs) and 1943 c 138 s 19;
- (21) RCW 7.04.200 (Judgment roll--Docketing) and 1943 c 138 s 20;
- (22) RCW 7.04.210 (Effect of judgment) and 1943 c 138 s 21; and
- (23) RCW 7.04.220 (Appeal) and 1943 c 138 s 22.

NEW SECTION. Sec. 51. This act takes effect January 1, 2006.

NEW SECTION. Sec. 52. Sections 1 through 32 of this act constitute a new chapter in Title 7 RCW." Senators Kline and Johnson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1054.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "arbitration act;" strike the remainder of the title and insert "amending RCW 3.46.150, 3.50.800, 3.50.805, 15.49.071, 35.20.010, 35.22.425, 35.23.555, 35.27.515, 35.30.100, 35A.11.200, 46.96.150, 49.66.090, 59.18.320, 59.18.330, 59.20.260, 59.20.270, and 70.87.205; adding a new chapter to Title 7 RCW; repealing RCW 7.04.010, 7.04.020, 7.04.030, 7.04.040, 7.04.050, 7.04.060, 7.04.070, 7.04.080, 7.04.090, 7.04.100, 7.04.110, 7.04.120, 7.04.130, 7.04.140, 7.04.150, 7.04.160, 7.04.170, 7.04.175, 7.04.180, 7.04.190, 7.04.200, 7.04.210, and 7.04.220; and providing an effective date."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1054 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1891, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Hinkle, B. Sullivan, Buck and Haler)

Concerning reclaimed water permits.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1891 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2166, by Representatives Newhouse, Linville, Kristiansen, Hankins, Grant, Holmquist and Haler

Creating the joint legislative committee on water supply during drought.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 2166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2166.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2166 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Finkbeiner - 1

HOUSE BILL NO. 2166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1657, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Takko, Buck, B. Sullivan, Orcutt, Blake, Wallace, Sells and Chase)

Concerning the construction of bridges and trestles over tidelands, shorelands, and harbor areas of the state. Revised for 1st Substitute: Concerning the construction of bridges and trestles.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1657.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1657 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senators Fairley, Fraser and Thibaudeau - 3

SUBSTITUTE HOUSE BILL NO. 1657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1479, by Representatives Morrell, Campbell, Schual-Berke, Nixon, Cody, Green, Appleton, Clibborn, Simpson and Moeller

Regarding independent prescriptive authority for advanced registered nurse practitioners.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Deccio and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1479.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1479 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Finkbeiner and Honeyford - 2

HOUSE BILL NO. 1479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1140, by Representatives Bailey, Cody and Wallace

Developing a schedule of fees for performing independent reviews of health care disputes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

President Pro Tempore assumed the chair.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1140.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1140 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Finkbeiner and Hargrove - 2

HOUSE BILL NO. 1140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:30 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, April 6, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 5, 2005

2005 REGULAR SESSION

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 6, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Haugen, Mulliken, Rasmussen, Sheldon and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Betsy Sowers and Shayla Wood, presented the Colors. Pastor Betty Hatter of The City of Truth Ministries offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6105 by Senators Thibaudeau and Esser

AN ACT Relating to penalties for indecent liberties; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6106 by Senator Brandland

AN ACT Relating to disclosure of health care information for law enforcement purposes; amending RCW 70.02.010, 70.02.050, and 68.50.320; and creating a new section.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SENATE BILL NO. 5135,
SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5190,
SENATE BILL NO. 5198,
SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5268,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5358,
SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5406,
SENATE BILL NO. 5424,
SUBSTITUTE SENATE BILL NO. 5488,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5135,
SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5190,
SENATE BILL NO. 5198,
SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5268,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5358,
SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5406,
SENATE BILL NO. 5424,
SUBSTITUTE SENATE BILL NO. 5488

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 5, 2005

SB 6091 Prime Sponsor, Haugen: Making 2005-07 transportation appropriations. Revised for 1st Substitute: Making 2005-07 and 2003-05 transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Esser, Mulliken, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benson and Kastama

Passed to Committee on Rules for second reading.

April 5, 2005

SB 6103 Prime Sponsor, Haugen: Providing funding and funding options for transportation projects. Revised for 1st Substitute: Providing funding and funding options for transportation projects. (REVISED FOR ENGROSSED: Funding transportation projects.) Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Eide, Mulliken, Spanel, Swecker and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benson, Esser and Kastama

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 5, 2005

SGA 9035 JERALITA COSTA, appointed September 13, 2004, for the term ending April 15, 2005, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9063 JULIA L. GARRATT, appointed December 3, 2004, for the term ending April 15, 2009, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9110 DEBORAH S. LEE, appointed December 22, 2004, for the term ending June 17, 2008, as Member of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9228 DAVID BOERNER, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9229 MIKE BRASFIELD, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9232 RONALD D. CANTU, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9256 DEAN S. LUM, reappointed September 27, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 5, 2005

SGA 9311 SUSANNE BROWN-MCBRIDE, appointed March 10, 2005, for the term ending August 27, 2005, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Hargrove, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1171, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller, Cody, Roberts, Schual-Berke, Appleton, Morrell, Darneille, Chase, Kenney and Ormsby)

Limiting the court's discretion concerning denial of dissolution decrees.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Deccio, Honeyford and Mulliken were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Brown, Haugen, Rasmussen and Swecker - 4

Excused: Senator Mulliken - 1

SUBSTITUTE HOUSE BILL NO. 1171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Cody, Simpson, Wood, Green, McIntire, Morrell, Kenney, P. Sullivan and Darneille)

Providing long-term funding for problem gambling.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The costs to society of problem and pathological gambling include family disintegration, criminal activity, and financial insolvencies;

(b) Problem and pathological gamblers suffer a higher incidence of addictive disorders such as alcohol and substance abuse;

(c) Residents of Washington have the opportunity to participate in a variety of legal gambling activities operated by the state, by federally recognized tribes, and by private businesses and nonprofit organizations; and

(d) A 1999 study found that five percent of adult Washington residents and eight percent of adolescents could be classified as problem gamblers during their lifetimes, and that more than one percent of adults have been afflicted with pathological gambling.

(2) The legislature intends to provide long-term, dedicated funding for public awareness and education regarding problem and pathological gambling, training in its identification and treatment, and treatment services for problem and pathological gamblers and, as clinically appropriate, members of their families.

Sec. 2. RCW 43.20A.890 and 2002 c 349 s 4 are each amended to read as follows:

(1) A program for (a) the prevention and treatment of ((pathological)) problem and pathological gambling; and (b) the training of professionals in the identification and treatment of problem and pathological gambling is established within the department of social and health services, to be administered by a qualified person who has training and experience in ((handling pathological)) problem gambling ((problems)) or the organization and administration of treatment services for persons suffering from ((pathological)) problem gambling ((problems)). The department may contract for any services provided under the program. The department shall track program participation and client outcomes.

(2) To receive treatment under subsection (1) of this section, a person must:

(a) Need treatment for ((pathological)) problem or pathological gambling, or because of the problem or pathological gambling of a family member, but be unable to afford treatment; and

(b) Be targeted by the department of social and health services as ((to-be)) being most amenable to treatment.

(3) Treatment under this section is ((limited to)) available only to the extent of the funds appropriated or otherwise made available to the department of social and health services for this purpose. The department may solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, any tribal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies or any tribal government in making an application for any grant.

(4) The department of social and health services shall ((report to the legislature by September 1, 2002, with a plan for implementing this section)) establish an advisory committee to assist it in designing, managing, and evaluating the effectiveness of the program established in this section. The committee shall include, at a minimum, persons knowledgeable in the field of problem and pathological gambling and persons representing tribal gambling, privately owned nontribal gambling, and the state lottery.

(5) ((The department of social and health services shall report to the legislature by November 1, 2003, on program participation and client outcomes.)) For purposes of this section, "pathological gambling" is a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences. "Problem gambling" is an earlier stage of pathological gambling which compromises, disrupts, or damages family or personal relationships or vocational pursuits.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

The problem gambling account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the program established under RCW 43.20A.890.

Sec. 4. RCW 67.70.340 and 2002 c 349 s 3 are each amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the two funds most impacted by this potential event are the student achievement fund and the education construction account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the student achievement fund and the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The student achievement fund and the education construction account are expected to collectively receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the student achievement fund and the education construction account

~~((are))~~ is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the student achievement fund and the education construction account to bring the total revenue up to one hundred two million dollars. The funds transferred from the shared game lottery account under this subsection must be divided between the student achievement fund and the education construction account in a manner consistent with RCW 67.70.240(3).

~~(3) ((For fiscal year 2003, the commission shall transfer from revenues derived from the shared game lottery to the violence reduction and drug enforcement account under RCW 69.50.520 five hundred thousand dollars exclusively for the treatment of pathological gambling as prescribed by RCW 67.70.350.)) (a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in section 3 of this act, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.~~

~~(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.~~

(4) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the general fund.

NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW, to be codified between RCW 82.04.220 and 82.04.310, to read as follows:

(1) Upon every person engaging within this state in the business of operating contests of chance; as to such persons, the amount of tax with respect to the business of operating contests of chance is equal to the gross income of the business derived from contests of chance multiplied by the rate of 1.5 percent.

(2) An additional tax is imposed on those persons subject to tax in subsection (1) of this section. The amount of the additional tax with respect to the business of operating contests of chance is equal to the gross income of the business derived from contests of chance multiplied by the rate of 0.1 percent through June 30, 2006, and 0.13 percent thereafter. The money collected under this subsection (2) shall be deposited in the problem gambling account created in section 3 of this act.

(3) For the purpose of this section, "contests of chance" means any contests, games, gaming schemes, or gaming devices, other than the state lottery as defined in RCW 67.70.010, in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor in the outcome. The term includes social card games, bingo, raffle, and punchboard games, and pull-tabs as defined in chapter 9.46 RCW. The term does not include race meets for the conduct of which a license must be secured from the Washington horse racing commission, or "amusement game" as defined in RCW 9.46.0201.

(4) "Gross income of the business" does not include the monetary value or actual cost of any prizes that are awarded, amounts paid to players for winning wagers, accrual of prizes for progressive jackpot contests, or repayment of amounts used to seed guaranteed progressive jackpot prizes.

NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of conducting race meets for the conduct of which a license must be secured from the Washington horse racing commission; as to such persons, the amount of tax with respect to the business of parimutuel wagering is equal to the gross income of the business derived from parimutuel wagering multiplied by the rate of 0.1 percent through June 30, 2006, and 0.13 percent thereafter. The money collected under this section shall be deposited in the problem gambling account created in section 3 of this act.

(2) For purposes of this section, "gross income of the business" does not include amounts paid to players for winning wagers, or taxes imposed or other distributions required under chapter 67.16 RCW.

(3) The tax imposed under this section is in addition to any tax imposed under chapter 67.16 RCW.

Sec. 7. RCW 82.04.350 and 1961 c 15 s 82.04.350 are each amended to read as follows:

Except as provided in section 6(1) of this act, this chapter shall not apply to any person in respect to the business of conducting race meets for the conduct of which a license must be secured from the horse racing commission.

Sec. 8. RCW 82.04.290 and 2004 c 174 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to ~~((those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.298, 82.04.2905, 82.04.280, 82.04.2907, 82.04.272, 82.04.2906, and 82.04.2908, and))~~ an activity taxed explicitly under another section in this chapter or subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

(3) Subsection (2) of this section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 9. RCW 9.46.071 and 2003 c 75 s 1 are each amended to read as follows:

(1) The legislature recognizes that some individuals in this state are problem or (~~(compulsive)~~) pathological gamblers. Because the state promotes and regulates gambling through the activities of the state lottery commission, the Washington horse racing commission, and the Washington state gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and (~~(compulsive)~~) pathological gamblers. Therefore, (~~(at a minimum,)~~) the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission shall jointly develop informational signs concerning problem and (~~(compulsive)~~) pathological gambling which include a toll-free hot line number for problem and (~~(compulsive)~~) pathological gamblers. The signs shall be placed in the establishments of gambling licensees, horse racing licensees, and lottery retailers. In addition, the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission may also contract with other qualified entities to provide public awareness, training, and other services to ensure the intent of this section is fulfilled.

(2)(a) During any period in which section 5(2) of this act is in effect, the commission may not increase fees payable by licensees under its jurisdiction for the purpose of funding services for problem and pathological gambling. Any fee imposed or increased by the commission, for the purpose of funding these services, before the effective date of this section shall have no force and effect after the effective date of this section.

(b) During any period in which section 5(2) of this act is not in effect:

(i) The commission, the Washington state horse racing commission, and the state lottery commission may contract for services, in addition to those authorized in subsection (1) of this section, to assist in providing for treatment of problem and pathological gambling; and

(ii) The commission may increase fees payable by licenses under its jurisdiction for the purpose of funding the services authorized in this section for problem and pathological gamblers.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

On page 1, line 1 of the title, after "gambling;" strike the remainder of the title and insert "amending RCW 43.20A.890, 67.70.340, 82.04.350, 82.04.290, and 9.46.071; adding a new section to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

Beginning on page 1, line 22 of the amendment, strike all of sections 2 through 4 and insert the following:

"Sec. 2. RCW 43.20A.890 and 2002 c 349 s 4 are each amended to read as follows:

(1) A program for (a) the prevention and treatment of (~~(pathological)~~) problem and pathological gambling; and (b) the training of professionals in the identification and treatment of problem and pathological gambling is established within the department of social and health services, to be administered by a qualified person who has training and experience in (~~(handling pathological)~~) problem gambling (~~(problems)~~) or the organization and administration of treatment services for persons suffering from (~~(pathological)~~) problem gambling (~~(problems)~~). The department may contract for any services provided under the program. The department shall track program participation and client outcomes.

(2) To receive treatment under subsection (1) of this section, a person must:

(a) Need treatment for (~~(pathological)~~) problem or pathological gambling, or because of the problem or pathological gambling of a family member, but be unable to afford treatment; and

(b) Be targeted by the department of social and health services as (~~(to be)~~) being most amenable to treatment.

(3) Treatment under this section is (~~(limited to)~~) available only to the extent of the funds appropriated or otherwise made available to the department of social and health services for this purpose. The department may solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, any tribal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies or any tribal government in making an application for any grant.

(4)(a) There is hereby created within the office of financial management a problem gambling financial advisory committee, consisting of eight voting members appointed or selected by the governor. It is the purpose and function of the problem gambling financial advisory committee to annually determine and report to the governor a consensus estimate of the monetary value of all programs for the treatment of problem and pathological gambling that:

(i) Provided problem and pathological gambling treatment services to Washington residents in compliance with RCW 49.60.030 at any time during the immediately preceding calendar year;

(ii) Were funded in whole or in part by either a tribal government located within the external geographic boundaries of the state, or an entity subject to taxation under section 5(2) or 6(1) of this act; and

(iii) Provided to the problem gambling financial advisory committee by March 30th of the current calendar year such financial and programmatic information deemed by at least half of the advisory committee to be timely and sufficient to afford adequate review under this section.

(b) The members of the problem gambling financial advisory committee shall be appointed as follows:

(i) Three members selected by the governor from among those nominated by any, some, or all federally recognized Indian tribes with which the state has entered into a compact under RCW 9.46.360;

(ii) Two members selected by the governor from among those nominated by any, some, or all entities subject to taxation under section 5(2) or 6(1) of this act;

(iii) One member selected by the governor from among those nominated by any, some, or all entities providing problem and pathological gambling services in Washington;

(iv) One member representing the department of social and health services; and

(v) One member representing the office of financial management.

(c) The problem gambling financial advisory committee's report of the consensus estimate of the monetary value of programs for the treatment of problem and pathological gambling shall be submitted to the governor only if the advisory committee's entire report receives (i) an affirmative vote of six or more voting members; and (ii) the vote is obtained on or before September 30th of the year in which the committee received timely financial reports.

~~(5) The department of social and health services shall ((report to the legislature by September 1, 2002, with a plan for implementing this section))~~ establish an advisory committee to assist it in designing, managing, and evaluating the effectiveness of the program established in this section. The committee shall include, at a minimum, persons knowledgeable in the field of problem and pathological gambling and persons representing tribal gambling, privately owned nontribal gambling, and the state lottery.

~~((5) The department of social and health services shall report to the legislature by November 1, 2003, on program participation and client outcomes.))~~ (6) For purposes of this section, "pathological gambling" is a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences. "Problem gambling" is an earlier stage of pathological gambling which compromises, disrupts, or damages family or personal relationships or vocational pursuits.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The problem gambling account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the program established under RCW 43.20A.890.

(2) The treasurer shall keep an accurate record of receipts of, and deposits or payments into, and all disbursements from, the account and shall separately account for and distinguish amounts received:

(a) Pursuant to RCW 67.70.340(3) or section 5(2) or 6(1) of this act, hereinafter referred to as "mandatory contributions" to the problem gambling account;

(b) From a tribal government located within the external geographic boundaries of the state of Washington, hereinafter referred to as "voluntary tribal contributions" to the problem gambling account, which includes a tribal contribution in support of purposes substantially similar to those described in RCW 43.20A.890 that are received by the department of social and health services after January 1, 2005, but before July 1, 2005, and which are transferred to the problem gambling account; and

(c) From all other sources.

(3)(a) On or before September 30th of each year, the gambling commission shall determine, and shall promptly thereafter notify the office of treasurer of, the total and pro rata share of the amount of gambling that occurred within the external geographic boundaries of the state of Washington during the previous fiscal year attributable to:

(i) Entities subject to RCW 67.70.340(3) or section 5(2) or 6(1) of this act; and

(ii) Tribal governments located within the external geographic boundaries of the state of Washington.

(b) For the purposes of this section, the "amount of gambling" means:

(i) The "net receipts" of the state lottery, as defined in RCW 67.70.340(3);

(ii) The "gross income of the business derived from contests of chance" of entities subject to tax under section 5(2) of this act;

(iii) The "gross income of the business derived from parimutuel wagering" of entities subject to tax under section 6(1) of this act; and

(iv) The gross income derived from the conduct of Class III gaming, as defined in the Indian gaming regulatory act, 25 U.S.C. Sec. 2701 et seq.

(c) In computing the amount of gambling attributable to an entity with an annual fiscal reporting period that does not coincide with the state's fiscal year, the gambling commission may rely upon the report for the period which it determines best reflects the most current data available.

(d) Determinations made by the state treasurer and the gambling commission are final and shall not be used to challenge the validity of any transfer requirement under RCW 67.70.340, or any tax imposed under section 5 or 6 of this act.

(4) Each expenditure from the problem gambling account shall be credited:

(a) First against the balance of receipts, payments, and deposits accounted for under subsection (2)(c) of this section, with the remaining amount of the expenditure, if any, credited

(b) From balances of the (i) mandatory contributions to the problem gambling account; and the (ii) voluntary tribal contributions to the problem gambling account, as accounted for under subsection (2)(a) and (b) of this section, respectively on the same pro rata basis as determined in subsection (3)(a) of this section, as may be adjusted by the office of financial management under subsection (8) of this section, for the most recently completed fiscal year for which the pro rata basis has been determined.

(5) No expenditure shall be made from the problem gambling account if the balance of either the (a) mandatory contributions to the problem gambling account; or the (b) voluntary tribal contributions to the problem gambling account, as accounted for under subsection (2)(a) and (b) of this section, respectively, is insufficient to fully pay for its respective pro rata share of expenditure after the reduction of the credit required under subsection (4)(a) of this section.

(6) Within ninety days after the end of each fiscal year, the treasurer shall determine, and shall promptly thereafter notify the office of financial management of:

(a) The balance, as of the first day of the most recently completed fiscal year, of the mandatory contributions portion of the problem gambling account, as accounted for under subsection (2)(a) of this section, net of all receipts, payments, deposits, and expenditures;

(b) The gross total amount of the mandatory contributions received during the fiscal year by the problem gambling account, as accounted for under subsection (2)(a) of this section; and

(c) The balance, as of the last day of the most recently completed fiscal year, of the mandatory contributions portion of the problem gambling account, as accounted for under subsection (2)(a) of this section, net of all receipts, payments, deposits, and expenditures.

(7) The office of financial management shall promptly determine and report to the department of revenue and the lottery commission the ratio of:

(a) The balance of the mandatory contributions portion of the problem gambling account as of the end of the most recent fiscal year, as determined under subsection (6)(c) of this section; to

(b) The gross amount of mandatory contributions made available to the problem gambling account during the most recent fiscal year, which shall be calculated as the sum of the amounts determined under subsection (6)(a) and (b) of this section.

(8) In computing the ratio required by subsection (7) of this section, the office of financial management may consider and adjust the balances reported by the treasurer under subsection (6) of this section, and the ratio determined by the gambling commission under subsection (3) of this section to reflect the monetary value of nonstate programs for the treatment of problem and pathological gambling as determined by the advisory committee, as provided under RCW 43.20A.890(4).

Sec. 4. RCW 67.70.340 and 2002 c 349 s 3 are each amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the two funds most impacted by this potential event are the student achievement fund and the education construction account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the student achievement fund and the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The student achievement fund and the education construction account are expected to collectively receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the student achievement fund and the education construction account ~~((are))~~ is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the student achievement fund and the education construction account to bring the total revenue up to one hundred two million dollars. The funds transferred from the shared game lottery account under this subsection must be divided between the student achievement fund and the education construction account in a manner consistent with RCW 67.70.240(3).

(3) ~~((For fiscal year 2003, the commission shall transfer from revenues derived from the shared game lottery to the violence reduction and drug enforcement account under RCW 69.50.520 five hundred thousand dollars exclusively for the~~

~~treatment of pathological gambling as prescribed by RCW 67.70.350.)~~ (a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in section 3 of this act, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. Except as provided in (c) of this subsection, in fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(c) If the ratio of the amount determined under section 3(7) of this act is greater than twenty percent, the percentage to be transferred to the problem gambling account during the calendar year beginning January 1st following the end of the fiscal year for which the ratio was determined shall be reduced by an amount equal to the amount otherwise due multiplied by the ratio determined under section 3(7) of this act.

(4) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the general fund."

On page 5, beginning on line 13 of the amendment, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of conducting race meets for the conduct of which a license must be secured from the Washington horse racing commission; as to such persons, the amount of tax with respect to the business of parimutuel wagering is equal to the gross income of the business derived from parimutuel wagering multiplied by the rate of 0.1 percent through June 30, 2006, and 0.13 percent thereafter. The money collected under this section shall be deposited in the problem gambling account created in section 3 of this act.

(2) If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.

(3) For purposes of this section, "gross income of the business" does not include amounts paid to players for winning wagers, or taxes imposed or other distributions required under chapter 67.16 RCW.

(4) The tax imposed under this section is in addition to any tax imposed under chapter 67.16 RCW."

Beginning on page 6, line 28 of the amendment, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

If the ratio of the amount determined under section 3(7) of this act is greater than twenty percent, a taxpayer required to pay the tax imposed under section 5(2) or 6(1) of this act, during the calendar year beginning January 1st following the end of the fiscal year for which the ratio was determined, shall be allowed to take a credit against the current tax due in an amount equal to the amount due multiplied by the ratio of the amount determined under section 3(7) of this act. The credit is nontransferable and may not be carried forward to any future tax period.

Sec. 10. RCW 9.46.071 and 2003 c 75 s 1 are each amended to read as follows:

(1) The legislature recognizes that some individuals in this state are problem or ((~~compulsive~~)) pathological gamblers. Because the state promotes and regulates gambling through the activities of the state lottery commission, the Washington horse racing commission, and the Washington state gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and ((~~compulsive~~)) pathological gamblers. Therefore, ((~~at a minimum~~)) the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission shall jointly develop informational signs concerning problem and ((~~compulsive~~)) pathological gambling which include a toll-free hot line number for problem and ((~~compulsive~~)) pathological gamblers. The signs shall be placed in the establishments of gambling licensees, horse racing licensees, and lottery retailers. In addition, the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission may also contract with other qualified entities to provide public awareness, training, treatment, and other services to ensure the intent of this section is fulfilled.

(2) While section 5 of this act is in effect, the commission may not increase fees payable by licensees under its jurisdiction for the purpose of funding services for problem and compulsive gamblers, including but not limited to the program established under RCW 43.20A.890. Any fee imposed or increased by the commission, for the purpose described in this section, before the effective date of this section, shall have no force or effect after the effective date of this section."

Renumber the remaining sections consecutively.

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Prentice spoke against adoption of the amendment to the committee striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 1031 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, by House Committee on Housing (originally sponsored by Representatives Morrell, Chase, Dunn, McCoy, O'Brien, Appleton and Lantz)

Providing a dispute mechanism for manufactured/mobile home landlord and tenant disputes.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there are factors unique to the relationship between a manufactured/mobile homeowner and a manufactured/mobile home park owner. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces, and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a homeowner may be subject to violations of the manufactured/mobile home landlord-tenant act or unfair practices without a timely and cost-effective conflict resolution process. Although a homeowner, landlord, or park owner may take legal action as prescribed in the manufactured/mobile home landlord-tenant act, the judicial process is often time and cost prohibitive. This act is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile homeowner and park owner.

(2) The legislature finds that taking legal action against a park owner for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statutory rights. Park owners similarly are impacted by legal fees and lengthy proceedings resulting from pursuing a remedy through the legal system and would also, therefore, benefit from having access to an appropriate, effective process that resolves disputes quickly and efficiently.

(3) Therefore, it is the intent of the legislature to provide a less costly and more efficient way for manufactured/mobile homeowners and park owners to resolve disputes, and to provide a mechanism for state authorities to quickly locate owners of manufactured housing communities. The legislature further intends to authorize the department of community, trade, and economic development to:

(a) Register mobile home parks or manufactured housing communities and report upon data to the appropriate committees of the legislature by December 31, 2005;

(b) Expand its current ombudsman program by hiring or contracting with additional persons to conduct a greater number of investigations of alleged violations of the manufactured/mobile home landlord-tenant act; and

(c) Collect and report upon data related to conflicts and violations to the appropriate committees of the legislature by December 31, 2005.

(4) If after receiving the reports under subsection (3) of this section, the legislature finds that the provisions of this act authorizing the department to register mobile/manufactured home communities, investigate complaints, clarify existing law, and work to resolve disputes in good faith voluntarily prove insufficient to adequately protect the rights and responsibilities of mobile home park tenants and owners, it is the intent of the legislature to find other methods for resolution in the future.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this act unless the context requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Mobile home park" or "manufactured housing community" means any real property that is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except when the real property is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

(4) "Landlord" or "park owner" means the owner of a mobile home park or a manufactured housing community and includes the agents of the landlord.

(5) "Tenant" or "homeowner" means any person, except a transient, who rents or occupies a mobile home lot.

(6) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or part of the legal title to the real property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the real property.

(7) "Unfair practice" means any act that would constitute an unfair or deceptive act or practice under chapter 19.86 RCW.

(8) "Complainant" means a landlord, park owner, tenant, or homeowner, who has a complaint alleging an unfair practice or violation of chapter 59.20 RCW.

(9) "Respondent" means a landlord, park owner, tenant, or homeowner, alleged to have committed an unfair practice or violation of chapter 59.20 RCW.

NEW SECTION. Sec. 3. (1) A complainant shall have the right to file a complaint with the department alleging an unfair practice or a violation of chapter 59.20 RCW.

(2) The complainant must provide written notice to the respondent prior to notifying the department of an alleged violation of chapter 59.20 RCW or unfair practice. If the complaint is not remedied within the time frame provided by RCW 59.20.080 for tenant violations or 59.20.200 for landlord violations, the complainant may then file a complaint with the department.

(3) The department may:

(a) Investigate the alleged violations at its discretion upon receipt of a complaint alleging unfair practices or violations of chapter 59.20 RCW;

(b) Utilize investigative ombudsman staff or contractors to investigate and evaluate complaints alleging unfair practices or violations of chapter 59.20 RCW;

(c) Discuss the issues surrounding or relating to the complaint with the complainant, respondent, or any witnesses, either individually or jointly;

(d) Explain options available to the complainant or respondent, including the involvement of other agencies; and

(e) Negotiate an agreement that is agreed upon by both the complainant and the respondent.

(4) The department may require or permit any person to file a complaint or statement in writing or otherwise as the department determines, as to the facts and circumstances concerning a matter to be investigated.

(5) The department has the power to employ investigative, administrative, and clerical staff as necessary for administration of this act.

(6)(a) Complainants and respondents shall cooperate with the department in the course of an investigation by:

(i) Furnishing any papers or documents requested;

(ii) Furnishing in writing an explanation covering the matter contained in a complaint when requested by the department; and

(iii) Allowing authorized access to department representatives for inspection of mobile home parks/manufactured housing community facilities relevant to the alleged violation being investigated.

(b) Failure to cooperate with the department in the course of an investigation is a violation of this act.

(7) After the department has completed its investigation and other duties, the department shall compile a written report documenting the process and resolution of the complaint investigation. Under no circumstances shall the department make or issue any finding, conclusion, decision, or ruling on whether there was a violation of chapter 59.20 or 19.86 RCW.

(8) By December 31, 2005, the department shall submit a summary report of its activities under this act during the period after the effective date of this act, through December 31, 2005, to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection, including:

(a) The number of complaints received;

(b) The nature and extent of the complaints received;

(c) The actions taken on each complaint by the department;

(d) Recommendations on what further changes in law are necessary to resolve disputes;

(e) Recommendations on changes to the department's ombudsman and investigative programs;

(f) Recommendations on resources necessary to retain or improve the program; and

(g) Recommendations on whether a formal mobile/manufactured home landlord-tenant act enforcement and administrative hearing process should be adopted and how such a process should be structured.

(9) The department shall ensure that notice of the ombudsman complaint resolution program is given to each mobile/manufactured home landlord or park owner and each mobile home unit owner or tenant. The landlord shall post an easily visible notice in all common areas of mobile/manufactured home communities, including in each clubhouse, summarizing mobile home park tenant rights and responsibilities, in a style and format to be determined by the department, and including a toll-free telephone number that mobile home park owners and tenants can use to seek additional information and communicate complaints.

(10) This section is not exclusive and does not limit the right of landlords or tenants to take legal action against another party as provided in chapter 59.20 RCW or otherwise. Exhaustion of this ombudsman remedy process is not required before bringing legal action. This act is not subject to chapter 34.05 RCW. This section does not apply to unlawful detainer actions initiated under chapters 59.20, 59.12, and 59.18 RCW; however, a tenant is not precluded from seeking relief under this act if the complaint claims the notice of termination violates RCW 59.20.080. Filing a complaint with the department is not a defense nor shall it in any way delay or otherwise affect an unlawful detainer action. Department-written reports documenting the process and resolution of the complaint investigation, any written explanation covering the matter requested by the department, any other documents or papers requested or produced by the department, or any other record of the complaint may be admissible only for purposes of impeachment in any unlawful detainer or other administrative or legal action in regard to chapter 59.20 RCW.

NEW SECTION. Sec. 4. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based upon any disciplinary actions or other official acts performed in the course of their duties under this act, except their intentional or willful misconduct.

NEW SECTION. Sec. 5. (1) All mobile home parks and manufactured housing communities must be registered with the department.

(2) To apply for registration, the owner of a mobile home park or manufactured housing community must file with the department an application for registration on a form prescribed by the department. The application must include, but is not limited to:

- (a) The name and address of the owner of the mobile home park or manufactured housing community;
- (b) The name and address of the mobile home park or manufactured housing community;
- (c) The name and address of the manager of the mobile home park or manufactured housing community; and
- (d) The number of lots within the mobile home park or manufactured housing community that are subject to chapter 59.20 RCW.

(3) Certificates of registration are effective on the date issued by the department.

NEW SECTION. Sec. 6. The department must:

(1) Compile the most accurate list possible of all the mobile home parks or manufactured housing communities in the state, the number of lots subject to chapter 59.20 RCW located in each mobile home park or manufactured housing community, and the names and addresses of the owners of these parks. The department shall present this list to the house of representatives housing committee and the senate committee on financial institutions, housing and consumer protection by December 31, 2005. The department is encouraged to work with groups including, but not limited to: The office of community development, mobile homeowners' associations, tenant advocacy groups, park owners' associations, and county assessors to generate the list;

(2) Send out notifications to all known mobile home park owners or manufactured housing community owners regarding the due date of the assessment pursuant to section 7 of this act. These notifications must include information about late fees and passing costs on to tenants; and

(3) Collect the registration assessment due from all mobile home park owners or manufactured housing community owners, and allow ninety days to pass before sending notices of late fees to noncomplying owners as provided in this act.

NEW SECTION. Sec. 7. (1) The owner of each mobile home park or manufactured housing community shall pay to the department a registration assessment of five dollars for each mobile home or manufactured home that is subject to chapter 59.20 RCW within a park or community to fund the costs associated with administering this act. Manufactured housing community owners or mobile home park owners may pass on no more than two dollars and fifty cents of this assessment to tenants.

(2) If an owner fails to pay the assessment before the registration expiration date, a late fee shall be assessed at the prevailing interest rate for superior court civil judgments for each mobile home or manufactured home that is subject to chapter 59.20 RCW. The owner is not entitled to any reimbursement of this fee from the tenants.

NEW SECTION. Sec. 8. The manufactured/mobile home investigations account is created in the custody of the state treasurer. All receipts from assessments and fees collected under section 7 of this act must be deposited into the account. Expenditures from the account may be used only for the costs associated with administering this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 9. RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with this chapter and the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile/manufactured home community registration program including the collection of assessments, associated late fees, and the compilation of data related to the number of communities and number of lots within the community that are subject to chapter 59.20 RCW.

(4) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

NEW SECTION. Sec. 10. Any amount assessed under section 7(2) of this act that remains uncollected on December 31, 2005, shall be collected under the terms of section 7 of this act as it existed before December 31, 2005.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 12. Except for sections 10 and 13 of this act, this act expires December 31, 2005.

NEW SECTION. Sec. 13. Beginning in January 2006, the state treasurer shall transfer any funds remaining in the manufactured/mobile home investigations account under section 8 of this act to the mobile home affairs account under RCW

59.22.070 for the purposes under RCW 59.22.050. All funds collected by the department under section 10 of this act shall be transferred to the state treasurer for deposit into the mobile home affairs account."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed Substitute House Bill No. 1640.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Rasmussen was excused.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "disputes;" strike the remainder of the title and insert "amending RCW 59.22.050; creating new sections; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1640, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Rasmussen, Haugen and Brown were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1640 as amended by the Senate.

MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1640, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Haugen, Mulliken, Rasmussen and Swecker- 5

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and Chase)

Regulating the energy efficiency of certain products.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) According to estimates of the department of community, trade, and economic development, the efficiency standards set forth in this act will save nine hundred thousand megawatt-hours of electricity, thirteen million therms of natural gas, and one billion seven hundred million gallons of water in the year 2020, fourteen years after the standards have become effective, with a total net present value to buyers of four hundred ninety million dollars in 2020.

(2) Efficiency standards for certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels thus saving money on utility bills.

(3) Efficiency standards save energy and reduce pollution and other environmental impacts associated with the production, distribution, and use of electricity and natural gas.

(4) Efficiency standards contribute to the economy of Washington by helping to better balance energy supply and demand, thus reducing pressure for higher natural gas and electricity prices. By saving consumers and businesses money on energy bills, efficiency standards help the state and local economy, since energy bill savings can be spent on local goods and services.

(5) Efficiency standards can make electricity systems more reliable by reducing the strain on the electricity grid during peak demand periods. Furthermore, improved energy efficiency can reduce or delay the need for new power plants, power transmission lines, and power distribution system upgrades.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of community, trade, and economic development.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) "Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place to identify a building exit and consists of an electrically powered integral light source that illuminates the legend "EXIT" and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

(10)(a) "Low-voltage dry-type distribution transformer" means a distribution transformer that: (i) Has an input voltage of 600 volts or less; (ii) is air cooled; (iii) does not use oil as a coolant; and (iv) is rated for operation at a frequency of 60 hertz.

(b) "Low-voltage dry-type transformer" does not include: (i) Transformers with multiple voltage taps, with the highest voltage tap equaling at least twenty percent more than the lowest voltage tap; or (ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto transformers, uninterruptible power system transformers, impedance transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications.

(11) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(12) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(13) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(14) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(15) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(16)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(17)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

(18) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(19) "Torchiere" means a portable electric lighting fixture with a reflective bowl that directs light upward onto a ceiling so as to produce indirect illumination on the surfaces below. "Torchiere" may include downward directed lamps in addition to the upward, indirect illumination.

(20) "Traffic signal module" means a standard (a) 8-inch or 200 mm or (b) 12-inch or 300 mm traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation.

(21) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(22)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

NEW SECTION. Sec. 3. (1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state: (a) Automatic commercial ice cube machines; (b) commercial clothes washers; (c) commercial preinse spray valves; (d) commercial refrigerators and freezers; (e) illuminated exit signs; (f) low-voltage dry-type distribution transformers; (g) metal halide lamp fixtures; (h) single-voltage external AC to DC power supplies; (i) state-regulated incandescent reflector lamps; (j) torchieres; (k) traffic signal modules; and (l) unit heaters. This chapter applies equally to products whether they are sold, offered for sale, or installed as a stand-alone product or as a component of another product.

(2) This chapter does not apply to (a) new products manufactured in the state and sold outside the state, (b) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state,

(c) products installed in mobile manufactured homes at the time of construction or (d) products designed expressly for installation and use in recreational vehicles.

NEW SECTION. Sec. 4. The legislature establishes the following minimum efficiency standards for the types of new products set forth in section 3 of this act.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		>=450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		>=1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		>=934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		>=200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		>=175	9.80	Not applicable

Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value. "Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2) Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.

(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials' "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.

(4)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
	Transparent	0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours

V = total volume (ft³)

AV = adjusted volume = [1.63 x freezer volume (ft³)] + refrigerator volume (ft³)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees F and cool those beverages to a stable temperature of 38 degrees F within 12 hours or less. Daily energy

consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 ± 2
Freezer	0 ± 2

(5) Illuminated exit signs must have an input power demand of five watts or less per illuminated face. For the purposes of this section, input power demand is measured in accordance with the United States environmental protection agency's energy star exit sign program's conditions for testing, version 3.0. Illuminated exit signs must meet all applicable building and safety codes.

(6)(a) Low-voltage dry-type distribution transformers shall have efficiencies not less than the applicable values in the following table when tested at thirty-five percent of the rated output power:

Single Phase		Three Phase	
Rated power output in kVa	Minimum efficiency %	Rated power output in kVa	Minimum efficiency %
≥ 15<25	97.7	≥ 15<30	97.0
≥ 25<37.5	98.0	≥ 30<45	97.5
≥ 37.5<50	98.2	≥ 45<75	97.7
≥ 50<75	98.3	≥ 75<112.5	98.0
≥ 75<100	98.5	≥ 112.5<150	98.2
≥ 100<167	98.6	≥ 150<225	98.3
≥ 167<250	98.7	≥ 225<300	98.5
≥ 250<333	98.8	≥ 300<500	98.6
333	98.9	≥ 500<750	98.7
--	--	≥ 750<1000	98.8
--	--	1000	98.9

kVa = kilovolt amperes

(b) For the purposes of this section, low-voltage dry-type distribution transformer efficiency is measured in accordance with the national electrical manufacturers association TP 2-1998 test method.

(7) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.

(8)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
	Maximum Energy Consumption in No-Load Mode
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies", by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.

(9)(a) State-regulated incandescent reflector lamps that are not 50 watt elliptical reflector lamps must meet the minimum efficacies in the following table:

Wattage	Minimum average lamp efficacy (lumens per watt)
40 - 50	10.5
51 - 66	11.0
67 - 85	12.5
86 - 115	14.0
116 - 155	14.5
156 - 205	15.0

(b) Lamp efficacy must be measured in accordance with the applicable federal test method as found at 10 C.F.R. Sec. 430.23.

(10) Torchieres may not use more than 190 watts. A torchiere is deemed to use more than 190 watts if any commercially available lamp or combination of lamps can be inserted in a socket and cause the torchiere to draw more than 190 watts when operated at full brightness.

(11)(a) Traffic signal modules must have maximum and nominal wattage that do not exceed the applicable values in the following table:

Module Type	Maximum Wattage (at 74°C)	Nominal Wattage (at 25°C)
12" red ball (or 300 mm circular)	17	11
8" red ball (or 200 mm circular)	13	8
12" red arrow (or 300 mm arrow)	12	9
12" green ball (or 300 mm circular)	15	15
8" green ball (or 200 mm circular)	12	12
12" green arrow (or 300 mm arrow)	11	11
mm = millimeter		

(b) For the purposes of this section, maximum wattage and nominal wattage must be measured in accordance with and under the testing conditions specified by the institute for transportation engineers "Interim LED Purchase Specification, Vehicle Traffic Control Signal Heads, Part 2: Light Emitting Diode Vehicle Traffic Signal Modules."

(12) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.

NEW SECTION. Sec. 5. (1) On or after January 1, 2007, no new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, illuminated exit sign, low-voltage dry-type distribution transformer, single-voltage external AC to DC power supply, state-regulated incandescent reflector lamp, torchiere, traffic signal module, or unit heater may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in section 4 of this act. On or after January 1, 2008, no new automatic commercial ice cube machine or metal halide lamp fixtures may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in section 4 of this act.

(2) On or after January 1, 2008, no new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, illuminated exit sign, low-voltage dry-type distribution transformer, single-voltage external AC to DC power supply, state-regulated incandescent reflector lamp, torchiere, traffic signal module, or unit heater may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in section 4 of this act. On or after January 1, 2009, no new automatic commercial ice cube machine or metal halide lamp fixtures may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in section 4 of this act.

(3) Standards for metal halide lamp fixtures and state-regulated incandescent reflector lamps are effective on the dates in subsections (1) and (2) of this section.

NEW SECTION. Sec. 6. The department may recommend updates to the energy efficiency standards and test methods for products listed in section 3 of this act. The department may also recommend establishing state standards for additional nonfederally covered products. In making its recommendations, the department shall use the following criteria: (1) Multiple

manufacturers produce products that meet the proposed standard at the time of recommendation, (2) products meeting the proposed standard are available at the time of recommendation, (3) the products are cost-effective to consumers on a life-cycle cost basis using average Washington resource rates, (4) the utility of the energy efficient product meets or exceeds the utility of the comparable product available for purchase, and (5) the standard exists in at least two other states in the United States. For recommendations concerning commercial clothes washers, the department must also consider the fiscal effects on the low-income, elderly, and student populations. Any recommendations shall be transmitted to the appropriate committees of the legislature sixty days before the start of any regular legislative session.

NEW SECTION. Sec. 7. (1) The manufacturers of products covered by this chapter must test samples of their products in accordance with the test procedures under this chapter or those specified in the state building code.

(2) Manufacturers of new products covered by section 3 of this act, except for single-voltage external AC to DC power supplies, shall certify to the department that the products are in compliance with this chapter. This certification must be based on test results unless this chapter does not specify a test method. The department shall establish rules governing the certification of these products and may coordinate with the certification programs of other states and federal agencies with similar standards.

(3) Manufacturers of new products covered by section 3 of this act shall identify each product offered for sale or installation in the state as in compliance with this chapter by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The department shall establish rules governing the identification of these products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards.

(4) The department may test products covered by section 3 of this act. If products so tested are found not to be in compliance with the minimum efficiency standards established under section 4 of this act, the department shall: (a) Charge the manufacturer of the product for the cost of product purchase and testing; and (b) make information available to the public on products found not to be in compliance with the standards.

(5) The department shall obtain in paper form the test methods specified in section 4 of this act, which shall be available for public use at the department's energy policy offices.

(6) The department shall investigate complaints received concerning violations of this chapter. Any manufacturer or distributor who violates this chapter shall be issued a warning by the director of the department for any first violation. Repeat violations are subject to a civil penalty of not more than two hundred fifty dollars a day. Penalties assessed under this subsection are in addition to costs assessed under subsection (4) of this section.

(7) The department may adopt rules as necessary to ensure the proper implementation and enforcement of this chapter.

(8) The proceedings relating to this chapter are governed by the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 19 RCW."

Senators Rockefeller and Morton spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Substitute House Bill No. 1062.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "efficiency;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 1062, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Hewitt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1062, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1062, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Hewitt, Honeyford, McCaslin, Mulliken, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 15

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1408, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Hinkle, Morrell, Jarrett, Darneille, McDonald, B. Sullivan, Kagi, Skinner, Schual-Berke, Chase, McIntire, McCoy, Hasegawa, Upthegrove, Ormsby, Woods, Miloscia, P. Sullivan, Santos and Simpson)

Creating an individual development account program.

The measure was read the second time.

MOTION

On motion of Senator Eide, Substitute House Bill No. 1408 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1387, by House Committee on Transportation (originally sponsored by Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, Appleton, Murray, Hudgins, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille)

Providing investigative and corrective action procedures for state patrol officers involved in vehicle accidents.

The measure was read the second time.

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Substitute House Bill No. 1387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Finkbeiner and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1387 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1554, by Representatives Morrell, Buri, Grant, Holmquist, Newhouse, McDonald, Conway, Blake, Quall, Linville and Miloscia

Clarifying the definition of "farm and agricultural land" for purposes of current use property taxation.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1554.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1554 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1379, by House Committee on Appropriations (originally sponsored by Representatives Grant, Armstrong, Springer, Hinkle, Fromhold, Walsh, Upthegrove, Bailey, Clibborn, Chase and Simpson)

Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 66.08 RCW to read as follows:

The board shall, consistent with, and in addition to, the existing retail business plan, implement strategies to improve the efficiency of retail sales operations and maximize revenue-generating opportunities. Strategies to be implemented shall include, but are not limited to:

(1) Expanding store operations to include Sunday sales in selected liquor stores. Sunday sales are optional for liquor vendors operating agency stores;

(2) Implementing a plan of in-store liquor merchandising, including point-of-sale advertising, and product specific point-of-sale promotional displays and carousels, including displays designed and provided by vendors; and

(3) Implementing a plan for in-store liquor merchandising of brands. The plan may not include provisions for selling liquor-related items other than those items previously authorized.

NEW SECTION. Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:

By September 1, 2005, the board shall expand operations in at least twenty state-operated retail stores to include Sundays. The board shall select the stores that are expected to gross the most revenues on Sunday by considering factors including, but not limited to, population density, proximity to shopping centers, and proximity to other businesses that are open on Sunday. The selected stores shall be open for retail business a minimum of five hours on Sunday. In implementing this

program, if the board determines it would be beneficial to retain a consultant to assist the board in determining appropriate stores for the program and monitoring the results of the program, the agency is authorized to do so. The board shall track gross sales and expenses of the selected stores and compare them to previous years' sales and projected sales and expenses before opening on Sunday. The board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings has reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2007.

Sec. 3. RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to read as follows:

(1) The board shall not advertise liquor in any form or through any medium whatsoever.

(2) In-store liquor merchandising is not advertising for the purposes of this section.

(3) The board shall have power to adopt any and all reasonable (~~regulations~~) rules as to the kind, character, and location of advertising of liquor.

NEW SECTION. Sec. 4. A new section is added to chapter 66.08 RCW to read as follows:

(1) Before the board determines which state liquor stores will be open on Sundays, it shall give: (a) Due consideration to the location of the liquor store with respect to the proximity of places of worship, schools, and public institutions; (b) due consideration to motor vehicle accident data in the proximity of the liquor store; and (c) written notice by certified mail of the proposed Sunday opening, including proposed Sunday opening hours, to places of worship, schools, and public institutions within five hundred feet of the liquor store proposed to be open on Sunday.

(2) Before permitting an agency vendor liquor store to open for business on Sunday, the board must meet the due consideration and written notice requirements established in subsection (1) of this section.

(3) For the purpose of this section, "place of worship" means a building erected for and used exclusively for religious worship and schooling or other related religious activity.

NEW SECTION. Sec. 5. A new section is added to chapter 66.16 RCW to read as follows:

Employees in state liquor stores, including agency vendor liquor stores, may not be required to work on their Sabbath for the purpose of selling liquor if doing so would violate their religious beliefs.

NEW SECTION. Sec. 6. RCW 66.16.080 (Sunday closing) and 1988 c 101 s 1 & 1933 ex.s. c 62 s 11 are each repealed.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1379.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 66.08.060; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; and repealing RCW 66.16.080."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1379, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Hewitt, Schoesler, Delvin and Deccio spoke in favor of passage of the bill.

Senators Benson, Rasmussen, McCaslin, Keiser, Oke, Stevens and Shin spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put carried by voice vote.

PARLIAMENTARY INQUIRY

Senator Stevens: "In accordance with Article II, Section 24, does the House Bill No. 1379, Liquor Control Board implementing retail business plan take an effective vote, on sixty percent affirmative vote, of the Senate? The legislation repeals

or temporarily repeals all stores from being open on Sunday. If House Bill No. 1379 passes all one-hundred and fifty-four contract liquor stores and additional tribal stores will now have the option to open up on Sunday, therefore expanding lottery outlets on Sunday. This legislation will expand lottery outlets on Sunday to potentially one-hundred fifty-four contract liquor and additional tribal stores thus expanding gambling."

Senator Prentice spoke against the point of parliamentary inquiry.

MOTION

On motion of Senator Eide, Substitute House Bill No. 1379 was deferred and the bill held its place on the third reading calendar.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

The Senate resumed consideration of Substitute House Bill No. 1408 which had been deferred earlier in the day.

MOTION

Senator Shin moved that the following committee amendment by the Committee on International Trade & Economic Development be adopted.

On page 4, line 3, after "individual" strike "may" and insert "participating in the program must"

On page 4, line 4, after "account" strike "such amounts as are" and insert "."

On page 4, line 4, after "are" insert "The contributions may be"

Senator Shin spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on International Trade & Economic Development to Substitute House Bill No. 1408.

The motion by Senator Shin carried and the committee amendment was adopted by voice vote.

MOTION

Senator Shin moved that the following committee amendment by the Committee on International Trade & Economic Development be adopted.

On page 5, line 20, after "youth" strike "may" and insert "participating in the program must"

On page 5, line 21, after "account" strike "such amounts as are" and insert "."

On page 5, line 21, after "are" insert "The contributions may be"

Senator Shin spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on International Trade & Economic Development to Substitute House Bill No. 1408.

The motion by Senator Shin carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 1408, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1408, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1408, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Kastama, McAuliffe and Rockefeller - 3

Excused: Senators Hewitt and Prentice - 2

SUBSTITUTE HOUSE BILL NO. 1408, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1837, by Representatives Rodne, Lantz, McDonald, Moeller, Dickerson, Priest, Curtis, Morris, Woods, Shabro, Hasegawa, Kagi and Kenney

Providing for child witnesses.

The measure was read the second time.

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Kline be adopted.

On page 5, beginning on line 7, after "(11)" strike all material through "appropriate." on line 10, and insert "Nothing in this section precludes the court, under other circumstances arising under subsection (1)(a) of this section, from allowing a child to testify outside the presence of the defendant and the jury so long as the testimony is presented in accordance with the standards and procedures required in this section."

Senator Johnson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Kline on page 5, line 7 to House Bill No. 1837.

The motion by Senator Johnson carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1837, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senator Oke was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1837, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1837, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

HOUSE BILL NO. 1837, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Stevens that House Bill 1379 is an expansion of gambling that requires a sixty percent vote under Article II, Section 24 of the Washington Constitution, the President finds and rules as follows:

This measure would allow some Sunday sales in certain liquor stores and permit in-store liquor merchandising. Senator Stevens' argument essentially is that, because some of these stores may sell lottery tickets, allowing sales of liquor on Sunday at these stores would expand gambling. The President is not persuaded by this argument for two reasons.

First, many of the contract stores are already open on Sundays, able to sell all merchandise—including lottery tickets—except liquor. Adding liquor sales to Sunday for these stores therefore has no impact on the sales of lottery tickets in these stores.

Second, the statutory scheme authorizing lottery sales already allows for the regulation of times, types, and locations of lottery outlets. Thus, the question as to limitations on the time and place of lottery sales has already been set by law, and the bill before us does nothing to change this. For these reasons, Senator Stevens' point is not well-taken and the bill takes only a simple majority for final passage."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1379, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1379, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Thibaudeau and Weinstein - 31

Voting nay: Senators Benson, Benton, Brandland, Franklin, Haugen, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Rasmussen, Roach, Shin, Stevens, Swecker and Zarelli - 17

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1379, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

The Senate Journal reflects that I voted "Yes" on Substitute House Bill No. 1379. I voted "Yes" on this bill by mistake. I was being interviewed by telephone during the roll call and inadvertently voted "yes." I oppose the principal of increased liquor sales, specifically, sales of liquor on Sunday.

Again, I oppose Substitute House Bill 1379 and should have voted no on final passage of the bill.

SENATOR JIM HARGROVE, Legislative District 24

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1918, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Chase)

Implementing a recommendation of the joint legislative audit and review committee with regard to industrial insurance.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1918.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1918 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brandland, Brown and Kline - 3

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1918, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Health Care (originally sponsored by Representatives Morrell, Clibborn, Moeller, Cody, Green, Appleton, Roberts, Sommers, Blake, Schual-Berke, Flannigan, Sells, Kenney and Kagi)

Concerning improving the quality of care in state-purchased health care programs.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 2, line 36, after "care" insert "facilities."

On page 3, line 1, after "entities" insert ", health care facilities."

On page 3, line 6 after "entities" insert ", health care facilities."

On page 5, line 15, after "care" insert "facilities."

On page 5, line 18, after "entities" insert ", health care facilities."

On page 5, line 22 after "entities" insert ", health care facilities."

On page 5, line 30 after "health care" insert "facilities,"

On page 5, line 32 after "entities" insert ", health care facilities,"

On page 6, line 1, after "entities" insert ", health care facilities,"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 2, line 36 to Substitute House Bill No. 1512.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1512, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1512, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1512, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Finkbeiner - 1

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1512, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1161, by Representatives Buri, O'Brien, Walsh, Ericks, Darneille, McCoy, Clements, Serben, Pearson, Strow, Kristiansen, Moeller, Lovick, Simpson, Campbell, Tom, Morrell, Chase, Ahern, Newhouse, Armstrong, Woods, Sells and Ormsby

Adding entities entitled to notification about sex offenders and kidnapping offenders.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1161.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1161 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

HOUSE BILL NO. 1161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Weinstein, Senator Fairley was excused.

SECOND READING

HOUSE BILL NO. 1832, by Representatives Kretz, Blake, Grant, Holmquist, P. Sullivan, Buri, B. Sullivan, Kristiansen, Serben, Linville, McCune, Orcutt, Sump, Condotta, Cox, Walsh, Clements, Roach, Newhouse, Haler and Pearson

Requiring the posting of cougar interactions with pets, livestock, or humans.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Stevens and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Oke - 2

HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2169, by House Committee on Children & Family Services (originally sponsored by Representatives Walsh, Grant, Buri, Cox and Haler)

Authorizing specified counties to regulate day care. Revised for 1st Substitute: Creating a pilot project authorizing small counties to regulate day care.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Notwithstanding RCW 74.15.030, counties with a population of three thousand or less may adopt and enforce ordinances and regulations as provided in this act for family day-care providers as defined in RCW 74.15.020(1)(f) as a twelve-month pilot project. Before a county may regulate family day-care providers in accordance with this act, it shall adopt ordinances and regulations that address, at a minimum, the following: (a) The size, safety, cleanliness, and general adequacy of the premises; (b) the plan of operation; (c) the character, suitability, and competence of a family day-care provider and other persons associated with a family day-care provider directly responsible for the care of children served; (d) the number of qualified persons required to render care; (e) the provision of necessary care, including food, clothing, supervision, and discipline; (f) the physical, mental, and social well-being of children served; (g) educational and recreational opportunities for children served; and (h) the maintenance of records pertaining to children served.

(2) The county shall notify the department of social and health services in writing sixty days prior to adoption of the family day-care regulations required pursuant to this act. The transfer of jurisdiction shall occur when the county has notified the department in writing of the effective date of the regulations, and shall be limited to a period of twelve months from the effective date of the regulations. Regulation by counties of family day-care providers as provided in this act shall be administered and enforced by those counties. The department shall not regulate these activities nor shall the department bear any civil liability under chapter 74.15 RCW for the twelve-month pilot period. Upon request, the department shall provide technical assistance to any county that is in the process of adopting the regulations required by this act, and after the regulations become effective.

(3) Any county regulating family day-care providers pursuant to this act shall report to the governor and the appropriate committees of the legislature concerning the outcome of the pilot project upon expiration of the twelve-month pilot period. The report shall include the ordinances and regulations adopted pursuant to subsection (1) of this section and a description of how those ordinances and regulations address the specific areas of regulation identified in subsection (1) of this section."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2169.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2169, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2169, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2169, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senators Delvin and Thibaudeau - 2

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 2169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The Speaker signed:

HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1269,
HOUSE BILL NO. 1312,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1569,
HOUSE BILL NO. 1838,
HOUSE BILL NO. 2088,
HOUSE BILL NO. 2188,

and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President has signed:

HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1086,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE BILL NO. 1269,
HOUSE BILL NO. 1312,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1569,
HOUSE BILL NO. 1838,
HOUSE BILL NO. 2088,
HOUSE BILL NO. 2188,

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senator Shin

WHEREAS, The Washington Community and Technical Colleges contribute significantly to the state's economy during times of both cyclical downturns and structural changes; and

WHEREAS, The Worker Retraining Program for dislocated and unemployed workers is representative of these contributions; and

WHEREAS, Due to economic displacement, 80,339 Washington citizens have trained for new occupations through the Worker Retraining Program; and

WHEREAS, Washington's labor market suffered the second-highest unemployment rate in the nation during the 2001 recession and its aftermath; and

WHEREAS, The Worker Retraining Program supports individuals' right to obtain new career fields in light of economic change; and

WHEREAS, Eighty percent of Worker Retraining Program participants became reemployed within nine months after training and obtained jobs paying between eighty-six and one hundred fourteen percent of their prelayoff wages; and

WHEREAS, The public saves five hundred thirty dollars per retrained worker in the first two and one-half years after training through reduced spending on TANF, food stamps, and unemployment insurance; and

WHEREAS, The Worker Retraining Program returns dislocated workers to work in the quickest time possible, while providing the skills necessary to succeed in a changing job market; and

WHEREAS, The Worker Retraining Program has been the subject of numerous accountability studies and those evaluations have found that it substantially increases employment, hours worked, and earnings of participants; and

WHEREAS, Washington's Worker Retraining Program is recognized across the nation as a model and best practice; and

WHEREAS, The 2005 Legislative session is an appropriate time to recognize the contributions to a competitive Washington work force provided by the community and technical college system;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the community and technical colleges' contributions to work force and statewide economic development and to the betterment of over 80,000 workers in times of economic hardship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Worker Retraining Program of the State Board for Community and Technical Colleges.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Oke, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Oke moved adoption of the following resolution:

SENATE RESOLUTION

8667

By Senator Oke

WHEREAS, Edgar Martinez was born in New York City on January 2, 1963, grew up playing baseball with his brother and neighborhood friends in Dorado, Puerto Rico, and attended American College in Puerto Rico; and

WHEREAS, Edgar Martinez was nineteen years old when he signed with the Seattle Mariners as an amateur free agent on September 12, 1982; and

WHEREAS, When Edgar Martinez was a skinny twenty-year-old with the Mariners' Class A team in Bellingham in 1983, he hit only .173 and was better known for his glove than his bat; and

WHEREAS, Edgar Martinez endured several more seasons in the minors before he made his major league debut in 1987, ironically as a pinch runner; and

WHEREAS, Edgar's first big-league hit was a triple, proving to newer Mariners' fans that he was a fast baserunner early in his Seattle career; and

WHEREAS, Edgar Martinez became Seattle's everyday third baseman in 1990 and responded by hitting .302 that season and .307 in 1991; and

WHEREAS, Edgar Martinez made his American League All-Star debut in 1992, a season in which he was crowned American League batting champion with a .343 average; and

WHEREAS, A severely pulled hamstring in a 1993 preseason exhibition game in Vancouver, B.C., caused Edgar to miss most of that season and forced him to transform himself from an able third baseman into the greatest designated hitter in history; and

WHEREAS, Edgar Martinez helped keep baseball alive in Seattle in 1995 by delivering arguably the biggest hit in Mariners' history, a game-winning double ripped down the left-field line in the bottom of the eleventh inning of the fifth and final game of the American League Divisional Series against the New York Yankees, knocking in Joey Cora and Ken Griffey, Jr. and resulting in the most enduring image and defining moment in Mariners' history, as teammates mobbed Junior at the plate after he slid home with the series-winning run while a sold-out Kingdome crowd roared with joy; and

WHEREAS, Edgar Martinez was a one-man wrecking crew in that fabled playoff series against the Yankees, as he drove in a major league record seven postseason runs to almost single-handedly rally the Mariners from a two-games-to-zero deficit against the Yankees; and

WHEREAS, Edgar Martinez became a fan favorite throughout the Northwest and a team icon as a result of his loyalty and dedication to the Mariners and the Northwest, his quiet team leadership, his friendly, pleasant demeanor, his powerful bat, and his funny TV ads for the Mariners and Eagle Hardware; and

WHEREAS, Mariners' fans often showed their love and respect for Edgar Martinez by serenading him with chants of "Edddd...Grrrrr" before or after one of his at-bats; and

WHEREAS, Mariners announcer Dave Niehaus frequently said Edgar Martinez is the nicest guy to ever put on a pair of spikes; and

WHEREAS, Edgar Martinez gained even more respect and admiration from fans throughout the region for his willingness to give back to the community through charities and other activities, which is evidenced by his winning the 2004 Roberto Clemente Award for outstanding baseball skills and devotion to the community; and

WHEREAS, Edgar Martinez defined the position of designated hitter, holding the all-time major league record for home runs and RBIs by a DH, and is the only designated hitter in the history of baseball to win a batting title, hitting .356 in 1995; and

WHEREAS, Major League Baseball Commissioner Allan H. "Bud" Selig paid fitting tribute to Edgar Martinez's remarkable status as the most prolific designated hitter in the history of Major League Baseball when he announced on October 2, 2004, that the American League Designated Hitter of the Year Award has been officially renamed "The Edgar Martinez Award"; and

WHEREAS, Edgar Martinez retired at the end of the 2004 season with the same team with which he began, a rarity among major league ballplayers, ending his eighteen-year career with 309 home runs, 1,261 runs batted in, and 2,247 hits, including 514 doubles; and

WHEREAS, Edgar Martinez joins Babe Ruth, Ted Williams, and Lou Gehrig as one of only seven players in baseball history to have a career batting average of .300 or more, an on-base percentage of .400 or more, a slugging percentage of .500 or more, 2,000 hits, 300 home runs, 500 doubles, and 1,000 walks;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Edgar Martinez on his long and wonderful career with the Seattle Mariners and thank him for giving so much back to the team's fans and to the community.

Senators Oke, Hargrove, Hewitt, Deccio, Franklin, Mulliken, Kline, Schmidt, Esser, Shin, Haugen and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

The motion by Senators Oke carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "With Mr. Martinez today, we're privileged to have one of the Vice Presidents of the Mariners, Joe Chard, Corporate Business & Community Relations and also Clyde MacIver, Executive Vice President, General Counsel for the Mariners. Thank you two for being with us today. It's now my great privilege to recognize our hero, Mr. Edgar Martinez."

REMARKS BY EDGAR MARTINEZ

Edgar Martinez: "Thank you very much for the invitation and for all your comments. They really mean a lot to me and to my family. I think that I'm the one that has been blessed with the opportunity to be in this community and to be able to play with the same team for eighteen years. So, to me, I feel like that the long years meant a lot. I really appreciate your comments. This resolution is something that I will treasure for the rest of my life."

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:54 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2156, by House Committee on Children & Family Services (originally sponsored by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams)

Regarding dependency and termination of parental rights. Revised for 1st Substitute: Regarding dependency and termination of parental rights. (REVISED FOR PASSED LEGISLATURE: Creating a joint task force on child safety.)

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A joint task force on child safety for children in child protective services or child welfare services is established. The joint task force shall consist of the following members:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the Washington council for prevention of child abuse and neglect;
- (d) One representative from each of the four most recent child fatality review committees;
- (e) The secretary of the department of social and health services or the secretary's designee;
- (f) The executive director of the office of public defense or the executive director's designee;
- (g) The director of the office of family and children's ombudsman or the director's designee;
- (h) A representative of the Washington association of sheriffs and police chiefs;
- (i) The secretary of the department of health or the secretary's designee;
- (j) A representative of the office of attorney general;
- (k) A representative of the superior court judges association;
- (l) One representative each from social workers for child protective services and social workers for child welfare services, appointed by the secretary of the department of social and health services; and
- (m) The following members, jointly appointed by the speaker of the house of representatives and the president of the senate:

- (i) A representative from a statewide foster parents association and a foster parent not affiliated with the statewide foster parents association;
- (ii) A representative from a statewide birth parent organization or a birth parent who has been involved in the child welfare system; and
- (iii) One representative each from two different organizations that primarily provide services to children and families involved with the child welfare system.

(2) Two of the legislative members shall serve as cochairs of the task force.

(3) The task force shall review and make recommendations to the legislature and the governor on improving the health, safety, and welfare of Washington children in child protective services or child welfare services. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

- (a) State and federal statutes regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;
- (b) Current and ongoing department of social and health services work groups or work plans regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;
- (c) The purpose and value of child protection teams and determine whether any changes should be made;
- (d) Best practices regarding children removed from parents at birth and placed in out-of-home care, transition services for families with children in out-of-home placement for an extended period of time, and standards for return to home placement when a child has been placed out-of-home including situations where a child has been placed out-of-home and returned to home multiple times;
- (e) The training that is offered to social workers regarding child development and determine whether any changes should be made;
- (f) Best practices regarding information sharing between case workers, supervisors, and other relevant participants in placement decisions;
- (g) Best practices for assessing and addressing chemical dependency issues of parents;
- (h) The effectiveness of current home-based service providers currently used and determine whether any changes should be made;
- (i) Best practices addressing family cultural and tribal issues and the role, if any, of social worker training or bias in safety assessment and placement decisions; and
- (j) Other issues deemed relevant to improving child safety outcomes.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its preliminary findings and recommendations to the legislature by December 31, 2005, and a final report on its findings and recommendations by September 1, 2006.

NEW SECTION. Sec. 2. This act expires October 1, 2006.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2156.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2156, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2156, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2156, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2156, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1068, by Representatives Quall, McDermott and Haigh

Eliminating mandatory norm-referenced student assessments.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.230.195 and 1999 c 373 s 603 are each amended to read as follows:

(1) If students' scores on the test or assessments under RCW (~~28A.230.190, 28A.230.230, and 28A.630.885~~) 28A.655.070 indicate that students need help in identified areas, the school district shall evaluate its instructional practices and make appropriate adjustments.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature finds that the mandatory norm-referenced student assessments eliminated under this act provide information that teachers and parents use to improve student learning. The legislature intends to permit school districts to offer norm-referenced assessments at the districts' own expense and make diagnostic tools available that provide information that is at least as valuable as the information eliminated under this act.

(2) School districts may, at their own expense, administer norm-referenced assessments to students.

(3) By September 1, 2005, subject to available funds, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) (a) through (e) of this section.

(4) By September 1, 2006, subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make available to school districts diagnostic assessments that help improve student learning. To the greatest extent possible, the assessments shall be:

- (a) Aligned to the state's grade level expectations;
 - (b) Individualized to each student's performance level;
 - (c) Administered efficiently to provide results either immediately or within two weeks;
 - (d) Capable of measuring individual student growth over time; and
 - (e) Cost-effective.
- (5) The office of the superintendent of public instruction is encouraged to offer at their statewide and regional staff development activities training opportunities that would assist practitioners in:
- (a) The interpretation of diagnostic assessments; and
 - (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.
- NEW SECTION. Sec. 3.** The following acts or parts of acts are each repealed:
- (1) RCW 28A.230.190 (Third grade achievement test) and 1999 c 373 s 201, 1998 c 319 s 202, 1997 c 262 s 5, 1990 c 101 s 6, 1985 c 403 s 1, 1984 c 278 s 8, & 1975-'76 2nd ex.s. c 98 s 1;
 - (2) RCW 28A.230.193 (Sixth grade achievement test) and 1999 c 373 s 301;
 - (3) RCW 28A.230.230 (Annual assessment of ninth grade students--Inventory for high school and beyond for use by eighth grade students) and 1999 c 373 s 401 & 1990 c 101 s 2; and
 - (4) RCW 28A.230.260 (Annual report to the legislature) and 1990 c 101 s 5."
- Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Eide, Engrossed House Bill No. 1068 was deferred and the bill held its place on the second reading calendar.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1031 which had been deferred earlier in the day.

PARLIAMENTARY INQUIRY

Senator Eide: "Would you please tell us exactly where we are on the Engrossed Substitute House Bill No. 1031? I believe we were on roll call and what amendment?"

REPLY BY THE PRESIDENT

President Owen: "Engrossed Substitute House Bill No. 1031 was on second reading. We are considering an amendment to the committee amendment. We are considering amendment 442 by Senator Honeyford to the committee striking amendment."

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 22 to the committee striking amendment to Engrossed Substitute House Bill No. 1031.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Stevens, Swecker, and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

MOTION

Senator Prentice moved that the following amendment by Senator Prentice to the committee striking amendment be adopted.

On page 2, line 27 of the amendment, after "section." insert "The advisory committee shall give due consideration in the design and management of the program that persons who hold licenses or contracts issued by the gambling commission, horse racing commission, and lottery commission are not excluded from, or discouraged from, applying to participate in the program."

Senator Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 2, line 27 to the committee striking amendment to Engrossed Substitute House Bill No. 1031.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 4, line 34 of the amendment, after "act." insert "This subsection does not apply to businesses operating contests of chance when the gross income from the operation of contests of chance is less than one hundred thousand dollars per year."

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 4, line 34 to Engrossed Substitute House Bill No. 1031 was withdrawn.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Prentice to the committee striking amendment be adopted.

On page 4, line 34 of the amendment, after "act." insert "This subsection does not apply to businesses operating contests of chance when the gross income from the operation of contests of chance is less than fifty thousand dollars per year."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Schoesler and Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Prentice on page 4, line 34 to the committee striking amendment to Engrossed Substitute House Bill No. 1031.

The motion by Senator Schoesler carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1031.

The motion by Senator Prentice carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "gambling;" strike the remainder of the title and insert "amending RCW 43A.20A.980; 67.70.340, 82.04.350, 82.04.290, and 9.46.071; adding a new section to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1031, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1031, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1031, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 36

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Esser, Hewitt, McCaslin, Morton, Mulliken, Parlette, Pflug and Zarelli - 12

Absent: Senator Deccio - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1747, by House Committee on Judiciary (originally sponsored by Representatives Wood, Rodne, Priest, Clements, Lantz, Williams, Darneille and Ormsby)

Administering the state-funded civil representation of indigent persons.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1747.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Benton, Carrell, Deccio, Hewitt, Honeyford, McCaslin, Morton, Mulliken, Pflug, Schoesler and Stevens - 12

SUBSTITUTE HOUSE BILL NO. 1747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1366, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Roberts, McDonald, B. Sullivan, Dickerson, Morrell, Skinner, Appleton, Hinkle, Moeller, Hasegawa, McCune, Sells, Walsh, Ormsby, Kenney, Kagi and McDermott)

Requiring video game retailers to inform consumers about video game rating systems.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 19.188 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section.

(a) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(b) "Video game retailer" means a person who sells or rents video games to the public.

(c) "Point of sale" means the location in the retail establishment at which a transaction occurs resulting in the sale or rental of a video game.

(2) Every video game retailer shall post signs providing information to consumers about the existence of a nationally recognized video game rating system, or notifying consumers that a rating system is available, to aid in the selection of a game if such a rating system is in existence.

(3) The signs shall be posted within the retail establishment in prominent areas near the video game displays. The signs shall also be posted at points of sale, unless the retailer has a system in place that prompts the retailer to check the identification of purchasers who appear to be under the age of eighteen who are attempting to purchase video games intended for adult audiences. The signs and lettering shall be clearly visible to consumers.

(4) A video game retailer shall make available to consumers, upon request, information that explains the video game rating system."

Senators Regala and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1366.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "games;" strike the remainder of the title and insert "and adding a new section to chapter 19.188 RCW."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1366, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1366, as amended by the Senate .

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1366, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senators Prentice, Regala and Thibaudeau - 3

SUBSTITUTE HOUSE BILL NO. 1366, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1179, by House Committee on Transportation (originally sponsored by Representatives Murray, Shabro, Wallace, Woods, Jarrett, Simpson, Springer, Dickerson, Quall, Armstrong, Kenney, Clibborn and McIntire)

Authorizing a pilot project for high-occupancy toll lanes.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature recognizes that the Puget Sound region is faced with growing traffic congestion and has limited ability to expand freeway capacity due to financial, environmental, and physical constraints. Freeway high-occupancy vehicle lanes have been an effective means of providing transit, vanpools, and carpools with a fast trip on congested freeway corridors, but in many cases, these lanes are themselves getting crowded during the peak commute times, while some are being underused at off-peak times.

It is the intent of the legislature to maximize the effectiveness and efficiency of the freeway system. To evaluate methods to accomplish this, it is beneficial to evaluate alternative approaches to managing the use of freeway high-occupancy vehicle lanes, including pilot projects to determine and demonstrate the effectiveness and benefits of implementing high-occupancy toll lanes. The legislature acknowledges that state route 167 provides an ideal test of the high-occupancy toll lane concept because it is a congested corridor, it has underused capacity in the high-occupancy vehicle lane, and it has adequate right of way for improvements needed to test the concept. Therefore, it is the intent of this act to direct that the department of transportation, as a pilot project, develop and operate a high-occupancy toll lane on state route 167 in King county and to conduct an evaluation of that project to determine impacts on freeway efficiency, effectiveness for transit, feasibility of financing improvements through tolls, and the impacts on freeway users.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW to read as follows:

DEFINITION OF HIGH-OCCUPANCY TOLL LANES. For the purposes of RCW 46.61.165 and sections 3 and 4 of this act, "high-occupancy toll lanes" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the facility, to maintain travel speed and reliability. Supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

AUTHORITY TO DESIGNATE STATE ROUTE 167 HIGH-OCCUPANCY TOLL LANE PILOT PROJECT. (1) The department may provide for the establishment, construction, and operation of a pilot project of high-occupancy toll lanes on state route 167 high-occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high-occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high-occupancy toll lane pilot project.

(2) Tolls for high-occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high-occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high-occupancy toll lane pilot project.

The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high-occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

(a) Freeway efficiency and safety;

(b) Effectiveness for transit;

(c) Person and vehicle movements by mode;

(d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high-occupancy vehicle lane users.

(5) Authorization to impose high-occupancy vehicle tolls for the state route 167 high-occupancy toll pilot project expires if either of the following two conditions apply:

(a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of the effective date of this section; or

(b) Four years after toll collection begins under this section.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high-occupancy vehicle lane to a high-occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high-occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 47.66 RCW to read as follows:

The high-occupancy toll lanes operations account is created in the state treasury. The department shall deposit all revenues received by the department as toll charges collected from high-occupancy toll lane users. Moneys in this account may be spent only if appropriated by the legislature. Moneys in this account may be used for, but be not limited to, debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and expansion of high-occupancy toll lanes and to increase transit, vanpool and carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor.

Sec. 5. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from

public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sp. sess.

(hhh) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 6. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or

transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 7. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health

supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 43.84.092 and 2004 c 242 s 60 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation

fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. Section captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. (1) Section 5 of this act expires June 30, 2005.

(2) Section 7 of this act expires July 1, 2006.

NEW SECTION. Sec. 11. (1) Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2005.

(2) Section 8 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 12. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Haugen spoke in favor of adoption the committee striking amendment.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Zarelli and Swecker to the committee striking amendment be adopted.

On page 4, after line 23 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 47.20 RCW to read as follows:

The department of transportation may not operate any high-occupancy toll lanes or any existing high-occupancy vehicle lanes, and may not open or operate any new high-occupancy toll lane or high-occupancy vehicle lane projects, in counties with a population of three hundred thousand or more that border the state of Oregon unless: (a) Vehicle spaces at park and ride lots within the county are three times the capacity in existence on the effective date of this section; (b) the Interstate 5 bridge over the Columbia river is retrofitted to include four southbound general purpose lanes; and (c) the department of transportation determines that high-occupancy vehicle lanes will improve travel time by at least eight minutes over the length of the high-occupancy vehicle lanes."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 31, line 18 of the title amendment, after "47.66 RCW;" insert "adding a new section to chapter 47.20 RCW;"

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Pridemore: "Mr. President, I would question the scope and object of this amendment for the underlying bill. Surely a bill intended to authorize a pilot project in King County can not admit to an amendment design to shut a pilot project in Clark County."

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, Substitute House Bill No. 1179 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2173, by House Committee on Judiciary (originally sponsored by Representatives Serben, Lantz, Curtis, Darneille, Williams, Rodne, Ahern, Sump, Sells, Woods, Dunn, Springer, Haler, Talcott, Wallace, Conway, O'Brien, Kenney and P. Sullivan)

Adopting the service members' civil relief act.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter.

(1) "Dependent" means:

- (a) The service member's spouse;
- (b) The service member's minor child; or

(c) An individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief under this chapter.

(2) "Judgment" does not include temporary orders as issued by a judicial court or administrative tribunal in domestic relations cases under Title 26 RCW, including but not limited to establishment of a temporary child support obligation, creation of a temporary parenting plan, or entry of a temporary protective or restraining order.

(3) "Military service" means a service member under a call to active service authorized by the president of the United States or the secretary of defense for a period of more than thirty consecutive days.

(4) "National guard" has the meaning in RCW 38.04.010.

(5) "Service member" means any resident of Washington state that is a member of the national guard or member of a military reserve component.

NEW SECTION. Sec. 2. APPLICABILITY OF CHAPTER. (1) Any service member who is ordered to report for military service and his or her dependents are entitled to the rights and protections of this chapter during the period beginning on the date on which the service member receives the order and ending one hundred eighty days after termination of or release from military service.

(2) This chapter applies to any judicial or administrative proceeding commenced in any court or agency in Washington state in which a service member or his or her dependent is a defendant. This chapter does not apply to criminal proceedings.

(3) This chapter shall be construed liberally so as to provide fairness and do substantial justice to service members and their dependents.

NEW SECTION. Sec. 3. PROTECTION OF PERSONS SECONDARILY LIABLE. (1) Whenever pursuant to this chapter a court stays, postpones, or suspends (a) the enforcement of an obligation or liability, (b) the prosecution of a suit or proceeding, (c) the entry or enforcement of an order, writ, judgment, or decree, or (d) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

(2) When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this chapter, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily liable on the contract or liability for the enforcement of the judgment decree.

NEW SECTION. Sec. 4. WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENT. (1) A service member may waive any of the rights and protections provided by this chapter. In the case of a waiver that permits an action described in subsection (2) of this section, the waiver is effective only if made pursuant to a written agreement of the parties that is executed

during or after the service member's period of military service. The written agreement shall specify the legal instrument to which the waiver applies and, if the service member is not party to that instrument, the service member concerned.

(2) The requirement in subsection (1) of this section for a written waiver applies to the following: (a) The modification, termination, or cancellation of a contract, lease, or bailment; or an obligation secured by a mortgage, trust, deed, lien, or other security in the nature of a mortgage; and (b) the repossession, retention, foreclosure, sale, forfeiture, or taking possession of property that is security for any obligation or was purchased or received under a contract, lease, or bailment.

NEW SECTION. Sec. 5. PROTECTION OF SERVICE MEMBERS AGAINST DEFAULT JUDGMENTS. (1) This section applies to any civil action or proceeding in which a service member or his or her dependent is a defendant and does not make an appearance under applicable court rules or by law.

(2) In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit:

(a) Stating whether the defendant is in military service, or is a dependent of a service member in military service, and showing necessary facts to support the affidavit; or

(b) If the plaintiff is unable to determine whether the defendant is in military service or is a dependent of a service member in military service, stating that the plaintiff is unable to determine whether the defendant is in military service or is a dependent of a service member in military service.

(3) If in an action covered by this section it appears that the defendant is in military service or is a dependent of a service member in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a service member or his or her dependent cannot locate the service member or dependent, actions by the attorney in the case do not waive any defense of the service member or dependent or otherwise bind the service member or dependent.

(4) In an action covered by this section in which the defendant is in military service or is a dependent of a service member in military service, the court shall grant a stay of proceedings until one hundred eighty days after termination of or release from military service, upon application of defense counsel, or on the court's own motion, if the court determines that:

(a) There may be a defense to the action and a defense cannot be presented without presence of the defendant; or

(b) After due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

(5) No bar to entry of judgment under subsection (3) of this section or requirement for grant of stay under subsection (4) of this section precludes the entry of temporary orders in domestic relations cases. If a court or administrative tribunal enters a temporary order as allowed under this subsection, it shall include a finding that failure to act, despite the absence of the service member, would result in manifest injustice to the other interested parties. Temporary orders issued without the service member's participation shall not set any precedent for the final disposition of the matters addressed therein.

(6) If a service member or dependent who is a defendant in an action covered by this section receives actual notice of the action, the service member or dependent may request a stay of proceedings pursuant to section 6 of this act.

(7) A person who makes or uses an affidavit permitted under this section knowing it to be false, is guilty of a class C felony.

(8) If a default judgment is entered in an action covered by this section against a service member or his or her dependent during the service member's period of military service or within one hundred eighty days after termination of or release from military service, the court entering the judgment shall, upon application by or on behalf of the service member or his or her dependent, reopen the judgment for the purpose of allowing the service member or his or her dependent to defend the action if it appears that:

(a) The service member or dependent was materially affected by reason of that military service in making a defense to the action; and

(b) The service member or dependent has a meritorious or legal defense to the action or some part of it.

(9) If a court vacates, sets aside, or reverses a default judgment against a service member or his or her dependent and the vacating, setting aside, or reversing is because of a provision of this chapter, that action does not impair a right or title acquired by a bona fide purchaser for value.

NEW SECTION. Sec. 6. STAY OF PROCEEDINGS WHEN SERVICE MEMBER HAS NOTICE. (1) This section applies to any civil action or proceeding in which a defendant at the time of filing an application under this section:

(a)(i) Is in military service, or it is within one hundred eighty days after termination of or release from military service; or

(ii) Is a dependent of a service member in military service; and

(b) Has received actual notice of the action or proceeding.

(2) At any stage before final judgment in a civil action or proceeding in which a service member or his or her dependent described in subsection (1) of this section is a party, the court may on its own motion and shall, upon application by the service member or his or her dependent, stay the action until one hundred eighty days after termination of or release from military service, if the conditions in subsection (3) of this section are met.

(3) An application for a stay under subsection (2) of this section shall include the following:

(a) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the service member's or dependent's ability to appear and stating a date when the service member or dependent will be available to appear; and

(b) A letter or other communication from the service member's commanding officer stating that the service member's current military duty prevents either the service member's or dependent's appearance and that military leave is not authorized for the service member at the time of the letter.

(4) An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

(5) A service member or dependent who is granted a stay of a civil action or proceeding under subsection (2) of this section may apply for an additional stay based on the continuing material affect of military duty on the service member's or dependent's ability to appear. Such application may be made by the service member or his or her dependent at the time of the initial application under subsection (2) of this section or when it appears that the service member or his or her dependent is unable to prosecute or defend the action. The same information required under subsection (3) of this subsection shall be included in an application under this subsection.

(6) If the court refuses to grant an additional stay of proceedings under subsection (2) of this section, the court shall appoint counsel to represent the service member or his or her dependent in the action or proceeding.

(7) A service member or dependent who applies for a stay under this section and is unsuccessful may not seek the protections afforded by section 5 of this act.

NEW SECTION. Sec. 7. FINES AND PENALTIES UNDER CONTRACTS. (1) If an action for compliance with the terms of a contract is stayed pursuant to this chapter, a penalty shall not accrue for failure to comply with the terms of the contract during the period of the stay.

(2) If a service member or his or her dependent fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if:

(a)(i) The service member was in military service at the time the fine or penalty was incurred; or

(ii) The action is against a dependent of the service member and the service member was in military service at the time the fine or penalty was incurred; and

(b) The ability of the service member or dependent to perform the obligation was materially affected by the military service.

NEW SECTION. Sec. 8. CODEFENDANTS. If the service member or his or her dependent is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this chapter, the plaintiff may proceed against those other defendants with the approval of the court.

NEW SECTION. Sec. 9. STATUTE OF LIMITATIONS. (1) The period of a service member's military service may not be included in computing any period limited by law, rule, or order, for the bringing of any action or proceeding in a court, or in any board bureau, commission, department, or other agency of a state, or political subdivision of a state, or the United States by or against the service member or the service member's dependents, heirs, executors, administrators, or assigns.

(2) A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

(3) This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

NEW SECTION. Sec. 10. INAPPROPRIATE USE OF CHAPTER. If a court determines, in any proceeding to enforce a civil right, that any interest, property, or contract has been transferred or acquired with the intent to delay the just enforcement of such right by taking advantage of this chapter, the court shall enter such judgment or make such order as might lawfully be entered or made concerning such transfer or acquisition.

NEW SECTION. Sec. 11. This chapter may be known and cited as the Washington service members' civil relief act.

NEW SECTION. Sec. 12. Captions used in this act are no part of the law.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act constitute a new chapter in Title 38 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kline and Benson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2173.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "relief;" strike the remainder of the title and insert "adding a new chapter to Title 38 RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2173, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Benson spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Brown was excused.

On motion of Senator Hewitt, Senator Mulliken was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2173, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2173, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2173, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Hewitt, Senator Mulliken was excused.

SECOND READING

HOUSE BILL NO. 2028, by Representatives Kagi and Darneille

Regarding the advisory committee of the office of public defense.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2028.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2028 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Mulliken - 2

HOUSE BILL NO. 2028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1695, by Representatives Buri, Kretz, Green, Grant, Newhouse, Blake, DeBolt, Orcutt, Haler, B. Sullivan and Buck

Modifying the definition of "resident" for the purposes of Title 77 RCW.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1695.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1695 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Kline and Mulliken - 3

HOUSE BILL NO. 1695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1032, by Representatives Kirby, Roach, Simpson and Schual-Berke

Adopting the interstate insurance product regulation compact.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1032.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1032 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Doumit and Rockefeller - 2

Excused: Senator Kline - 1

HOUSE BILL NO. 1032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1393, by House Committee on Housing (originally sponsored by Representatives Buri, Grant, Cox, B. Sullivan, Condotta, Dunshee and Chase)

Regulating movement of older mobile homes.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.44.170 and 2004 c 79 s 4 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 or a park model trailer as defined in RCW 46.04.622 upon public highways of the state must obtain:

(a) A special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

(b) For mobile homes constructed before June 15, 1976, and already situated in the state: (i) A certification from the department of labor and industries that the mobile home was inspected for fire safety; or (ii) an affidavit in the form prescribed by the department of community, trade, and economic development signed by the owner at the county treasurer's office at the time of the application for the movement permit stating that the mobile home is being moved by the owner for his or her continued occupation or use; or (iii) a copy of the certificate of ownership or title together with an affidavit signed under penalty of perjury by the certified owner stating that the mobile home is being transferred to a wrecking yard or similar facility for disposal. In addition, the destroyed mobile home must be removed from the assessment rolls of the county and any outstanding taxes on the destroyed mobile home must be removed by the county treasurer.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home or a park model trailer that is assessed for purposes of property taxes shall not be valid until the county treasurer of the county in which the mobile home or park model trailer is located shall endorse or attach his or her certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home or park model trailer being moved have been satisfied. Further, any mobile home or park model trailer required to have a special movement permit under this section shall display an easily recognizable decal. However, endorsement or certification by the county treasurer and the display of the decal is not required:

(a) When a mobile home or park model trailer is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets;

(b) When a signed affidavit of destruction is filed with the county assessor and the mobile home or park model trailer is being moved to a disposal site by a landlord as defined in RCW 59.20.030 after (i) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (ii) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer. The mobile home or park model trailer will be removed from the tax rolls and, upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer will be removed by the county treasurer; or

(c) When a signed affidavit of destruction is filed with the county assessor by any mobile home or park model trailer owner or any property owner with an abandoned mobile home or park model trailer, the same shall be removed from the tax rolls and upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer shall be removed by the county treasurer.

(3) If the landlord of a mobile home park takes ownership of a mobile home or park model trailer with the intent to resell or rent the same under RCW 59.20.030 after (a) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (b) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer, the outstanding taxes become the responsibility of the landlord.

(4) It is the responsibility of the owner of the mobile home or park model trailer subject to property taxes or the agent to obtain the endorsement and decal from the county treasurer before a mobile home or park model trailer is moved.

(5) This section does not prohibit the issuance of vehicle license plates for a mobile home or park model trailer subject to property taxes, but plates shall not be issued unless the mobile home or park model trailer subject to property taxes for which plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for the license has been paid.

(6) The department of transportation, the department of labor and industries, and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. By January 1, 2006, the department of labor and industries shall also adopt procedures for notifying destination local jurisdictions concerning the arrival of mobile homes that failed safety inspections.

Sec. 2. RCW 43.22.340 and 2003 c 53 s 228 are each amended to read as follows:

(1) The director shall adopt specific rules for conversion vending units and medical units. The rules for conversion vending units and medical units shall be established to protect the occupants from fire; to address other life safety issues; and to ensure that the design and construction are capable of supporting any concentrated load of five hundred pounds or more. Also, the director shall adopt specific rules concerning safety standards as necessary to implement subsection (3) of this section by January 1, 2006.

(2) The director of labor and industries shall adopt rules governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches, recreational vehicles, and/or park trailers: PROVIDED, That the director shall not prescribe or enforce rules governing the body and frame design of recreational vehicles and park trailers until after the American National Standards Institute shall have published standards and specifications upon this subject. The rules shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American National Standards Institute standards A119.1 for mobile homes and commercial coaches, A119.2 for recreational vehicles, and A119.5 for park trailers.

(3) Except as provided in RCW 43.22.436, it shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970, body and frame design or construction, unless such equipment, design, or construction meets the requirements of the rules provided for in this section.

(4) Any person violating this section is guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation.

Sec. 3. RCW 43.22.432 and 2002 c 268 s 7 are each amended to read as follows:

(1) The department may adopt all standards and regulations adopted by the secretary under the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

(2) The department shall adopt rules with respect to manufactured homes that require the prior written approval of the department before changes or alterations may be made to a manufactured home that differ from the construction standards provided for in this section.

(3) For purposes of implementing this section, by January 1, 2006, the department shall adopt requirements for manufactured homes built before June 15, 1976.

(4) Except as provided in RCW 43.22.436, it is unlawful for any person to lease, sell, or offer for sale, within this state, a manufactured home unless the home meets the requirements of the rules provided for in this section.

Sec. 4. RCW 46.12.290 and 1993 c 154 s 2 are each amended to read as follows:

(1) The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess. or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile or manufactured homes.

(2) In order to transfer ownership of a mobile home, all registered owners of record must sign the title certificate releasing their ownership. If the mobile home was manufactured before June 15, 1976, the registered owner must sign an affidavit in the form prescribed by the department of licensing that notice was provided to the purchaser of the mobile home that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

(3) The director of licensing shall have the power to adopt such rules as necessary to implement the provisions of this chapter relating to mobile homes.

Sec. 5. RCW 59.21.021 and 2002 c 257 s 2 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use after December 31, 1995, eligible tenants shall be entitled to assistance on a first-come, first-serve basis. The department shall give priority for distribution of relocation assistance to tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health. Payments shall be made upon the department's verification of eligibility, subject to the availability of remaining funds. Eligibility for relocation assistance funds is limited to low-income households. As used in this section, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is

less than eighty percent of the median family income, adjusted for household size, for the county where the mobile or manufactured home is located.

(2) Assistance for closures occurring after December 31, 1995, is limited to persons who maintain ownership of and relocate their mobile home or who dispose of a home not relocatable to a new site.

(3) Persons who removed and disposed of their mobile home or maintained ownership of and relocated their mobile homes are entitled to reimbursement of actual relocation expenses up to ~~((seven))~~ twelve thousand dollars for a double-wide home and up to ~~((three))~~ seven thousand five hundred dollars for a single-wide home.

(4) Any individual or organization may apply to receive funds from the mobile home park relocation fund, for use in combination with funds from public or private sources, toward relocation of tenants eligible under this section. Funds received from the mobile home park relocation fund shall only be used for relocation assistance expenses or other mobile/manufactured home ownership expenses, that include down payment assistance, if the owners are not planning to relocate their mobile home as long as their original home is removed from the park."

Senators Berkey and Schoesler spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Substitute House Bill No. 1393.

The motion by Senator Berkey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 46.44.170, 43.22.340, 43.22.432, 46.12.290, and 59.21.021."

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 1393, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1393, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1393, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1393, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1405, by Representatives Kretz, Blake, Kristiansen, Sump, B. Sullivan, Holmquist, Buri, Serben, Pearson, Hasegawa, McCune, Grant, P. Sullivan, Campbell, Ahern and Haigh

Extending the term of the disabled hunter and fishers advisory committee.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1405.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Schoesler - 1

HOUSE BILL NO. 1405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1068 which had been deferred earlier in the day.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 1, line 6, after "28A.655.979" insert "and section (2)(4) of this act"

On page 1, line 11, after "under" strike "this chapter" and insert "~~((this chapter))~~ chapter 28A.655 RCW"

On page 2, line 4, after "districts" strike everything through "learning" and insert ", for students in at least one grade of elementary school, middle school, and high school, either diagnostic assessments that improve student learning, or an equivalent amount of funding per student to purchase district-selected diagnostic assessments from the list in subsection (3) of this section"

On page 1, line 23 after "September 1, 2005," strike "subject to available funds,"

On page 2, line 1, after "September 1, 2006," strike "subject to the availability of amounts appropriated for this specific purpose,"

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 1, line 6 to Engrossed House Bill No. 1068 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Engrossed House Bill No. 1068.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.230.195; adding a new section to chapter 28A.655 RCW; and repealing RCW 28A.230.190, 28A.230.193, 28A.230.230, and 28A.230.260."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 1068, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Rasmussen and Weinstein spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator McAuliffe yield to a question? I happen to agree that the ITBS has been a great test. It's a great tool in our tool box of assessments. With the removal of such mandated testing, it does open the doors to diagnostic

assessments to improve student learning. My question to you is: Does this require that OSPI to make diagnostic assessments test available for students in at one grade of elementary, middle school and high school? Will OSPI work with districts to provide district selective diagnostic assessment?"

Senator McAuliffe: "Senator Rasmussen, I will work with you and other members of this body to assure you that OSPI will develop that diagnostic assessments for elementary, middle school and high school within the funds that we provide for them. I do believe that this is very important, I know it's important to other Senators in this body and I would hope to work with them as well to assure you and them that we can do this."

Senators Johnson, Schmidt, Zarelli and Finkbeiner spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be, "Shall the main question be now put?"

MOTION

A division was demanded.

The motion by Senator Jacobsen that the previous question be put carried by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1068, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1068, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Sheldon, Stevens, Swecker and Zarelli - 22

ENGROSSED HOUSE BILL NO. 1068, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Pflug: "Ladies and gentlemen of the Senate. We have a number of weeks to go and I would like to make a comment and make a request. That last bill has been something that we have negotiated on for weeks now. A number of us have been working on it very hard today in good faith. We had come to an agreement and I withdrew my amendment on the agreement that there would be a colloquy on the floor. Now, ladies and gentlemen of the Senate, when you ask a question in a colloquy the answer is 'Yes' or the answer is 'No.' The answer not, 'I will work with you.' When the question is: 'Does this mean that OSPI will?' The answer is not: 'I will work with you.' That is not negotiating in good faith."

REMARKS BY THE PRESIDENT

President Owen: "Senator Pflug, a point of personal privilege is something that effects you personally and is not to be used to debate an issue on the floor."

PERSONAL PRIVILEGE

Senator Pflug: "No, I'm not intending to debate an issue. I would like, my comments are intended to be about the process. Thank you, Mr. President. In addition, then, I think that we have kind of had a tendency to alternate our comments in debate from one side of the aisle to the other just as a matter of courtesy. Having spent most of the day working in good faith on this bill, I didn't, I thought that's what we were doing. And so, having risen three times in a row to speak, but having it be someone else's turn, I had no problem with another member from the other side of the aisle rising to speak ahead of me. However, when you then call the question and you vote on the bill without allowing those who've been most involved to even speak to it. I think that this doesn't bode well for our process or for respecting each other. And considering that we have several weeks to go and that we

like to continue negotiating in good faith, I would just ask the body to keep this in mind as we go forward. That we negotiate better when we keep our agreements and that we have debate better when it goes with some trust back and forth. Thank you, Mr. President."

SECOND READING

HOUSE BILL NO. 1625, by Representatives Clibborn, Condotta, Lantz, Armstrong, Morrell, Hinkle, Buri, Bailey, Grant, Pettigrew, Linville, Priest, Moeller, Simpson, Williams, Tom, Ericks, P. Sullivan, Darneille, Kilmer, Kagi, Hunter, O'Brien, Jarrett and Morris

Modifying employer disclosure of employee information.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1625.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1625 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Kline - 1

HOUSE BILL NO. 1625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Pridemore that amendment number 448 to the committee striking amendment is beyond the scope and object of the underlying bill, the President finds and rules as follows:

The President begins by reminding the body again that, while the title of a bill is instructive, it is the subject matter in the substantive text that is controlling for scope and object analysis, never the title.

Both the underlying bill and the committee amendment relate to the establishment of a pilot high-occupancy toll lane project on State Route 167. By contrast, amendment 448 would restrict the operation of high-occupancy vehicle, or carpool, lanes in higher-population counties bordering Oregon. This is an expansion clearly not contemplated by the measure before us, which applies only to one pilot project involving different types of lanes in a specific area of the state. For these reasons, Senator Pridemore's point is well-taken. The amendment is beyond the scope and object of the bill and not properly before us."

The Senate resumed consideration of Substitute House Bill No. 1179.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1179.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "lanes;" strike the remainder of the title and insert "amending RCW 43.84.092; reenacting and amending RCW 42.17.310, 42.17.310, and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.66 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1179, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Benton and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1179, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1179, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Benson and Mulliken - 2

SUBSTITUTE HOUSE BILL NO. 1179, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1125, by Representatives Serben, Lantz, Priest, Shabro and Ahern

Managing trusts and estates.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson, Spanel and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1125.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1125 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1196, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach, Simpson and Chase)

Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1196 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Shin - 1

SUBSTITUTE HOUSE BILL NO. 1196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner and Honeyford were excused.

SECOND READING

HOUSE BILL NO. 1944, by Representatives Hunt and Williams

Allowing raffles conducted by state employees.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Does this require sixty percent vote because of expanding gambling?"

Senator Kohl-Welles spoke against the point of parliamentary inquiry.

MOTION

On motion of Senator Eide, House Bill No. 1944 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1491, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Kretz, Upthegrove, Orcutt, Eickmeyer and Buck)

Reorganizing aquatic lands statutes.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Mulliken was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1491.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1491 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Kline and Pridemore - 2

Excused: Senator Shin - 1

SUBSTITUTE HOUSE BILL NO. 1491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1188, by House Committee on Appropriations (originally sponsored by Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby)

Negotiating state patrol officer wages and wage-related matters. Revised for 2nd Substitute: Negotiating state patrol officer wages, wage-related matters, and nonwage matters.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 6.** RCW 41.56.473 and 1999 c 217 s 3 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the ((Washington)) state ((patrol)) with respect to the officers of the Washington state patrol appointed under RCW 43.43.020(~~Subjects of bargaining include wage-related matters~~), except that the ((Washington)) state ((patrol)) is prohibited from negotiating (~~rates of pay or wage levels and~~) any matters relating to retirement benefits or health care benefits or other employee insurance benefits.

(2) For the purposes of negotiating, the state shall be represented by the chief of the Washington state patrol.

(3) The chief of the Washington state patrol shall consult with the governor or the governor's designee regarding employment relations.

(4) The negotiation of provisions pertaining to wages and wage-related matters in a collective bargaining agreement between the ((Washington)) state ((patrol)) and the Washington state patrol officers is subject to the following:

(a) The chief of the Washington state patrol must periodically consult with a subcommittee of the joint committee on employment relations created in RCW 41.80.010(5) which shall consist of the four members appointed to the joint committee with leadership positions in the senate and the house of representatives, and the chairs and ranking minority members of the senate transportation committee and the house transportation committee, or their successor committees. The subcommittee must be consulted regarding the appropriations necessary to implement these provisions in a collective bargaining agreement and, on completion of negotiations, must be advised on the elements of these provisions.

(b) Provisions that are entered into before the legislature approves the funds necessary to implement the provisions must be conditioned upon the legislature's subsequent approval of the funds.

(5) The governor shall submit a request for funds necessary to implement the wage and wage-related matters in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements may not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of financial management by October 1st before the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of financial management as being feasible financially for the state or reflects the decision of an arbitration panel reached under RCW 41.56.475.

Sec. 7. RCW 41.56.475 and 1999 c 217 s 4 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(2) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(3) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Second Substitute House Bill No. 1188.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "matters;" strike the remainder of the title and insert "and amending RCW 41.56.473 and 41.56.475."

MOTION

On motion of Senator Haugen, the rules were suspended, Second Substitute House Bill No. 1188, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1188, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1188, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Shin - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1188, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079, by House Committee on Higher Education (originally sponsored by Representatives Kagi, Kenney, Chase, Dickerson and Schual-Berke)

Establishing a foster youth postsecondary education and training coordination committee. Revised for 1st Substitute: Regarding postsecondary education and training support for foster youth.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Jacobsen and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1079.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1079 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Shin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1945, by House Committee on Commerce & Labor (originally sponsored by Representatives Holmquist, Simpson, Curtis, Condotta, Dunshee and Darneille)

Providing assistance in identifying recalled sprinkler system parts.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1945 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Spanel, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1945.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1945 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Shin - 2

SUBSTITUTE HOUSE BILL NO. 1945, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1117, by House Committee on Transportation (originally sponsored by Representatives Ericksen, Linville, Newhouse, Buri, Strow and B. Sullivan)

Increasing the highway weight limit for the movement of certain farm implements. Revised for 1st Substitute: Modifying provisions for the transport of farm implements on highways.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1117.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1117 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Fairley and Shin - 2

SUBSTITUTE HOUSE BILL NO. 1117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1951, by House Committee on Education (originally sponsored by Representatives Quall, Talcott, Haler, Morrell, Campbell, O'Brien, Hankins, Kagi and McDermott)

Regarding vision exams for school-aged children.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) Vision is one of the primary senses used in the early learning process;
 - (2) Vision problems affecting preschool and school-age children can impact a child's ability to learn;
 - (3) Economically disadvantaged children have less access to health care and therefore, may have a proportionally greater likelihood of having undiagnosed vision problems that may affect their ability to learn;
 - (4) Vision problems in young children can be misinterpreted as neurodevelopmental delay or as learning disabilities;
- and

(5) Current screening for visual acuity at distance is insufficient to detect all vision defects.

NEW SECTION. Sec. 2. (1) The department of health shall convene a work group to reevaluate visual screening of children in public schools and make any recommendations regarding changes to the rules. In developing its recommendations, the work group shall, at a minimum:

- (a) Consider the benefits of complete eye exams on public school children;
 - (b) Consider when visual screening, complete eye exams, or both should take place in preschool or kindergarten through high school in order to ensure children are best prepared for the learning environment; and
 - (c) Consider what screening techniques would be appropriate in a school setting.
- (2) In developing the recommendations, the department of health shall consult with the office of the superintendent of public instruction, the state board of health, the optometric physicians of Washington, and the Washington academy of eye physicians and surgeons.
- (3) The work group shall make its recommendations to the legislature by December 1, 2005.
- (4) The department of health shall use existing resources to accomplish the goals of this section."
- Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment to the committee striking amendment be adopted.

On page 2 line 4 of the amendment, strike "its recommendations" and insert "a preliminary report"

On page 2 line 5 of the amendment, after "legislature" insert "and the state board of health"

On page 2 line 5 of the amendment, after "2005." insert "the work group shall make final recommendations to the legislature and to the state board of health by December 1, 2006."

On page 2 line 6 of the amendment, beginning with "The" strike everything through "section." on line 7 of the amendment and insert "If specific funding for this act is not referenced by bill or chapter numbering in the biennial omnibus appropriations act by June 30, 2005, this act is null and void."

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the committee striking amendment.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Substitute House Bill No. 1951.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1951, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1951, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1951, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Shin - 1

SUBSTITUTE HOUSE BILL NO. 1951, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "As chair of the Lebanese Caucus I and Senator Doumit have prepared an appetizer event with Lebanese food cooked by his nephew, Michael. The Tabbouleh salad is mine and we are asking the Senate to join us at 5:30 p.m. It's kind of a stop in and leave. We'd like to invite all of you to come and, including the Lt. Governor, in Lisa Browns office. Thank you very much, Senator Brown."

PERSONAL PRIVILEGE

Senator Deccio: "I object to the remarks made by the last speaker – she told me she was Italian."

MOTION

At 5:31 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, April 7, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 6, 2005

2005 REGULAR SESSION

EIGHTY-EIGHTH DAY
MORNING SESSION

Senate Chamber, Olympia, Thursday, April 7, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Kohl-Welles and Oke.

The Sergeant at Arms Color Guard consisting of Pages Alexander Giebelhaus and Logan Barnes, presented the Colors. Pastor Betty Hatter of The City of Truth Ministries offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 6, 2005

EHB 2255 Making adjustments to improve benefit equity in the unemployment insurance system.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Honeyford and Parlette

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 6, 2005

SGA 9026 ELLIS H. CASSON, appointed June 15, 2004, for the term ending June 17, 2009, as Member of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9231 REIKO CALLNER, reappointed February 25, 2002, for the term ending June 17, 2005, as a Chair of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9237 HAROLD CLARKE, appointed February 28, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9239 EDWARD DELMORE, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9240 TARI EITZEN, reappointed January 22, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9242 ELLEN FAIR, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9244 BRIAN GAIN, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9248 JERRY HEBERT, appointed March 8, 2005, for the term ending June 17, 2005, as Member of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9261 MARY MEINIG, reappointed August 5, 2003, for the term ending December 31, 2005, as Member of the Office of the Family and Children's Ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9263 DEBORAH MOORE, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9266 JAMES L. NAGLE, reappointed August 3, 2004, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9268 LENELL NUSSBAUM, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9272 MARY PLACE, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9284 JENNY WIELAND, reappointed October 7, 2002, for the term ending August 2, 2005, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; Carrell, Esser, Johnson, McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9290 HOWARD L. PHILLIPS, reappointed August 20, 2003, for the term ending August 2, 2006, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Weinstein, Vice Chair; McCaslin, Rasmussen and Thibaudeau

Passed to Committee on Rules for second reading.

April 6, 2005

SGA 9303 ROBIN ARNOLD-WILLIAMS, appointed March 15, 2005, for the term ending at the governor's pleasure, as Secretary of the Department of Social and Health Services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

April 6, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, "Family Visitation for Dependent Children." This report is mandated under Chapter 146, Laws of 2004.

If you have any questions about the report, please call Deborah Reed at 360-902-7953.

Sincerely,
Dennis Braddock, Secretary

The Department of Social & Health Services, "Family Visitation for Dependent Children" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 6, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, "Services to Persons with Disabilities who are Discharged or Diverted from State Hospitals or Individuals with Community Protection Issues". This report is mandated under Chapter 25, Laws of 2003, E2, Section 205(1)(d).

If you have any questions about the report, please call Shirley Everard at 360-725-3444.

Sincerely,
Kathy Frey, Secretary

The Department of Social & Health Services, "Services to Persons with Disabilities who are Discharged or Diverted from State Hospitals or Individuals with Community Protection Issues" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BILL BRUMSICKLE, appointed March 30, 2005, for the term ending December 31, 2008, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RITA CREIGHTON, appointed March 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 30, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHUCK PERRY, appointed March 15, 2005, for the term ending December 31, 2006, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KENNETH SCHELLBERG, appointed March 30, 2005, for the term ending December 31, 2009, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

March 31, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TERRY SEBRING, appointed May 1, 2005, for the term ending March 1, 2011, as a Chair of the Tax appeals Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BETTI L. SHELDON, appointed February 24, 2005, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

At 9:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:04 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5135,
SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5190,
SENATE BILL NO. 5198,
SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5268,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5358,
SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5406,
SENATE BILL NO. 5424,
SUBSTITUTE SENATE BILL NO. 5488,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 6, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1387,
HOUSE BILL NO. 1396,
HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1502,
HOUSE BILL NO. 1554,
SUBSTITUTE HOUSE BILL NO. 1657,
HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 2166,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 6, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1048,
SUBSTITUTE HOUSE BILL NO. 1097,
HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1171,
ENGROSSED HOUSE BILL NO. 1246,
HOUSE BILL NO. 1260,
HOUSE BILL NO. 1319,
HOUSE BILL NO. 1325,
HOUSE BILL NO. 1327,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1329,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1387,
HOUSE BILL NO. 1396,
HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1502,
HOUSE BILL NO. 1554,
SUBSTITUTE HOUSE BILL NO. 1657,
HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1891,
HOUSE BILL NO. 2166.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1048,
SUBSTITUTE HOUSE BILL NO. 1097,
HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1171,
ENGROSSED HOUSE BILL NO. 1246,
HOUSE BILL NO. 1260,
HOUSE BILL NO. 1319,
HOUSE BILL NO. 1325,
HOUSE BILL NO. 1327,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1329.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1181, by Representatives Flannigan, Ericksen, Wallace, Woods, Chase and Kilmer

Facilitating sealed ocean-going container movement.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.44 RCW to read as follows:

(1) The department of transportation, with respect to state highways maintained within port district property, may, at the request of a port commission, make and enter into agreements with port districts and adjacent jurisdictions or agencies of the districts, for the purpose of identifying, managing, and maintaining short heavy haul industrial corridors within port district property for the movement of overweight sealed containers used in international trade.

(2) The department may issue special permits to vehicles operating in the heavy haul industrial corridor to carry weight in excess of weight limits established in RCW 46.44.041. However, the excess weight on a single axle, tandem axle, or any axle group must not exceed that allowed by RCW 46.44.091 (1) and (2), weight per tire must not exceed six hundred pounds per inch width of tire, and gross vehicle weight must not exceed one hundred five thousand five hundred pounds.

(3) The entity operating or hiring vehicles moving overweight sealed containers used in international trade must pay a fee for each special permit of one hundred dollars per month or one thousand dollars annually, beginning from the date of issue, for all movements under the special permit made on state highways within the heavy haul industrial corridor. Under no circumstances are the for hire carriers or rail customers responsible for the purchase or cost of the permits. All funds collected, except the amount retained by authorized agents of the department under RCW 46.44.096, must be forwarded to the state treasurer and deposited in the motor vehicle fund.

(4) For purposes of this section, an overweight sealed container used in international trade, including its contents, is considered nondivisible when transported within a heavy haul industrial corridor defined by the department.

(5) Any agreement entered into by the department as authorized under this section with a port district adjacent to Puget Sound and located within a county that has a population of more than seven hundred thousand, but less than one million, must limit the applicability of any established heavy haul corridor to that portion of state route no. 509 beginning at milepost 0.25 in the vicinity of East 'D' Street and ending at milepost 3.88 in the vicinity of Taylor Way.

(6) The department of transportation may adopt reasonable rules to implement this section."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation Substitute House Bill No. 1181.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "railheads;" strike the remainder of the title and insert "and adding a new section to chapter 46.44 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1181, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Honeyford, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1181, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1181, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown, Kohl-Welles and Oke - 3

Excused: Senator Benton - 1

SUBSTITUTE HOUSE BILL NO. 1181, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Weinstein, Senator Brown was excused.

On motion of Senator Hewitt, Senators Oke and Kohl-Welles were excused.

SECOND READING

HOUSE BILL NO. 1092, by Representatives Grant, Newhouse, Kristiansen and Linville

Modifying rural Washington loan fund provisions.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1092.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1092 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Brown, Kohl-Welles and Oke - 4

HOUSE BILL NO. 1092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, by House Committee on Appropriations (originally sponsored by Representatives Cody, Clibborn, Moeller, Sommers, Kenney and Schual-Berke)

Creating a task force to review the certificate of need program and the health care facilities bonding program. Revised for 2nd Substitute: Creating a task force to review health care facilities and services supply issues. (REVISED FOR ENGROSSED: Studying and preparing recommendations to improve and update the certificate of need program.)

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Since the enactment of health planning and development legislation in 1979, the widespread adoption of new health care technologies has resulted in significant advancements in the diagnosis and treatment of disease, and has enabled substantial expansion of sites where complex care and surgery can be performed;

(2) New and existing technologies, supply sensitive health services, and demographics have a substantial effect on health care expenditures. Yet, evidence related to their effectiveness is not routinely or systematically considered in decision making regarding widespread adoption of these technologies and services. The principles of evidence-based medicine call for comprehensive review of data and studies related to a particular health care service or device, with emphasis given to high quality, objective studies. Findings regarding the effectiveness of these health services or devices should then be applied to increase the likelihood that they will be used appropriately;

(3) The standards governing whether a certificate of need should be granted in RCW 70.38.115 focus largely on broad concepts of access to and availability of health services, with only limited consideration of cost-effectiveness. Moreover, the standards do not provide explicit guidance for decision making or evaluating competing certificate of need applications; and

(4) The certificate of need statute plays a vital role and should be reexamined and strengthened to reflect changes in health care delivery and financing since its enactment.

NEW SECTION. Sec. 2. (1) A task force is created to study and prepare recommendations to the governor and the legislature related to improving and updating the certificate of need program in chapter 70.38 RCW. The report must be submitted to the governor and appropriate committees of the legislature by November 1, 2006.

(2) Members of the task force must be appointed by the governor. The task force members shall elect a member of the task force to serve as chair. Members of the task force include:

(a) Four representatives of the legislature, including one member appointed by each caucus of the house of representatives and the senate;

(b) Two representatives of private employer-sponsored health benefits purchasers;

(c) One representative of labor organizations that purchase health benefits through Taft-Hartley plans;

(d) One representative of health carriers;

(e) Two representatives of health care consumers;

(f) One health care economist;

(g) The secretary of the department of social and health services, or his or her designee;

(h) The administrator of the health care authority, or his or her designee;

(i) The secretary of the department of health; and

(j) Two health care provider representatives, chosen by the members of the technical advisory committee established in subsection (3) of this section, from among the members of that committee.

(3) The task force shall establish one or more technical advisory committees composed of affected health care providers and other individuals or entities who can serve as a source of technical expertise. The task force shall actively consult with, and solicit recommendations from, the technical advisory committee or committees regarding issues under consideration by the task force.

(4) Subject to the availability of amounts appropriated for this specific purpose, staff support for the task force shall be provided by the health care authority. The health care authority shall contract for technical expertise necessary to complete the responsibilities of the task force. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050.

NEW SECTION. Sec. 3. (1) In conducting the certificate of need study and preparing recommendations, the task force shall be guided by the following principles:

(a) The supply of a health service can have a substantial impact on utilization of the service, independent of the effectiveness, medical necessity, or appropriateness of the particular health service for a particular individual;

(b) Given that health care resources are not unlimited, the impact of any new health service or facility on overall health expenditures in the state must be considered;

(c) Given our increasing ability to undertake technology assessment and measure the quality and outcomes of health services, the likelihood that a requested new health facility, service, or equipment will improve health care quality and outcomes must be considered; and

(d) It is generally presumed that the services and facilities currently subject to certificate of need should remain subject to those requirements.

(2) The task force shall, at a minimum, examine and develop recommendations related to the following issues:

(a) The need for a new and regularly updated set of service and facility specific policies that guide certificate of need decisions;

(b) A review of the purpose and goals of the current certificate of need program, including the relationship between the supply of health services and health care outcomes and expenditures in Washington state;

(c) The scope of facilities, services, and capital expenditures that should be subject to certificate of need review, including consideration of the following:

(i) Acquisitions of major medical equipment, meaning a single unit of medical equipment or a single system of components with related functions used to provide medical and other health services;

(ii) Major capital expenditures. Capital expenditures for information technology needed to support electronic health records should be encouraged;

(iii) The offering or development of any new health services, as defined in RCW 70.38.025, that meets any of the following:

(A) The obligation of substantial capital expenditures by or on behalf of a health care facility that is associated with the addition of a health service that was not offered on a regular basis by or on behalf of the health care facility within the twelve-month period prior to the time the services would be offered;

(B) The addition of equipment or services, by transfer of ownership, acquisition by lease, donation, transfer, or acquisition of control, through management agreement or otherwise, that was not offered on a regular basis by or on behalf of the health care facility or the private office of a licensed health care provider regulated under Title 18 RCW or chapter 70.127 RCW within the twelve-month period prior to the time the services would be offered and that for the third fiscal year of operation, including a partial first year following acquisition of that equipment or service, is projected to entail substantial incremental operating costs or annual gross revenue directly attributable to that health service;

(iv) The scope of health care facilities subject to certificate of need requirements, to include consideration of hospitals, including specialty hospitals, psychiatric hospitals, nursing facilities, kidney disease treatment centers including freestanding hemodialysis facilities, rehabilitation facilities, ambulatory surgical facilities, freestanding emergency rooms or urgent care facilities, home health agencies, hospice agencies and hospice care centers, freestanding radiological service centers, freestanding cardiac catheterization centers, or cancer treatment centers. "Health care facility" includes the office of a private health care practitioner in which surgical procedures are performed;

(d) The criteria for review of certificate of need applications, as currently defined in RCW 70.38.115, with the goal of having criteria that are consistent, clear, technically sound, and reflect state law, including consideration of:

(i) Public need for the proposed services as demonstrated by certain factors, including, but not limited to:

(A) Whether, and the extent to which, the project will substantially address specific health problems as measured by health needs in the area to be served by the project;

(B) Whether the project will have a positive impact on the health status indicators of the population to be served;

(C) Whether there is a substantial risk that the project would result in inappropriate increases in service utilization or the cost of health services;

(D) Whether the services affected by the project will be accessible to all residents of the area proposed to be served; and

(E) Whether the project will provide demonstrable improvements in quality and outcome measures applicable to the services proposed in the project, including whether there is data to indicate that the proposed health services would constitute innovations in high quality health care delivery;

(ii) Impact of the proposed services on the orderly and economic development of health facilities and health resources for the state as demonstrated by:

(A) The impact of the project on total health care expenditures after taking into account, to the extent practical, both the costs and benefits of the project and the competing demands in the local service area and statewide for available resources for health care;

(B) The impact of the project on the ability of existing affected providers and facilities to continue to serve uninsured or underinsured residents of the community and meet demands for emergency care;

(C) The availability of state funds to cover any increase in state costs associated with utilization of the project's services; and

(D) The likelihood that more effective, more accessible, or less costly alternative technologies or methods of service delivery may become available;

(e) The timeliness and consistency of certificate of need reviews and decisions, the sufficiency and use of resources available to the department of health to conduct timely reviews, the means by which the department of health projects future need for services, the ability to reflect differences among communities and approaches to providing services, and clarification on the use of the concurrent review process; and

(f) Mechanisms to monitor ongoing compliance with the assumptions made by facilities that have received either a certificate of need or an exemption to a certificate of need, including those related to volume, the provision of charity care, and access to health services to medicaid and medicare beneficiaries as well as underinsured and uninsured members of the community.

(3) In developing its recommendations, the task force shall consider the results of a performance audit of the department of health regarding its administration and implementation of the certificate of need program. The audit shall be conducted by the joint legislative audit and review committee, and be completed by July 1, 2006.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Parlette moved that the following amendment to the committee striking amendment by Senator Parlette be adopted.

On page 3, line 13 of the amendment, after "considered;" insert "and"

On page 3, line 17 of the amendment, after "considered" strike all material through "requirements" on line 20.

Senator Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser and Deccio spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 3, line 13 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1688.

The motion by Senator Parlette failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1688.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "issues;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1688, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1688, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 34

Voting nay: Senators Benson, Brandland, Esser, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach and Swecker - 11

Excused: Senators Benton, Brown, Kohl-Welles and Oke - 4

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1608, by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Grant, Holmquist, Linville, Buri, Wallace, Newhouse, Hinkle, Walsh, Quall, Kenney, Armstrong, Clements, Kristiansen, P. Sullivan, Blake, Haler, Kessler, Morrell, Chase, Skinner, McDermott and Santos)

Creating the potato commission.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The production of potatoes within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its potato industry be encouraged by enabling producers of potatoes to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, trade, grading, and standardization of the potatoes they produce.

(2) It is in the public interest that support for the potato industry be clearly expressed, that adequate protection be given to the industry, and that the industry's collective activities and operations include:

(a) Enhancing the reputation and image of Washington state's potatoes and potato producers;

(b) Working to eliminate or limit impediments affecting the sale and use of Washington state's potatoes in local, domestic, and foreign markets;

(c) Protecting the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's potatoes;

(d) Increasing the public knowledge of nutritional value, health-giving qualities, and dietetic value of Washington state's potatoes and products; and

(e) Supporting and engaging in programs or activities that benefit the planting, production, harvesting, handling, processing, transportation, trade, and use of potatoes produced in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affected area" or "area of production" are synonymous and mean the state of Washington.

(2) "Affected handler" means any handler of potatoes who is subject to this chapter.

(3) "Affected producer" means any producer who is subject to this chapter.

(4) "Assessment" means the monetary amount established in this chapter that is to be paid by each affected producer to the commission in accordance with the schedule established in this chapter.

(5) "Commercial quantities" means and includes five hundredweight or more.

(6) "Commission" means the potato commission established in this chapter.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter.

(9) "District" means the geographical divisions of the area of potato production established under this chapter.

(10) "Fiscal year" means the twelve-month period beginning July 1st of any year.

(11) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, packing, shipping, selling, or distributing of potatoes that are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(12) "Hosting" includes providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(13) "Hundredweight" or "affected unit" are synonymous and mean each one hundred pound unit or any combination of packages making a one hundred pound unit of potatoes.

(14) "Mail" or "send," for purposes of any notice relating to rule making, referenda, or elections, means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. For the purposes of this definition, "electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(15) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local or state government.

(16) "Potatoes" means and includes all kinds and varieties of Irish potatoes grown in the state of Washington and marketed, sold, or intended for use for human consumption.

(17) "Producer" means any person who is engaged in the production for market of potatoes in commercial quantities and who has a proprietary interest in the potatoes grown in the state of Washington. For purposes of this chapter, "producer" includes a landowner, landlord, tenant, or other person who participates in the growing or producing of potatoes. "To produce" means to act as a producer.

(18) "Referendum" means a vote by the affected parties or affected producers that is conducted by secret ballot.

(19) "Sale" means a transaction wherein the property in or to potatoes is transferred from the producer to a purchaser for consideration. "Sale" includes an agreement to acquire such property for a consideration.

(20) "Trade relations hosting" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations for Washington state potatoes and potato products.

(21) "Unfair trade practice" means any practice that is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16, and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the federal trade commission act of 1914, as amended (38 Stat. 719; 15 U.S.C. Sec. 41 et seq.) or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(22) "Vacancy" means that a commission member leaves or is removed from a position on the commission before the end of a term, or a nomination process for the beginning of a term concludes with no candidates for a position.

NEW SECTION. Sec. 3. (1) The potato commission is hereby established to administer this chapter. Commission members must be citizens and residents of Washington and at least eighteen years of age. The commission shall be composed of fifteen members, nine of whom shall be producers elected from districts as provided in subsections (2) and (3) of this section, five who are appointed by the elected producer members as provided in subsection (4) of this section, and one member appointed by the director from the department to represent the director as a voting member.

(2) For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into three representative districts as provided in this subsection.

(a) District 1 is the counties of Douglas, Chelan, Okanogan, Grant, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Spokane, and Whitman.

(b) District 2 is the counties of Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

(c) District 3 is the counties of Skagit, Whatcom, and all other counties not named in (a) or (b) of this subsection.

(3) Producer members shall be elected from the districts as follows:

(a) Positions 1, 2, 3, and 4 shall be elected from district 1;

(b) Positions 5, 6, 7, and 8 shall be elected from district 2; and

(c) Position 9 shall be elected from district 3.

(4)(a) Positions 10, 11, 12, 13, and 14 shall be appointed by the elected producers as provided in subsections (1) and (5)(b) of this section.

(b) Position 15 shall be appointed by the director as provided in subsection (1) of this section.

(5)(a) Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The producer members shall be and have been actively engaged in producing the potatoes in this state for a period of at least three years, and shall derive a substantial proportion of their incomes from the sale of potatoes. A producer member of a commission must have paid an assessment on potatoes adopted by the commission or its predecessor commission in each of the preceding three calendar years. The qualifications of producer members of the commission must continue during their term of office.

(b) Members appointed to positions 10, 11, 12, 13, and 14 by the elected producers shall be either Washington potato producers, handlers, or others active in matters directly relating to Washington state potatoes and have a demonstrated record of service in the potato industry in Washington state. The appointed members of the commission shall be elected by a majority of the elected commissioners.

(6) The term of office of the commission members is three years from the date of their election or appointment and until their successors are elected and qualified.

(7) Nomination and election of commission members is as provided for in this subsection (7).

(a) Not earlier than March 18th and not later than April 2nd of each year, the director shall give notice by mail to all producers in a district where a vacancy will occur, of such vacancy or such vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for candidates. The notice shall state the final date for filing petitions, which shall be not earlier than April 7th and not later than April 12th of each year.

(b) The director shall mail ballots to all affected producers in the district in which the vacancy will occur not earlier than April 17th and not later than May 2nd of each year. Ballots shall be postmarked not later than June 1st of that year. The

mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules adopted by the director. An affected producer is entitled to one vote.

(8) The members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days before the expiration of the member's term.

(9)(a) To fill a vacancy caused by the failure to qualify of a person elected by the producers as a member of the commission, or in the event of the death, removal, resignation, or disqualification of any elected member, the director shall call for nominations and give notice by mail to all producers in the district where the vacancy occurred. A valid nominating petition must be signed by at least five persons qualified to vote for the nominated candidate and must be returned to the director. The notice shall state the final date for filing a nomination petition. If more than one valid nomination is submitted, the director shall conduct an election and mail ballots to all producers in the district where the vacancy occurred.

(b) To fill vacancies caused by reasons other than the expiration of an appointed term, the new commission members shall be elected by the commission at its first or second meeting after the occurrence of the vacancy.

(c) In the event that a nomination process for the beginning of a term of an elected member concludes with no candidate, a new member shall be appointed by the commission. The appointment shall be made at the commission's first or second meeting after the expiration of the previous term.

NEW SECTION. Sec. 4. The commission may:

(1) Administer, enforce, and implement this chapter;

(2) Elect a chair and such other officers as the commission may deem advisable and select subcommittees of commission members;

(3) Employ and discharge at its discretion an executive director, additional personnel, attorneys, consultants, research agencies, and other persons and firms that it may deem appropriate, and compensate its employees;

(4) Acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(5) Institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction, or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to implement this chapter;

(6) Keep accurate records of all its receipts and disbursements, which records shall be open to inspection, and make annual reports therefrom to the state auditor;

(7) Borrow money and incur indebtedness;

(8) Make necessary disbursements for routine operating expenses;

(9) Collect the assessments of producers as provided in this chapter and expend the same in accordance with and to effectuate the purposes of this chapter;

(10) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year;

(11) Accept and receive gifts and grants from private persons or private and public agencies and expend the same to effectuate the purposes of this chapter;

(12) Work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes of this chapter;

(13) Enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes of this chapter; however, personal service contracts must comply with chapter 39.29 RCW;

(14) Enter into contracts or agreements for research and education in the production, irrigation, processing, transportation, use, distribution, and trade barriers impacting potatoes and potato products;

(15) Retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission;

(16) Participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, trade, distribution, sale, or use of potatoes as requested by any elected official or officer or employee of any agency and as authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(17) Assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade and export of potatoes;

(18) Acquire or own intellectual property rights, licenses, or patents and collect royalties resulting from commission-funded research related to potatoes;

(19) Engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this chapter;

(20) Establish a foundation using commission funds as grant money for the purposes established in this chapter;

(21) Maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under this chapter and data on the value of each producer's production under this chapter. This list may be compiled from information used to collect producer assessments for a three-year period;

(22) Maintain a list of the names and addresses of persons who handle potatoes within the affected area and data on the amount and value of the potatoes handled by each person under this chapter for a minimum three-year period;

(23) Check records of producers or handlers of potatoes during normal business hours to determine whether the appropriate assessment has been paid; and

(24) Exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of this chapter.

NEW SECTION. Sec. 5. (1) The commission shall by resolution establish a headquarters, which shall continue as the headquarters until changed by the commission, where the books, records, and minutes of the commission meetings shall be kept.

(2) Any action taken by the commission requires the majority vote of the members present, and a quorum must be present.

(3) A quorum of the commission consists of at least nine members.

(4)(a) Members of the commission shall be compensated in accordance with RCW 43.03.230. Members and employees of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission.

(b) Members and employees may be reimbursed for actual travel expenses incurred in carrying out this chapter as provided by rules adopted by the commission. In developing these rules, the commission shall review the special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging adopted by the office of financial management as provided in RCW 43.03.050(1).

(5) In addition to notice of meetings of the commission as required by the open public meetings act, chapter 42.30 RCW, notice of the meetings shall also be published in the commission newsletter and sent to appropriate general and agricultural media outlets.

NEW SECTION. Sec. 6. Obligations incurred by the commission and any other liabilities or claims against the commission may be enforced only against the assets of the commission in the same manner as if it were a corporation. No liability for the debts or actions of the commission exist against either the state of Washington or any subdivision or instrumentality thereof or the assets thereof or against any member officer, employee, or agent of the commission in his or her individual capacity. The members of the commission, including employees thereof, may not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee may be held responsible individually for any act or omission of any other member of the commission. Liability of the members of the commission is several and not joint and no member is liable for the default of any other member.

NEW SECTION. Sec. 7. The purpose of this chapter is to promote the general welfare of the state and maintain and protect existing markets, increase production efficiency, ensure a fair regulatory environment, and increase use and consumption of potatoes produced in Washington. The commission shall conduct the programs in this section in accordance with this chapter.

(1) The commission may investigate and take necessary action to prevent or eliminate unfair trade and regulatory barriers and practices and correct, where possible, trade and regulatory barriers and practices that hinder the sale, production, transport, and export of Washington-produced potatoes or potato products. If the commission finds as a result of the investigation that trade, regulatory, or transportation barriers are restricting the free flow of potatoes produced in this state, the commission may institute appropriate action before any agency or body deemed necessary to correct the situation. Information acquired in an investigation is confidential and may be released only to the extent necessary to effectuate the purposes of this chapter, including but not limited to information regarding:

(a) The prevention, modification, or elimination of trade and regulatory barriers that restrict or inhibit the production, transport, consumption, export, or sale of potatoes produced in this state;

(b) Presentation of technical information or facts to and negotiations with state, federal, or foreign governmental agencies on matters that affect the production, irrigation, transport, use, consumption, export, or sale of potatoes grown in this state, including cooperation with any agency or group in efforts to increase consumption or use of potatoes, and such other activities and programs that are consistent with the objectives of this chapter; and

(c) Investigating transportation rates and service costs.

(2)(a) The commission, subject to the provisions of this chapter, may carry on or cause to be carried on any necessary and proper production, irrigation, processing, transportation, export, handling, or use of research or survey studies relating to potatoes and may expend moneys for those purposes.

(b) The commission may engage in research and survey studies including, but not limited to:

(i) Production problems, such as those associated with soil, seed, and crop protection tools;

(ii) Developing and testing new potato cultivars with improved disease-resistance, processing, nutritional, or horticultural characteristics;

(iii) Improving techniques and methods of harvesting potatoes;

(iv) Developing and improving methods of processing potatoes and potato by-products for the purpose of increasing and expanding their use for food and industrial purposes;

(v) Improving packing and handling techniques that promote more efficient operation in the transport, trade, and distribution of potatoes;

(vi) Determining any special nutritive, nutraceutical, or pharmaceutical qualities of potatoes produced in Washington; and

(vii) Conducting surveys and other research regarding production practices, resource requirements and availability, and any other issues or matters that may impact the continued production of potatoes in Washington.

(c) The commission may, in addition to the activities in (b) of this subsection, engage in any other proper and necessary research and survey programs and activities consistent with and subject to the limitations of this chapter. The research and survey studies may include the collection of data and information relating to potatoes; the analysis of the data and information;

the dissemination of the data, information, and analysis; and other investigation that falls within the scope of the production, irrigation, use, processing, transportation, or handling of potatoes.

(d) The commission, subject to this chapter, may coordinate the state's potato crop protection chemical registrations and integrated pest management implementation.

(3)(a) The commission may adopt rules, in accordance with chapter 34.05 RCW, to define, establish, and provide labeling requirements for improving standards and grades for potatoes and may expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers, and persons directly affected by the labeling requirements issued under this section, in accordance with rule-making proceedings conducted under chapter 34.05 RCW.

(c) The commission may cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of potatoes.

(d) This section does not authorize the commission to set minimum grades, sizes, or maturity of potatoes that a producer may sell, offer for sale, or ship.

(4) The commission may conduct programs for the purpose of providing factual and accurate information and education to the public including:

(a) The economic, environmental, and nutritional value and benefits of potatoes and the Washington potato industry;

(b) The quality, care, and methods used in the production of Washington potatoes;

(c) The handling, preparation, and use of Washington potatoes and potato products; and

(d) The effects of trade, transportation, and regulatory barriers on the Washington potato industry.

(5) The commission may conduct programs for the purpose of providing information and education to the Washington potato industry including:

(a) Public opinion or awareness research information for producers of potatoes;

(b) Industry-related education and training; and

(c) Information and services enabling producers to meet resource conservation objectives and keep current with issues impacting their business.

(6) The commission may, subject to this chapter, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, trade, or uses of potatoes produced in Washington state, as requested by any elected official or officer or employee of any agency.

NEW SECTION. Sec. 8. (1) An assessment shall be levied and collected by the commission of four cents per hundredweight upon all potatoes sold, processed, delivered for sale or processing by a producer, or stored or delivered for storage when storage or delivery for storage is outside the state. The assessment may be decreased or increased at any time subject to a referendum approved by affected potato producers in accordance with this chapter. The assessment shall be paid by the producer. No assessment may be collected on:

(a) Potatoes grown and sold for seed under an established seed certification program;

(b) Potatoes sold for livestock feed, regardless of grade;

(c) Potatoes sold for nonfood products, such as industrial starch;

(d) Potatoes of a producer's own production used by the producer on the producer's own premises for seed, feed, or personal consumption;

(e) Potatoes donated or shipped for relief or charitable purposes; or

(f) Potatoes sold by a producer whose production is less than five hundred pounds per year.

(2)(a) All assessments made and levied under this chapter apply to the respective producer who is primarily liable therefor.

(i) Handlers receiving potatoes from the producer, including, but not limited to, warehousemen, shippers, and processors that collect assessments from producers whose production they handle, shall pay assessments collected to the commission on or before the twentieth day of the succeeding month for the previous month's collections. On a monthly basis, each handler shall file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered, or shipped during the period prescribed by the commission.

(ii) Any person, producer, or handler subject to the payment of assessments shall give adequate assurance or security concerning the payments to the commission.

(b) On or before the beginning of each fiscal year, the commission shall give reasonable notice to all producers, handlers, and other affected persons of the method or methods of collection to be used for that fiscal year on field run or ungraded potatoes.

(c) No affected units of potatoes may be transported, carried, shipped, sold, stored, or otherwise handled or disposed of until every due and payable assessment under this chapter has been paid and the receipt issued or stamp canceled. No liability under this chapter attaches to common carriers in the regular course of their business. When any potatoes for which an exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, the reasons for the exemption shall be plainly noted on the bill of lading, shipping document, container, or invoice.

(d) Any producer or handler who fails to comply with this subsection is guilty of violating this chapter and is subject to the penalty, collection, and liability provisions of this chapter.

(3)(a) Moneys collected by the commission under this chapter as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of this chapter.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by the producer in excess of three percent of the total market value of all potatoes sold, processed, or delivered for sale or processing during that period. Refunds may be made only upon satisfactory proof given by the producer, which may include bills of lading, bills of sale, or receipts.

NEW SECTION. Sec. 9. Assessments shall be levied upon potatoes sold on a field run or ungraded basis as provided in this section.

(1) If payment to the grower for the potatoes is based upon the gross weight of potatoes sold and not upon the yield of any particular grade of potatoes as determined by any type of sorting or inspection, then the assessment is made on ninety percent of the gross hundredweight of potatoes so sold.

(2) If payment to the grower for the potatoes is based upon the net weight of potatoes intended for human consumption derived from the potatoes so sold as determined by any type of sorting or inspection, then the assessment is made on the total net weight of potatoes intended for human consumption.

NEW SECTION. Sec. 10. This section establishes the procedure for reporting and paying assessments levied under this chapter. Assessments shall be paid in accordance with one or more of the following methods as prescribed by the commission, in its discretion, for each affected producer or handler:

(1) By means of collection from producers by handlers, including warehousemen, packers, and processors receiving potatoes from producers, at the time the potatoes are first handled, and payment of assessments by those handlers to the commission:

(a) The commission shall bill each handler at such intervals, at least monthly, as the commission may from time to time determine, for the assessments due upon potatoes handled in the preceding period for which billing has not previously been made, and upon which assessments have not been paid, computed on the basis of the quantity of potatoes so handled as recorded on potato shipping pertaining to each handler prepared by the department on behalf of the commission, and filed with the commission, or with respect to handlers who are packers or processors, on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to such packer or processor prepared by such processor and filed with the commission;

(b) As used in (a) of this subsection, "handler" is the person, firm, or corporation designated as shipper on the potato shipping record form;

(c) In the event potatoes subject to assessment are handled by processors or other handlers under circumstances in which no potato shipping record is filed with the commission, with respect to the potatoes so handled the handler shall, at the time of submitting the report required by (d) of this subsection, pay in full the assessment on the potatoes so reported;

(d) Each handler shall file a monthly report, under oath, on forms provided by the commission, showing the name and address of the handler making the report, the quantity of potatoes handled during the preceding calendar month, the name, address, handler's lot number, and quantity of potatoes handled, for each respective producer, and the representative district in which the potatoes were grown. The report shall be filed with the commission not later than the twentieth day of the month following that in which the potatoes were handled; or

(2) By means of payment in cash by the producer or handler, as determined by the commission in each respective instance, before the time the potatoes are shipped in either interstate or intrastate commerce.

NEW SECTION. Sec. 11. Any due and payable assessment levied under this chapter, and every sum due in a specified amount under this chapter constitutes a personal debt of every person so assessed or who otherwise owes the same, and the amount is due and payable to the commission when payment is called for by the commission. In the event that any assessment is not paid within ninety days after the date of the billing by the commission, or within ninety days after the due date of the report required by this chapter, a sum equal to ten percent of the unpaid assessment or unpaid portion thereof shall be added to the original amount and is due and owing to the commission. In the event of failure of a person or persons to pay any such due and payable assessment or other sum, the commission may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the additional ten percent as provided in this section, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 12. (1)(a) Any handler handling potatoes for fresh market who has not established a record of prompt payment of assessments due on fresh market potatoes in accordance with this chapter must prepay the assessments due the commission.

(b) The amount of prepayment shall be determined on the estimated basis of the potatoes the handler will handle during the first thirty days of the potato shipping season, or if the handler has shipped in the immediately prior potato shipping season, the prepayment shall be based on the highest thirty-day assessment due the commission during that shipping season. Prepayment shall not exceed twenty-five percent of the total estimated annual assessment payable by the handler.

(2) Any handler who has established a record of prompt payment during the entire previous potato shipping season and continues to maintain a record of prompt payment is not subject to the prepayment requirements in subsection (1) of this section.

NEW SECTION. Sec. 13. The commission shall notify the department in writing of any handler who has not established a record of prompt payment as set forth in this chapter, and that handler is subject to this section. No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in this chapter is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

NEW SECTION. Sec. 14. (1) Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Individual commissioners and commission staff shall make agricultural development or trade promotion and promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) All payments and reimbursements shall be as identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and require the following information:

(a) Name and position of each person hosted, however in the case of a group of twenty-five or more persons, then only the name of the group hosting shall be required;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) To whom payment was or will be made; and

(e) Signature of person seeking payment or reimbursement;

(4) The chair of the commission, the executive director of the commission, or assistant executive director of the commission may approve direct payment or reimbursements submitted in accordance with this section.

(5) The following persons may be hosted when it is reasonably believed such hosting will promote trade for the Washington state potato industry, as long as the hosting does not violate federal or state conflict of interest laws:

(a) Individuals from private business and accompanying interpreter or interpreters;

(b) Foreign government officials and accompanying interpreter or interpreters;

(c) Federal, state, and local officials, however lodging, meals, and transportation may not be provided when those officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will promote trade for the Washington state potato industry.

NEW SECTION. Sec. 15. (1) It is a misdemeanor for:

(a) Any person willfully to violate any provision of this chapter;

(b) Any person willfully to render or furnish a false or fraudulent report, statement of record required by the commission under this chapter, or any rule of the commission or rule of the department adopted under this chapter, or willfully to fail or refuse to furnish or render any such report, statement, or record so required.

(2) In the event of violation or threatened violation of any provision of this chapter or any rule of the commission or rule of the department adopted under this chapter, the commission is entitled to an injunction to prevent further violation and to a decree of specific performance of such rules, and to a temporary restraining order and injunction pending litigation upon filing a verified complaint and sufficient bond.

(3) All persons subject to this chapter shall severally from time to time, upon the request of the commission, furnish the commission with such information necessary to effectuate the policies of this chapter or to ascertain and determine the extent to which this chapter has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemptions from laws relating to trusts, monopolies, and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the commission. For the purpose of ascertaining the correctness of any report made to the commission under this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, the commission is authorized to examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents, or memoranda as the commission deems relevant and that are within the control of any such person from whom such report was requested, or of any person having, either directly or indirectly, actual or legal control of or over such person or such records, or of any subsidiary of any such person. To carry out the purposes of this section, the commission, upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas for the production of books, records, documents, or other writings of any kind, and shall apply with respect to any such hearing, together with such other rules consistent therewith as the commission may from time to time prescribe.

NEW SECTION. Sec. 16. Moneys collected by the commission under this chapter from any assessment or as an advance deposit thereon shall be used by the commission only for the purpose of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of this chapter.

If the commission is ever terminated any and all moneys remaining with the commission operating under this chapter and not required to defray expenses or repay obligations incurred by that commission shall be returned to the affected producers in proportion to the assessments paid by each in the two-year period preceding the date of the termination.

NEW SECTION. Sec. 17. If after complying with the procedures outlined in this chapter and a referendum proposal to terminate the commission is assented to, the commission shall:

(1) Document the details of all measures undertaken to terminate the commission and identify and document all closing costs;

(2) Contact the office of the state auditor and arrange for a final audit of the commission. Payment for the audit shall be from commission funds and identified in the budget for closing costs;

(3) Provide for the reimbursement to affected producers of moneys collected by assessment. Reimbursement shall be made to those considered affected producers over the previous three-year time frame on a pro rata basis and at a percent commensurate with their volume of production over the previous three-year period. If the commission finds that the amounts of moneys are so small as to make impractical the computation and remitting of the pro rata refund, the moneys shall be paid into the state treasury as unclaimed trust moneys; and

(4) Transfer all remaining files to the department for storage and archiving, as appropriate.

NEW SECTION. Sec. 18. Any due and payable assessment levied under this chapter, and every sum due under this chapter in a specified amount constitutes a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission when payment is called for by the commission. In the event any person fails to pay the full amount of the assessment or such other sum on or before the date due, the commission may add to the unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing collection of it. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 19. All moneys that are collected or otherwise received under this chapter shall be used solely by and for the commission and shall not be used for any other commission, nor the department except as otherwise provided in this chapter. Such moneys shall be deposited in a separate account or accounts in the name of the commission in any bank that is a state depository. All expenses and disbursements incurred and made under the provisions of this chapter shall be paid from moneys collected and received under this chapter without the necessity of a specific legislative appropriation and all moneys shall be paid from the account by check or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the commission. The provisions of RCW 43.01.050 do not apply to any such account or any moneys so received, collected, or expended.

NEW SECTION. Sec. 20. (1) Any funds of the commission may be invested in savings or time deposits in a public depository as defined in RCW 39.58.010.

(2) This section applies to all funds that may be lawfully so invested, that in the judgment of the commission are not required for immediate expenditure. The authority granted by this section is not exclusive and shall be construed to be cumulative and in addition to other authority provided by law for the investment of such funds, including, but not limited to, authority granted under chapters 39.58, 39.59, and 43.84 RCW.

NEW SECTION. Sec. 21. Every administrator, employee, or other person occupying a position of trust with the commission and every member actually handling or drawing upon funds shall give a bond in such penal amount as may be required by the commission, the premium for which bond or bonds shall be paid by the commission.

NEW SECTION. Sec. 22. (1) Pursuant to RCW 42.17.31907, certain agricultural business records, commodity commission records, and department of agriculture records relating to commodity commissions and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of a number of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 23. (1) The commission shall prepare a list of all affected producers from any information available from the department, producers, producer associations, organizations, or handlers of potatoes. This list shall contain the names and addresses of all affected persons who produce the potatoes and the amount, by unit, of the potatoes produced during at least the past three years.

(2) The commission shall prepare a list of all persons who handle potatoes and the amount of potatoes handled by each person during at least the past three years.

(3) It is the responsibility of all affected parties to ensure that their correct address is filed with the commission. It is also the responsibility of affected parties to submit production data and handling data to the commission as prescribed by the commission's rules or policies.

(4) Any qualified person may, at any time, have his or her name placed upon any list for which he or she qualifies by delivering or mailing the information to the commission. The lists shall be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

(5) The commission shall maintain a certified list of affected producers or affected handlers from its records. The list shall contain all information required to conduct a referendum or commission member elections under this chapter.

(6) For all purposes of giving notice and holding referenda on amendment or termination proposals, and for giving notice and electing or selecting members of the commission, the applicable list corrected up to the day preceding the date the list is certified by the commission is deemed to be the list of all affected producers or affected handlers, as applicable, entitled to notice or to vote. Inadvertent failure to notify an affected producer or handler does not invalidate a proceeding conducted under this chapter.

NEW SECTION. Sec. 24. Any member of a commission may also be a member or officer of an association that has the same objectives for which the commission was formed. The commission may also contract with such association for services necessary to carry out any purposes authorized under this chapter, if an appropriate contract has been entered into.

NEW SECTION. Sec. 25. Nothing in this chapter permits the fixing of prices not otherwise permitted by law or any limitation on production and no agreement or any rule thereunder may contain any such provisions.

NEW SECTION. Sec. 26. (1) Upon completion of any vote, referendum, or nomination and elections, the director shall tally the results of the vote and provide the results to affected parties.

(2) If an affected party disputes the results of a vote, that affected party, within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and request a recount.

(3) Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

NEW SECTION. Sec. 27. The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend for a period not exceeding one crop-year at a time all or part of the assessments on potatoes subject to this chapter.

NEW SECTION. Sec. 28. The director may adopt rules necessary to carry out the duties and responsibilities under this chapter including, but not limited to:

- (1) The issuance, amendment, suspension, or termination of rules associated with this chapter;
- (2) Procedural, technical, or administrative rules that may address and include, but are not limited to:
 - (a) Nominations conducted under this chapter; and
 - (b) Elections of commission members or referenda conducted under this chapter.

NEW SECTION. Sec. 29. (1) The substance of a petition received under this chapter to amend or terminate commission programs or assessments shall be set out in detail and designated as the proposal. A copy of the proposal shall be mailed by the department to all affected parties or producers based on the list provided for under this chapter, as applicable, and shall be posted on the department's web site.

(2) Notice of a public hearing to amend or terminate the commission shall be published in the form of a legal notice for a period of two days in a newspaper of general circulation within the affected areas, as the director may prescribe. The notice must also be posted on the department's web site. The department shall mail a copy of the public hearing notice along with a copy of the proposal as provided in subsection (1) of this section to all affected parties or affected producers, as applicable, who may be directly affected by the proposal and whose names and addresses appear on the list compiled under this chapter. The mailing must include the department's web site address along with a description of the process for the amendment or termination of the commission, as applicable.

(3) At a public hearing, the director shall receive testimony offered in support of, or opposition to, the proposed amendment to or termination of the commission and concerning the terms, conditions, scope, and area thereof. The hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearings shall be made and maintained on file in the office of the director, which file shall be open to public inspection. The director shall base any findings upon the testimony received at the hearing, together with any other relevant facts available from official publications of institutions of recognized standing. The director shall describe in the findings such official publications upon which any finding is based.

(4) The director has the power to subpoena witnesses and to issue subpoenas for the production of any books, records, or documents of any kind.

(5) The superior court of the county in which any hearing or proceeding may be had may compel the attendance of witnesses and the production of records, papers, books, accounts, documents, and testimony as required by such subpoena. The director, in case of the refusal of any witness to attest or testify or produce any papers required by the subpoena, shall report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of the witness or the production of the papers and that the witness has been summoned in the manner prescribed in this chapter and that he or she has failed to attend or produce the papers required by the subpoena at the hearing, cause, or proceeding specified in the subpoena, or has refused to answer questions propounded to it in the course of such hearing, cause, or proceeding, and shall ask an order of the court to compel a witness to appear and testify before the director. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued, it shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey the order, the witness shall be dealt with as for contempt of court.

NEW SECTION. Sec. 30. (1) The director shall make findings upon material points controverted at the hearing and required by this chapter and upon such other matters and things as the director may deem fitting and proper. Based upon those findings, the director shall make conclusions and develop and issue a recommended decision. The findings, conclusions, and recommended decision, and the full text of the proposal shall be posted on the department's web site.

(2) The recommended decision may deny or approve the proposal in its entirety, or it may recommend a rule containing other or different terms or conditions from those contained in the proposal, however any such rule shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The director shall not approve the amendment or termination unless he or she finds with respect thereto:

(a) That the proposed issuance, amendment, or termination thereof is reasonably calculated to attain the objective sought in a rule;

(b) That the proposed issuance, amendment, or termination is in conformity with this chapter and, within the applicable limitations and restrictions in this chapter, will tend to effectuate its declared purposes and policies; and

(c) That the interests of consumers of potatoes are protected in that the powers of this chapter are being exercised only to the extent necessary to attain such objectives.

(3) If the director's recommended decision does not make any changes to the proposal, notification will be made by mail in the form of a postcard reciting the recommended decision. The postcard must also include the department's web site address where any person can access the full text of the findings, conclusions, and recommended decision.

(4) If the director's recommended decision makes changes to the proposal or does not support the proposal, notification will be made by mail in the form of a letter describing the changes made or explaining the reason for not supporting the proposal and a referendum. The letter must also include the department's web site address where any person can access the full text of the findings, conclusions, and recommended decision.

(5) After the director issues his or her findings, conclusions, and recommended decision, all interested parties shall have a period of not less than fifteen days from the date of the mailing of the postcard or letter to file statements with the director in support of or in opposition to the recommended decision. The director shall consider the additional statements and shall issue his or her final decision. The final decision may be the same as the recommended decision or may be revised in light of the additional information received in response to the recommended decision. The director shall notify affected parties of his or her final decision by mail in the form of a postcard. Notification shall include the department's web site address where any person can access the full text of the findings, conclusions, and final decision and the full text of the final proposal. If the final decision denies the proposal in its entirety, no further action may be taken by the director.

(6) Affected parties who do not have access to materials posted on the department's web site may request notification by fax or mail.

NEW SECTION. Sec. 31. After the director issues his or her final decision approving the amendment or termination, the director shall determine by a referendum whether the affected parties or producers assent to the proposed action or not. The director shall conduct the referendum among the affected parties or producers based on the list as provided for in this chapter, as applicable. The affected parties or producers shall be deemed to have assented to the proposed issuance or termination order if fifty-one percent or more by number reply to the referendum within the time specified by the director, and if, of those replying (a) sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order; or (b) sixty percent or more by number and sixty percent or more by volume of those replying assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under this chapter, subject to rules of the director for such determination. Results of the referendum shall be mailed to all affected parties in the form of a postcard. If the requisite assent is given, the director shall adopt the order.

NEW SECTION. Sec. 32. (1) All rule-making proceedings conducted under this chapter shall be in accordance with chapter 34.05 RCW.

(2) Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, chapter 19.85 RCW, the regulatory fairness act, and RCW 43.135.055 when adoption of the rule is determined by a referendum vote of the affected parties.

(3) The commission may adopt amendments to rules associated with this chapter without conducting a referendum if the amendments are adopted under the following criteria:

(a) The proposed amendments relate only to internal administration of this chapter and are not subject to violation by a person;

(b) The proposed amendments adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies, if the material adopted or incorporated regulates the same activities as are authorized under this chapter;

(c) The proposed amendments only correct typographical errors, make address or name changes, or clarify language of a rule in accordance with this chapter;

(d) The content of the proposed amendments is explicitly and specifically dictated by statute.

Sec. 33. RCW 15.66.270 and 1961 c 11 s 15.66.270 are each amended to read as follows:

Nothing in this chapter contained shall apply to:

(1) Any order, rule, or regulation issued or issuable by the Washington utilities and transportation commission or the interstate commerce commission with respect to the operation of common carriers;

(2) Any provision of the statutes of the state of Washington relating to the Washington apple (~~(advertising)~~) commission (chapter 15.24 RCW), to the soft tree fruits commission (chapter 15.28 RCW) (~~(or)~~), to the dairy products commission (chapter 15.44 RCW), or to the potato commission established in chapter 15.-- RCW (sections 1 through 32 and 35 of this act). No marketing agreement or order shall be issued with respect to apples, soft tree fruits (~~(or)~~), dairy products, or potatoes for human consumption, for the purposes specified in RCW 15.66.030(1) or 15.66.030(2).

NEW SECTION. Sec. 34. (1) The potato commission established in chapter 16-516 WAC is hereby abolished and its powers, duties, and functions are hereby transferred to the potato commission created in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the potato commission established in chapter 16-516 WAC shall be transferred to the custody of the potato commission created by this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the potato commission

established in chapter 16-516 WAC shall be made available to the potato commission created by this act. All funds, credits, or other assets held by the potato commission established in chapter 16-516 WAC shall be assigned to the potato commission created by this act.

(b) Any appropriations made to the potato commission established in chapter 16-516 WAC shall, on the effective date of this section, be transferred and credited to the potato commission created by this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the potato commission established in chapter 16-516 WAC are transferred to the jurisdiction of the potato commission created by this act. All members of the potato commission established in chapter 16-516 WAC shall continue as members of the potato commission established in chapter 16-516 WAC until their terms expire.

(4) All rules and all pending business before the potato commission established in chapter 16-516 WAC shall be continued and acted upon by the potato commission created by this act. All existing contracts and obligations shall remain in full force and shall be performed by the potato commission created by this act.

(5) The transfer of the powers, duties, functions, and personnel of the potato commission established in chapter 16-516 WAC shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 35. Potatoes that are certified as organically grown under chapter 15.86 RCW are exempt from assessments under this chapter if a separate commodity commission is formed to include organically grown potatoes.

NEW SECTION. Sec. 36. Sections 1 through 32 and 35 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 37. This act takes effect July 1, 2006.

NEW SECTION. Sec. 38. If any section, subsection, sentence, clause, or part of this chapter is for any reason held to be invalid or unconstitutional, the judicial decision does not affect the remainder of the chapter and its application to other persons or circumstances. The legislature declares that each section, subsection, sentence, clause, and part of this chapter was enacted with the intent that if any portion of this chapter is severed, the remainder of the chapter is capable of accomplishing its legislative purpose."

Senator Rasmussen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Substitute House Bill No. 1608.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 15.66.270; adding a new chapter to Title 15 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1608, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1608, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1608, as amended by the and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin,

Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benton, Brown, Kohl-Welles and Oke - 4

SUBSTITUTE HOUSE BILL NO. 1608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163, by House Committee on Appropriations (originally sponsored by Representatives Ormsby, Holmquist, Miloscia, Williams, Flannigan, Chase, Dickerson, Sells, Ericks, Dunn, Wood, Green, Linville, Springer, Pettigrew, Kenney, O'Brien, Santos, Kagi, Fromhold and Schual-Berke)

Establishing a homeless housing program.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness should be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; and a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, and monitoring role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on homelessness in Washington must be a critical component of such a program enabling the state to work with local governments to count homeless persons and assist them in finding housing.

The systematic collection and rigorous evaluation of homeless data, a search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by July 1, 2015.

NEW SECTION. Sec. 2. This chapter may be known and cited as the homelessness housing and assistance act.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, mentally ill people, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Homeless housing account" means the state treasury account receiving the state's portion of income from revenue from the sources established by section 9 of this act.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the homeless housing account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, the director of the department; the secretary of the department of corrections; the secretary of the department of social and health services; the director of the department of veterans affairs; and the secretary of the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

NEW SECTION. Sec. 4. The governor shall establish the interagency council on homelessness and appoint, at least, the director of the department, the secretary of the department of social and health services, the secretary of the department of corrections, the director of the department of veterans affairs, the director of the employment security department, the director of the department of health, and the director of the office of financial management to the council. The interagency council on homelessness shall be responsible to further the goals of the state ten-year homeless housing strategic plan to end homelessness through the following actions:

(1) Aligning housing and supporting services policies and resources among state agencies;

(2) Identifying and eliminating policies and actions which contribute to homelessness or interfere with its reduction;

and
(3) Adopting or recommending new policies to improve practices and align resources, including those policies requested by the affordable housing advisory board or through state and local homeless housing plans.

NEW SECTION. Sec. 5. There is created within the department the homeless housing program to develop and coordinate a statewide strategic plan aimed at housing homeless persons. The program shall be developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020.

NEW SECTION. Sec. 6. The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.63A.655. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected.

All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.24.105. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

By the end of year four, the department shall implement an organizational quality management system.

NEW SECTION. Sec. 7. (1) Six months after the first Washington homeless census, the department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, prepare and publish a ten-year homeless housing strategic plan which shall outline statewide goals and performance measures and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population. Local governments' ten-year homeless housing plans shall not be substantially inconsistent with the goals and program recommendations of the temporary guidelines and, when amended after 2005, the state strategic plan.

(2) Program outcomes and performance measures and goals shall be created by the department and reflected in the department's homeless housing strategic plan as well as interim goals against which state and local governments' performance may be measured, including:

(a) By the end of year one, completion of the first census as described in section 6 of this act;

(b) By the end of each subsequent year, goals common to all local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and

(c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent.

(3) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving grants in order to determine compliance with the terms and conditions set forth in the grant application or required by the department.

The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state ten-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. The annual report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The number of new units available and affordable for homeless families by housing type;

(c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(d) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(e) The transition time from homelessness to permanent housing;

(f) The cost per person housed at each level of the housing continuum;

(g) The ability to successfully collect data and report performance;

(h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

(i) The quality and safety of housing provided; and

(j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

(4) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan, set goals for years following the initial ten-year period, and recommend changes in local governments' plans.

NEW SECTION. Sec. 8. (1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ten-year homeless housing plan for its jurisdictional area which shall be not inconsistent with the department's statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing strategic plan and which shall be aimed at eliminating homelessness, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015. The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

NEW SECTION. Sec. 9. A new section is added to chapter 36.22 RCW to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this act, six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's homeless housing plan, except that for each city in the county which elects as authorized in section 12 of this act to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the homeless housing account. The department may use twelve and one-half percent of this amount for administration of the program established in section 5 of this act, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be distributed by the department to local governments through the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

NEW SECTION. Sec. 10. The homeless housing account is created in the custody of the state treasurer. The state's portion of the surcharge established in section 9 of this act must be deposited in the account. Expenditures from the account may be used only for the homeless housing program as described in this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 11. (1) During each calendar year in which moneys from the homeless housing account are available for use by the department for the homeless housing grant program, the department shall announce to all Washington counties, participating cities, and through major media throughout the state, a grant application period of at least ninety days' duration. This announcement will be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds, less appropriate administrative costs of the department as described in section 9 of this act.

(2) The department will develop, with advice and input from the affordable housing advisory board established in RCW 43.185B.020, criteria to evaluate grant applications.

(3) The department may approve applications only if they are consistent with the local and state homeless housing program strategic plans. The department may give preference to applications based on some or all of the following criteria:

(a) The total homeless population in the applicant local government service area, as reported by the most recent annual Washington homeless census;

(b) Current local expenditures to provide housing for the homeless and to address the underlying causes of homelessness as described in section 1 of this act;

(c) Local government and private contributions pledged to the program in the form of matching funds, property, infrastructure improvements, and other contributions; and the degree of leveraging of other funds from local government or private sources for the program for which funds are being requested, to include recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Construction projects or rehabilitation that will serve homeless individuals or families for a period of at least twenty-five years;

(e) Projects which demonstrate serving homeless populations with the greatest needs, including projects that serve special needs populations;

(f) The degree to which the applicant project represents a collaboration between local governments, nonprofit community-based organizations, local and state agencies, and the private sector, especially through its integration with the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650;

(g) The cooperation of the local government in the annual Washington homeless census project;

(h) The commitment of the local government and any subcontracting local governments, nonprofit organizations, and for-profit entities to employ a diverse work force;

(i) The extent, if any, that the local homeless population is disproportionate to the revenues collected under this chapter, RCW 36.22.178, and section 9 of this act; and

(j) Other elements shown by the applicant to be directly related to the goal and the department's state strategic plan.

NEW SECTION. Sec. 12. (1) Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by

forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under section 9 of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.

(2) Local governments applying for homeless housing funds may subcontract with any other local government, housing authority, community action agency or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts shall be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department and shall have specific performance terms. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

(3) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If such a resolution is adopted, all of the funds otherwise due to the county under section 10 of this act shall be remitted monthly to the state treasurer for deposit in the homeless housing account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this act in the county, provided that the department may retain six percent of these funds to offset the cost of managing the county's program.

(4) A resolution by the county declining to participate in the program shall have no effect on the ability of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under this chapter.

NEW SECTION. Sec. 13. The department shall allocate grant moneys from the homeless housing account to finance in whole or in part programs and projects in approved local homeless housing plans to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and independent housing. The department may issue criteria or guidelines to guide local governments in the application process.

NEW SECTION. Sec. 14. The department shall provide technical assistance to any participating local government that requests such assistance. Technical assistance activities may include:

- (1) Assisting local governments to identify appropriate parties to participate on local homeless housing task forces;
- (2) Assisting local governments to identify appropriate service providers with which the local governments may subcontract for service provision and development activities, when necessary;
- (3) Assisting local governments to implement or expand homeless census programs to meet homeless housing program requirements;
- (4) Assisting in the identification of "best practices" from other areas;
- (5) Assisting in identifying additional funding sources for specific projects; and
- (6) Training local government and subcontractor staff.

NEW SECTION. Sec. 15. The department shall establish a uniform process for participating local governments to report progress toward reducing homelessness and meeting locally established goals.

NEW SECTION. Sec. 16. The department may adopt such rules as may be necessary to effect the purposes of this chapter.

NEW SECTION. Sec. 17. The department shall ensure that the state's interest is protected upon the development, use, sale, or change of use of projects constructed, acquired, or financed in whole or in part through the homeless housing grant program. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project, or (2) requiring a lump sum repayment of the grant upon the sale or change of use of the project.

Sec. 18. RCW 36.22.178 and 2002 c 294 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The ~~((auditor))~~ county may retain up to five percent of these funds collected ~~((to administer))~~ solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the Washington housing trust account. The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income persons with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses. ~~((Sixty percent of the revenue))~~ All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its

cities and towns for housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to very low-income housing projects or units within such housing projects in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county, consistent with countywide and local housing needs and policies. The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. ~~((Permissible))~~
Uses of these local funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects ~~((built with))~~ eligible to receive housing trust funds, that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(3) The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i).

Sec. 19. RCW 36.18.010 and 2002 c 294 s 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170((-));

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees((-));

For recording instruments, a surcharge as provided in RCW 36.22.178; and

For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in section 9 of this act.

NEW SECTION. Sec. 20. The department of social and health services shall exempt payments to individuals provided under this chapter when determining eligibility for public assistance.

NEW SECTION. Sec. 21. This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in this act. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons.

Sec. 22. RCW 43.185B.005 and 1993 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Housing is of vital statewide importance to the health, safety, and welfare of the residents of the state;

(b) Reducing homelessness and moving individuals and families toward stable, affordable housing is of vital statewide importance;

~~(c)~~ Safe, affordable housing is an essential factor in stabilizing communities;

~~((d))~~ (d) Residents must have a choice of housing opportunities within the community where they choose to live;

~~((e))~~ (e) Housing markets are linked to a healthy economy and can contribute to the state's economy;

~~((f))~~ (f) Land supply is a major contributor to the cost of housing;

~~((g))~~ (g) Housing must be an integral component of any comprehensive community and economic development strategy;

~~((h))~~ (h) State and local government must continue working cooperatively toward the enhancement of increased housing units by reviewing, updating, and removing conflicting regulatory language;

~~((i))~~ (i) State and local government should work together in developing creative ways to reduce the shortage of housing;

~~((j))~~ (j) The lack of a coordinated state housing policy inhibits the effective delivery of housing for some of the state's most vulnerable citizens and those with limited incomes; and

~~((k))~~ (k) It is in the public interest to adopt a statement of housing policy objectives.

(2) The legislature declares that the purposes of the Washington housing policy act are to:

(a) Provide policy direction to the public and private sectors in their attempt to meet the shelter needs of Washington residents;

(b) Reevaluate housing and housing-related programs and policies in order to ensure proper coordination of those programs and policies to meet the housing needs of Washington residents;

(c) Improve the delivery of state services and assistance to very low-income and low-income households and special needs populations;

(d) Strengthen partnerships among all levels of government, and the public and private sectors, including for-profit and nonprofit organizations, in the production and operation of housing to targeted populations including low-income and moderate-income households;

(e) Increase the supply of housing for persons with special needs;

(f) Encourage collaborative planning with social service providers;

(g) Encourage financial institutions to increase residential mortgage lending; and

(h) Coordinate housing into comprehensive community and economic development strategies at the state and local level.

Sec. 23. RCW 43.185B.009 and 1993 c 478 s 3 are each amended to read as follows:

The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

(1) Develop an adequate and affordable supply of housing for all economic segments of the population, including the destitute;

(2) Identify and reduce the causal factors preventing the state from reaching its goal;

(3) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;

~~((4))~~ (4) Encourage and maintain home ownership opportunities;

~~((5))~~ (5) Reduce life-cycle housing costs while preserving public health and safety;

~~((6))~~ (6) Preserve the supply of existing affordable housing;

~~((7))~~ (7) Provide housing for special needs populations;

~~((8))~~ (8) Ensure fair and equal access to the housing market;

~~((9))~~ (9) Increase the availability of mortgage credit at low interest rates; and

~~((10))~~ (10) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.

NEW SECTION. Sec. 24. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 25. This act takes effect August 1, 2005.

NEW SECTION. Sec. 26. Sections 1 through 8, 10 through 17, 20, 21, 24, and 25 of this act constitute a new chapter in Title 43 RCW."

Senators McAuliffe, Fairley and Brandland spoke in favor of adoption of the committee striking amendment.

Senator Benson spoke against adoption of the committee striking amendment.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed Second Substitute House Bill No. 2163.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 36.22.178, 36.18.010, 43.185B.005, and 43.185B.009; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; and providing an effective date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 2163, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Franklin, Brown and Hargrove spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2163, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2163, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senators Benton, Morton and Oke - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5002,
SENATE BILL NO. 5044,
ENGROSSED SENATE BILL NO. 5045,
SENATE BILL NO. 5046,
SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5105,
SENATE BILL NO. 5142,
SENATE BILL NO. 5589,

SUBSTITUTE SENATE BILL NO. 5832,
SENATE BILL NO. 5833,
SENATE BILL NO. 5977,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5002,
SENATE BILL NO. 5044,
ENGROSSED SENATE BILL NO. 5045,
SENATE BILL NO. 5046,
SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5105,
SENATE BILL NO. 5142,
SENATE BILL NO. 5589,
SUBSTITUTE SENATE BILL NO. 5832,
SENATE BILL NO. 5833,
SENATE BILL NO. 5977.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION
8675

By Senators Delvin, Benson, Brown, Deccio, Hewitt, Honeyford and McCaslin

WHEREAS, The Eastern Washington Elite Dance Teams consist of three teams with 41 total dancers; and
WHEREAS, The Senior Elite and Senior Prep teams each include 14 dancers, with members ranging from ninth grade through twelfth grade, and the Junior Elite team includes 13 dancers with members ranging from sixth grade through ninth grade;
and

WHEREAS, Members of the three teams reside throughout the Tri-Cities, Spokane, Walla Walla, and Yakima and come to practice in Kennewick with Coach Teri Rowe; and

WHEREAS, On February 4, 2005, the teams participated in the Universal Dance Association sponsored National Dance Team Championships in Orlando, Florida; and

WHEREAS, The Senior Elite, including Anna Merrifield, Tiffany Huber, Marisha Mikheeva, Kate Griffith, Molly Moffett, Jessica Quinn, Courtney Hutchins, Carli Forthun, Alissa Gunderson, Amanda Shortell, Ashley Sanislo, Desiree Walter, Kelsey Hamada, and Angie Barness, won the National Championships in hip-hop dance and jazz; and

WHEREAS, The Senior Prep, including Andrea Crass, Celestan Frost, Rebecca Gaulke, Megan Huber, Ashley Georgia, Ashley Cosgrove, Melissa Johnson, Jackie Delo, Chanelle Whaley, Caroline Cayetano, Amanda Pentilla, Kelsey Skinner, Tawni Kay, and Heather King placed fourth in pom-pom dance; and

WHEREAS, The Junior Elite, including Kelsey Wehner, Tori Stephenson, Bailey Urness, Olecia Mikheeva, Sam Minyard, Jill Wyss, Sharayah Ott, Haylee Tayamen, Paige Bobiles, Danielle Barness, Cara Scovazzo, Megan Bissell, and Carsen Rowe, won their second consecutive National Championship in hip-hop dance and placed second in jazz; and

WHEREAS, Head coach Teri Rowe along with assistant coaches Jen Malloy, Serena Dotson, Mandy Case, and Heather Hanson provide excellent guidance and leadership.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the Eastern Washington Elite Dance teams, their exemplary performance at the National Dance Team Championships, and their inspiring representation of our state for all Washingtonians.

Senator Delvin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

The motion by Senator Delvin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced championship Junior Elite team members Kelsey Wehner and Tori Stephenson of the Eastern Washington Elite Dance Teams who were seated in the gallery.

INTRODUCTION OF SPECIAL GUEST

President Owen: "We have the great privilege today of having a very special guest with us, Miss Tri-Cities, 2000-2005. I wanted to introduce this young lady to you because I was going through her resume and we are very fortunate in the State of Washington to have these most outstanding students doing all sorts of things in athletics and academics and musical things. Here's one of those outstanding students right here that covers a couple different ones. Not only is she an outstanding student, she, as a matter of fact, received the Washington State Honors Award for outstanding academic achievement. She received the Marshall/Alexander Speech/Drama Award; the WWHS Choir Ensemble Award; the Arion Award; she's a member of the National Honor Society; and Honor Roll at Columbia Basin Community College. She is a very talented person as a classical vocalist. Not only is she scholastically accomplish but, also, she's quite a leader as ASB Representative; Conspiracy of Hope Commissioner and organizer which is a charity talent show; Counselor and President of Young Women's Organization at church; and she chaired the annual WWHS Teacher Appreciation Dinner; and co-organizer of Children's Olympics. Her goals and objectives are to educate people about family values. Ladies and gentlemen, would you please help me welcome this wonderful young lady? Alainna Fielding, Miss Tri-Cities."

REMARKS BY MISS ALAINNA FIELDING

Miss Alainna Fielding: "They said I have a few minutes to speak to you. So, I am the youngest of seven children born to two loving parents and raised on a farm in the Columbia Basin. I attended Walla Walla High School where I had an excellent civics teacher who taught, in great detail, about the different branches of the government including the purposes and duties of the State Senate. Never once did I entertain the thought that I would one day be standing on the Senate floor speaking to those very people. I even get to sit in the Lt. Governor's seat and that really surprised me, so that was a great honor. I am again honored and humbled to be in your presence and want to, first and foremost, extend my sincere gratitude for all that you do to uphold the principles and ideals of this great country is founded upon. From the time that I was very young my mother and dad endeavored to instill the attitude of patriotism in me and my siblings through literature and song. Maybe that is why both of my brothers have gone into law. In fact, my eldest brother just graduated from Harvard Law School a few years ago and my other brother in currently attending Duke Law School. A little over a year ago I was attending Brigham Young University in Provo, Utah. Funds were very tight and my parents being in a position where they couldn't help me much financially I began a diligent exploration of other options. A friend of mine recommended the Miss America organization. She explained to me that it was not a beauty pageant but a scholarship program. That, in fact, it is the largest scholarship program for women in the nation, distributing over forty-five million dollars. It starts by winning a local pageant, Miss Tri-Cities, for example, and then proceeding to the state level. I will have the opportunity, the privilege, to compete for the title of Miss Washington on June 24th and 25th. The state titleholders complete at Miss America in September. I learned through some additional research that the overwhelming majority of the score involved in this pageant is, a whopping eighty percent, is based on interview and talent – hardly a beauty pageant. Another interesting fact is that it is a non-profit organization. Thousands of men and women including the ones that came with me here today, they're up in the galleries supporting me, they donate countless hours of their personal time to support this program and the promising young women who participate. The Kennewick relief squad is a fine example of the type of young women to which this program caters. I personally want to congratulate you girls, and all the ones that aren't present here today, for all your hard work and your determination and what you stand for. The motto of the Miss Washington organization sums up the result of this program perfectly. 'Building leaders one scholarship at a time.' It embraces the true essence of leadership and that is service. In fact by the end of this year I will have been able to have volunteer over five-hundred hours of my time to my community through speaking engagements; presentations; visiting grade schools, middle schools; and meeting and mentoring youths, just to mention a few. Through these opportunities I am getting a crash course in public relations and I am getting a clear understanding of what it means to be an effective leader and a role model. In addition, it has provided me with much needed scholarship money to continue to pursue my degree in vocal performance and my career in opera. Clearly the benefits of this program far exceed that which meets the eye and, in my mind, the most positive aspect of this program is the opportunity it provides young women to promote a personally chosen platform. I chose strengthening the family to be my focus, an issue with which I am genuinely concerned. Goethe, a revered philopher, once said, 'Never let that which matters most be at the mercy of that which matters least.' The families often take a back seat to the pursuit of wealth and just plain busyness in all of it's forms. When it comes to

the family, I am convinced that you, the leaders of this state, can have a tremendous impact. When considering whether to support a bill, I ask you to carefully consider the effect its passing will have on the family. Please promote those measures designed to maintain and strengthen the family as a fundamental unit of society. I want you to know that you are prayed for. May God grant you wisdom and understanding and support you in the responsibilities that you bear. His eye is on the sparrow. I know He watches this country. Thank you so much."

MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1806, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kenney, Haigh, Kessler, Morrell, Dickerson, Williams, P. Sullivan, Ericks, Anderson, McDermott, Wood, Linville, Moeller and Hudgins)

Encouraging the ethical transfer of technology for the economic benefit of the state.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette and Benson spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Thibaudeau: "Would Senator Kohl-Welles yield to a question? My question has to do with how does the University – and I'm a great admirer of many of their inventions – benefit financially from these? I raised questions with some pharmaceutical manufacturers and they said universities can't afford to market these things and we can. So, they research and we do the marketing and they make all the money. So, can you explain that a little bit for me, please?"

Senator Kohl-Welles: "Thank you Senator Thibaudeau. Yes, the institutions, the universities and colleges, are able to get royalty payments for the inventions and development of products that take place through their university research programs."

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1806.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1806 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Brandland - 1

SUBSTITUTE HOUSE BILL NO. 1806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1232, by Representatives O'Brien, Pearson, Morrell, Lantz, Lovick, Wood, McCune, Wallace and Condotta

Clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and McCaslin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1232.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1232 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1137, by House Committee on Health Care (originally sponsored by Representatives Morrell, Orcutt, Cody, McDonald, Green, Campbell, Clibborn, Schindler, Kagi, Woods, Hunt, Miloscia, Linville, Lantz, Moeller, Williams, Wallace and Kenney)

Modifying the scope of care provided by physical therapists.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.74.005 and 1983 c 116 s 1 are each amended to read as follows:

~~((In order to safeguard the public safety and welfare, to protect the public from being misled by incompetent, unethical, and unauthorized persons, and to assure the highest degree of professional conduct and competency, it is))~~ The purpose of this chapter ((to strengthen existing regulation of persons offering physical therapy services to the public)) is to protect the public health, safety, and welfare, and to provide for state administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the intent of the legislature that only individuals who meet and maintain prescribed standards of competence and conduct be allowed to engage in the practice of physical therapy as defined and authorized by this chapter.

Sec. 2. RCW 18.74.010 and 1997 c 275 s 8 are each amended to read as follows:

~~((Unless the context otherwise requires,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of health.

(3) "Physical therapy" means the ~~((treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner except as provided in RCW 18.74.012; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter))~~ care and services provided by or under the direction and supervision of a physical therapist licensed by the state. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(4) "Physical therapist" means a person who ~~((practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010))~~ meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(5) "Secretary" means the secretary of health.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(8) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under Title 18 RCW, without regard to any scope of practice;

(d) Performing wound care services that is limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner;

(e) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(f) Engaging in administration, consultation, education, and research.

(9)(a) "Physical therapist assistant" means a person who has successfully completed a board-approved physical therapist assistant program.

(b) "Physical therapy aide" means a person who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist, including but not limited to licensed massage practitioners, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their training or education.

(10) "Direct supervision" means the supervising physical therapist must (a) be continuously on-site and present in the department or facility where assistive personnel or holders of interim permits are performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

(11) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp

debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of the effective date of this section shall submit to the secretary an affidavit that includes evidence of adequate education and training in sharp debridement, including the use of a scalpel.

Sec. 3. RCW 18.74.012 and 2000 c 171 s 24 are each amended to read as follows:

~~((Notwithstanding the provisions of RCW 18.74.010(3),))~~ A consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions~~((: PROVIDED, That a physical therapist may only provide treatment utilizing orthoses that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner))~~.

NEW SECTION. Sec. 4. (1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist, unless he or she is licensed in accordance with this chapter.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

NEW SECTION. Sec. 5. (1) A physical therapist licensed under this chapter is fully authorized to practice physical therapy as defined in this chapter.

(2) A physical therapist shall refer persons under his or her care to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice under this chapter or when physical therapy is contraindicated.

(3) Physical therapists shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

(4) A physical therapist may perform electroneuromyographic examinations for the purpose of testing neuromuscular function only by referral from an authorized health care practitioner identified in RCW 18.74.010(7) and only upon demonstration of further education and training in electroneuromyographic examinations as established by rule. Within two years after July 1, 2005, the secretary shall waive the requirement for further education and training for those physical therapists licensed under this chapter who perform electroneuromyographic examinations.

(5) A physical therapist licensed under this chapter may purchase, store, and administer medications such as hydrocortisone, fluocinonide, topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate, zinc oxide, and other similar medications, and may administer such other drugs or medications as prescribed by an authorized health care practitioner for the practice of physical therapy. A pharmacist who dispenses such drugs to a licensed physical therapist is not liable for any adverse reactions caused by any method of use by the physical therapist.

NEW SECTION. Sec. 6. (1) Physical therapists are responsible for patient care given by assistive personnel under their supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks, or procedures that fall within the scope of physical therapy practice but do not exceed the education or training of the assistive personnel.

(2) Nothing in this chapter may be construed to prohibit other licensed health care providers from using the services of physical therapist assistants, physical therapist aides, or other assistive personnel as long as the licensed health care provider is responsible for the activities of such assistants, aides, and other personnel and provides appropriate supervision.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 18.74 RCW."

Senators Keiser and Parlette spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1137.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "therapy;" strike the remainder of the title and insert "amending RCW 18.74.005, 18.74.010, and 18.74.012; and adding new sections to chapter 18.74 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Thibaudeau spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1137, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1137, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Carrell, Delvin, Esser, Haugen, Johnson, Parlette, Rasmussen, Schoesler and Sheldon - 9

SUBSTITUTE HOUSE BILL NO. 1137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 5948, by Senators Pridemore and Zarelli

Modifying unclaimed property provisions.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senators Finkbeiner, Hewitt, Honeyford and Parlette were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5948.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Absent: Senator Zarelli - 1

Excused: Senators Finkbeiner, Hewitt, Honeyford and Parlette - 4

SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1138, by Representatives Ericksen and Holmquist

Regulating fees for using an automated teller machine.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Brandland spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would the gentleman from the 42nd District yield to a question? Senator Brandland, is the language in this bill written such a way that it is very, very narrow and only applies to international border areas?"

Senator Brandland: "You know, I don't know if it is that narrowly focused, but I can tell you the intent of the legislation was for that, generally, that narrow type of focus."

Senator Benton: "So its clear, then that the intent would not apply to all teller machines throughout Washington State only on teller machines that are on the international border?"

Senator Brandland: "No, it's intended for a Canadian. If a Canadian, for example, uses an ATM machine in the United States and they agree to continue to pay the \$1.50, then with this law that will mean that Canada will reimburse that store owner, whether there in Sumas or in Seattle, that \$1.50."

Senator Benton: "But it wouldn't apply to Italians or Mexicans or Germans. It would be Canadians?"

Senator Brandland: "My sense is that, I think, what the intent here is to deal with the Canadian traffic."

The President declared the question before the Senate to be the final passage of House Bill No. 1138.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1138 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Absent: Senator Zarelli - 1

Excused: Senators Finkbeiner, Hewitt, Honeyford and Parlette - 4

HOUSE BILL NO. 1138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, Senator Zarelli was excused.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator McCaslin that House Bill 1944 is an expansion of gambling that requires a sixty percent vote under Article II, Section 24 of the Washington Constitution, the President finds and rules as follows:

It seems clear that the main impetus of this measure is to clarify that state employee raffles for charitable purposes are permitted under the Ethics Act. Section 2 makes this clarification and, had the measure been limited to the Ethics Act, no question as to gambling expansion would arise. The first section, however, unequivocally adds state agencies to the list of nonprofit organizations which may hold charitable raffles. In so doing, it expands the class of people who may conduct gambling, and this is therefore an expansion of gambling, albeit for a limited and charitable cause. As a result, Senator McCaslin's point is well-taken and a sixty percent vote of this body will be needed for final passage."

MOTION

On motion of Senator Eide, House Bill No. 1944 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1220, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Schual-Berke, Cody, Simpson, Campbell, Williams, Chase, Kenney, O'Brien, Clibborn, Conway, Green, Kagi and Upthegrove)

Establishing a joint legislative and executive task force on long-term care financing and chronic care management.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The governor shall establish a joint legislative and executive task force on long-term care financing and chronic care management. The joint task force consists of eight members, as follows: The secretary of the department of social and health services; the secretary of the department of health; the administrator of the health care authority; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus.

(2) The joint task force shall elect a member of the joint task force to serve as chair of the joint task force.

(3) Consistent with funds appropriated specifically for this purpose, the joint task force shall contract for professional services. State agencies, the senate, and the house of representatives may provide staff support upon request of the joint task force.

(4) The joint task force shall create advisory committees to assist the joint task force in its work. The task force shall actively consult with and solicit recommendations from the advisory committee or committees regarding issues under consideration by the task force.

(5) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members, if appointed, may not receive compensation or reimbursement for travel or expenses.

(6) The joint task force shall review public and private mechanisms for financing long-term care and make recommendations related to:

(a) The composition of a long-term care system that is adequate to meet the needs of persons of all ages with functional limitations, including appropriate services to be offered in the continuum of care ranging from services to support persons residing at home through residential care. This shall be accomplished by first determining capacity in each level of care in the long-term care continuum and assessing the impact, by geographic region, of increasing or decreasing capacity in each level of care;

(b) Efficient payment models that will effectively sustain public funding of long-term care and maximize the use of financial resources to directly meet the needs of persons of all ages with functional limitations;

(c) State laws and regulations that should be revised and/or eliminated in order to reduce or contain long-term care costs to individuals and the state;

(d) The feasibility of private options for realistically enabling individuals to pay for long-term care and the most effective tools for implementing these options. The assessment of options should include but not be limited to: (i) Adequacy of personal savings and pensions; (ii) availability of family care, including incentives and supports for families to provide care or pay for care; (iii) creative community-based strategies or partnerships for funding quality long-term care; (iv) enhanced health insurance options; (v) long-term care insurance options, including incentives to purchase long-term care insurance through individual or group-based products; (vi) life insurance annuities; and (vii) reverse mortgage and other products that draw on home equity; and

(e) Options that will support long-term care needs of rural communities.

(7) The joint task force shall recommend chronic care management and disability prevention interventions that will reduce health care and long-term care costs to individuals and the state, improve the health of individuals over their life span, and encourage patient self-management of chronic care needs.

(8) The joint task force shall incorporate a process designed to facilitate an open dialog with the public on findings and recommendations.

(9) The joint task force shall: (a) Report its initial findings to the governor and appropriate committees of the legislature by January 1, 2006; (b) report its recommendations to the governor and appropriate committees of the legislature by January 1, 2007; and (c) submit a final report to the governor and appropriate committees of the legislature by June 30, 2007.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Second Substitute House Bill No. 1220.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1220, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1220, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1220, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 43

Excused: Senators Fairley, Finkbeiner, Hewitt, Honeyford, Parlette and Zarelli - 6

SECOND SUBSTITUTE HOUSE BILL NO. 1220, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1356, by Representatives Pettigrew, Holmquist and Ormsby

Expanding local government insurance options.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1356.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1356 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Excused: Senators Finkbeiner, Hewitt, Honeyford, Parlette and Zarelli - 5

HOUSE BILL NO. 1356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1409, by Representatives Condotta, Wood and Conway

Revising provisions relating to contract liquor stores.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1409.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1409 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Excused: Senators Hewitt, Honeyford, Parlette and Zarelli - 4

HOUSE BILL NO. 1409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1064 which had been deferred on the previous day.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Citizens demand and deserve accountability of public programs. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;

(3) An independent citizen advisory board is necessary to ensure that government services, customer satisfaction, program efficiency, and management systems are world class in performance;

(4) Fair, independent, professional performance audits of state agencies are essential to improving the efficiency and effectiveness of government; and

(5) The performance audit activities of the joint legislative audit and review committee should be supplemented by making fuller use of the state auditor's resources and capabilities.

NEW SECTION. Sec. 2. A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 3 through 6, 8, 9, and 11 of this act:

(1) "Board" means the citizen advisory board created in section 3 of this act.

(2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.

(3) "Final performance audit report" means a written document jointly released by the citizen advisory board and the state auditor that includes the findings and comments from the preliminary performance audit report.

(4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.

(5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(6) "Preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.

(7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all offices of executive branch state government elected officials.

NEW SECTION. Sec. 3. A new section is added to chapter 43.09 RCW to read as follows:

(1) The citizen advisory board is created to improve efficiency, effectiveness, and accountability in state government.

(2) The board shall consist of ten members as follows:

(a) One member shall be the state auditor, who shall be a nonvoting member;

(b) One member shall be the legislative auditor, who shall be a nonvoting member;

(c) One member shall be the director of the office of financial management, who shall be a nonvoting member;

(d) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature or employees of the state. The governor shall select a person from each list provided by each caucus; and

(e) The governor shall select three citizen members who are not state employees.

(3) The board shall elect a chair. The legislative auditor, the state auditor, and the director of the office of financial management may not serve as chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Members selected under subsection (2)(d) and (e) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The office of the state auditor shall provide clerical, technical, and management personnel to the board to serve as the board's staff.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 43.09 RCW to read as follows:

The board shall establish an assessment and performance grading program. The program shall consist of conducting performance assessments and grading state agency performance. Assessments shall be implemented on a phased-in schedule. Initial areas to be assessed shall include quality management, productivity and fiscal efficiency, program effectiveness, contract management and oversight, internal audit, internal and external customer satisfaction, statutory and regulatory compliance, and technology systems and on-line services. As part of this program, the board shall:

(1) Consult with and seek input from elected officials, state employees including front-line employees, and professionals with a background in performance management for establishing the grading standards. In developing the criteria, the board shall consider already developed best practices and audit criteria used by government or nongovernment organizations. Before the assessment, the agencies shall be given the criteria for the assessment and the standards for grading;

(2) Contract or partner with those public or private entities that have expertise in developing public sector reviews applying fact-based objective criteria and/or technical expertise in individual assessment areas to perform the assessments and grading of all state agencies. The board may contract or partner with more than one entity for different assessment areas; and

(3) Submit the results of the assessment and grading program to the governor, the office of financial management, appropriate legislative committees, and the public by December 15th of each year. The results of the assessments and performance grading shall be posted on the internet.

NEW SECTION. Sec. 5. A new section is added to chapter 43.09 RCW to read as follows:

(1) The board and the state auditor shall collaborate with the joint legislative audit and review committee regarding performance audits of state government.

(a) The board shall establish criteria for performance audits consistent with the criteria and standards followed by the joint legislative audit and review committee. This criteria shall include, at a minimum, the auditing standards of the United States government accountability office, as well as legislative mandates and performance objectives established by state agencies and the legislature. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(b) Using the criteria developed in (a) of this subsection, the state auditor shall contract for a statewide performance review to be completed as expeditiously as possible as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews. The purpose of these performance reviews is to identify those agencies, programs, functions, or activities most likely to benefit from performance audits and to identify likely areas warranting early review, taking into account prior performance audits, if any, and prior fiscal audits.

(c) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, including front-line employees, state managers, chairs and ranking members of appropriate legislative committees, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. When putting together the draft work plan, there should be consideration of all audits and reports already required. On average, audits shall be designed to be completed as expeditiously as possible.

(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.

(e) The state auditor shall contract out for performance audits. In conducting the audits, agency front-line employees and internal auditors should be involved.

(f) All audits must include consideration of reports prepared by other government oversight entities.

(g) The audits may include:

(i) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(ii) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(iii) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(iv) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;

(v) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(vi) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;

(vii) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(viii) Identification of potential cost savings in the state agency, its programs, and its services;

(ix) Identification and recognition of best practices;

(x) Evaluation of planning, budgeting, and program evaluation policies and practices;

(xi) Evaluation of personnel systems operation and management;

(xii) Evaluation of state purchasing operations and management policies and practices; and

(xiii) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(h) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, the office of financial management, the board, the chairs and ranking members of appropriate legislative committees, and the joint legislative audit and review committee for comment. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final performance audit report shall include the

objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

(i) The board and the state auditor shall jointly release final performance audit reports to the governor, the citizens of Washington, the joint legislative audit and review committee, and the appropriate standing legislative committees. Final performance audit reports shall be posted on the internet.

(j) For institutions of higher education, performance audits shall not duplicate, and where applicable, shall make maximum use of existing audit records, accreditation reviews, and performance measures required by the office of financial management, the higher education coordinating board, and nationally or regionally recognized accreditation organizations including accreditation of hospitals licensed under chapter 70.41 RCW and ambulatory care facilities.

(2) The citizen board created under RCW 44.75.030 shall be responsible for performance audits for transportation related agencies as defined under RCW 44.75.020.

NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW to read as follows:

If the legislative authority of a local jurisdiction requests a performance audit of programs under its jurisdiction, the state auditor has the discretion to conduct such a review under separate contract and funded by local funds.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to contract for and oversee performance audits pursuant to section 5 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.09 RCW to read as follows:

By June 30, 2007, and each four years thereafter, the joint legislative audit and review committee shall contract with a private entity for a performance audit of the performance audit program established in section 5 of this act and the board's responsibilities under the performance audit program.

NEW SECTION. Sec. 9. A new section is added to chapter 43.09 RCW to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the appropriate elected official may require periodic reports of the action taken by the audited agency until all resolution has occurred.

The board may request status reports on specific audits or findings.

NEW SECTION. Sec. 10. A new section is added to chapter 2.56 RCW to read as follows:

The office of the administrator for the courts is encouraged to conduct performance audits of courts under the authority of the supreme court, in conformity with criteria and methods developed by the board for judicial administration that have been approved by the supreme court. In developing criteria and methods for conducting performance audits, the board for judicial administration is encouraged to consider quality improvement programs, audits, and scoring. The judicial branch is encouraged to submit the results of these efforts to the chief justice of the supreme court or his or her designee, and with any other applicable boards or committees established under the authority of the supreme court to oversee government accountability.

NEW SECTION. Sec. 11. A new section is added to chapter 43.09 RCW to read as follows:

(1) Each biennium the legislature shall appropriate such sums as may be necessary, not to exceed an amount equal to two one-hundredths of one percent of the total general fund state appropriation in that biennium's omnibus operating appropriations act for purposes of the performance review, performance audits, and activities of the board authorized by this chapter.

(2) The board and the state auditor shall submit recommended budgets for their responsibilities under sections 2 through 6, 8, and 9 of this act to the auditor, who shall then prepare a consolidated budget request, in the form of request legislation, to assist in determining the funding under subsection (1) of this section."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the committee striking amendment be adopted.

On page 1, beginning on line 10 of the amendment, strike all of subsections (3), (4), and (5) and insert "and

(3) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government."

Beginning on page 1, line 19 of the amendment, strike all of sections 2 and 3 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 3 through 6 of this act:

(1) "Board" means the citizen accountability advisory board created in section 4 of this act.

(2) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by an independent auditor in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(3) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch state government. This includes state agencies and programs as well as those programs and activities that cross agency lines.

NEW SECTION. Sec. 3. A new section is added to chapter 43.09 RCW to read as follows:

The state auditor may conduct performance audits under the provisions of sections 1 through 7, 9, and 10 of this act. The state auditor may contract for performance audits as he or she may determine.

NEW SECTION. Sec. 4. A new section is added to chapter 43.09 RCW to read as follows:

(1) A citizen accountability advisory board is created to provide advice to the state auditor on performance audits of state government.

(2) The board shall consist of eight members as follows:

(a) One member shall be selected by the state auditor;

(b) One member shall be selected by the chair of the joint legislative audit and review committee;

(c) One member shall be selected by the director of the office of financial management;

(d) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a person from each list provided by each caucus; and

(e) One member shall be selected by the governor.

(3) The board shall elect a chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Members shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The state auditor's office shall provide staff assistance to the board.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board. Meetings are subject to chapter 42.30 RCW.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 30 of the amendment, after "an" insert "annual"

On page 3, line 31 of the amendment, after "conducting" insert "annual"

On page 4, at the beginning of line 4 of the amendment, after "employees" strike "including front-line employees"

On page 4, line 11 of the amendment, after "partner" strike "those"

On page 4, beginning on line 12 of the amendment, after "in" strike all material through "criteria" on line 13, and insert "public sector reviews"

On page 4, line 20 of the amendment, after "of the" insert "annual"

Beginning on page 4, line 22 of the amendment, strike all of sections 5 through 11 and insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 43.09 RCW to read as follows:

(1) The state auditor shall establish criteria and protocols for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(2) Using the criteria developed in subsection (1) of this section, the state auditor shall complete a statewide performance review as a preliminary to a work plan for conducting performance audits. The state auditor shall develop a schedule and common methodology for conducting these performance audits.

(3) In developing the work plan, the state auditor shall consider input from the board, citizens, state employees, state managers, the joint legislative audit and review committee, public officials, and others. The work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the state auditor based on a number of factors including risk, importance, and citizen concerns. All audits shall be designed to be completed within a six-month period.

(4) Before adopting the final work plan, the state auditor shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government. The state auditor shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.

(5) In conducting the audits, agency front-line employees and internal auditors should be involved. The audits may include:

- (a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;
- (b) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;
- (c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (d) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;
- (e) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;
- (g) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;
- (h) Identification of potential cost savings in the state agency, its programs, and its services;
- (i) Identification and recognition of best practices;
- (j) Evaluation of planning, budgeting, and program evaluation policies and practices;
- (k) Evaluation of personnel systems operation and management;
- (l) Evaluation of state purchasing operations and management policies and practices; and
- (m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(6) The state auditor's performance audit work plan shall be updated at least annually.

(7) The state auditor must provide the preliminary performance audit reports to the audited state agency for comment.

The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the board, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The state auditor may conduct performance audits for transportation-related agencies as defined under RCW 44.75.020.

NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

Sec. 7. RCW 43.88.160 and 2002 c 260 s 1 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The

accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: **PROVIDED**, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter the plans, except that for the following agencies no amendment or alteration of the plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: **PROVIDED**, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. ~~((The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.))~~

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

NEW SECTION. Sec. 8. A new section is added to chapter 43.09 RCW to read as follows:

Each biennium the legislature shall appropriate an amount equal to two one-hundredths of one percent of the total general fund state appropriation in that biennium's omnibus operating appropriations act for purposes of the performance audits conducted by the state auditor as authorized by sections 2 through 6 and 9 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.09 RCW to read as follows:

If the legislative authority of a local jurisdiction requests a performance audit of programs under its jurisdiction, the state auditor has the discretion to conduct such a review under separate contract and funded by local funds.

NEW SECTION. Sec. 10. A new section is added to chapter 2.56 RCW to read as follows:

The office of the administrator for the courts is encouraged to conduct performance audits of courts under the authority of the supreme court, in conformity with criteria and methods developed by the board for judicial administration that have been approved by the supreme court. In developing criteria and methods for conducting performance audits, the board for judicial administration is encouraged to consider quality improvement programs, audits, and scoring. The judicial branch is encouraged to submit the results of these efforts to the chief justice of the supreme court or his or her designee, and with any other applicable boards or committees established under the authority of the supreme court to oversee government accountability."

On page 9, line 15 of the title amendment, before "adding" insert "amending RCW 43.88.160;"

On page 9, at the beginning of line 16 of the title amendment, after "RCW;" strike "adding a new section to chapter 43.88 RCW;"

On page 9, line 17 of the title amendment, after "creating" strike "new sections" and insert "a new section"

Senators Roach and Finkbeiner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kastama, Regala and Rockefeller spoke against adoption of the amendment to the committee striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 10 to the committee striking amendment to Engrossed Substitute House Bill No. 1064.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Roach to the committee striking amendment be adopted.

On page 1, line 25, after "by the" strike "board and"

On page 1, line 28, strike "jointly released by the citizen advisory board and" and insert "released by"

On page 2, line 4, after "by the" strike "board and"

On page 4, beginning on line 24, strike all of subsection (1) and insert:

"(1) The state auditor may conduct performance audits under the provisions of this act. The state auditor may contract for performance audits as he or she may determine."

On page 4, line 27, after "The", strike "board" and insert "state auditor"

On page 5, line 1, after "The" strike "board and the"

On page 5, line 8 after "The" strike "board and the"

On page 5, line 20, after "plan, the", strike "board" and insert "state auditor"

On page 5, at the beginning of line 24, strike "board" and insert "state auditor"

On page 7, line 4, after "The" strike "board and the state auditor shall jointly", and insert "state auditor shall"

On page 7, beginning on line 16, strike all material through "RCW 44.75.020" on line 18.

On page 7, beginning on line 30, strike all of section 8.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Finkbeiner, Benton and Roach spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kastama and Regala spoke against adoption of the amendment to the committee striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Roach on page 1, line 25 to the committee striking amendment to Engrossed Substitute House Bill No. 1064.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Finkbeiner and Roach to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1064.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "accountability;" strike the remainder of the title and insert "adding new sections to chapter 43.09 RCW; adding a new section to chapter 43.88 RCW; adding a new section to chapter 2.56 RCW; and creating new sections."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1064, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

Senators Roach and Benton spoke against passage of the bill.

POINT OF ORDER

Senator Eide: "I believe a roll call was already called and the good Senator had already voted. I heard him vote."

REPLY BY THE PRESIDENT

President Owen: "No, he had not voted as far as I know. I had called for the roll call and I checked to find out if the name had even been completed. Well, the President didn't hear him. Otherwise, your point would have been very well taken."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1064, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1064, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Doumit, Eide, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 30

Voting nay: Senators Benton, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Haugen, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Sheldon and Stevens - 19

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1542, by House Committee on Appropriations (originally sponsored by Representatives Lantz, Hinkle, Appleton, Rodne, Lovick, Newhouse, Buri, Darneille, Williams, McDermott, Clibborn, Schual-Berke, O'Brien, McIntire, Kagi, Hasegawa, Dickerson, Green, Kenney and Kilmer)

Providing indigent defense services.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 1542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1542.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1542 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Carrell, Hewitt, Honeyford, McCaslin, Morton and Schoesler - 6

Absent: Senator Brown - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1561, by Representatives Appleton, Roach, Santos, Kirby, Schual-Berke, Condotta, Williams and Chase

Prohibiting discrimination in life insurance based on lawful travel destinations.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) No life insurer may deny or refuse to accept an application for insurance, or refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage, based upon the applicant's or insured person's past or future lawful travel destinations.

(2) Nothing in this section prohibits a life insurer from excluding or limiting coverage of specific lawful travel, or charging a differential rate for such coverage, when bona fide statistical differences in risk or exposure have been substantiated."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed House Bill No. 1561.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "destinations;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1561, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1561, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1561, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 1561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Esser was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888, by House Committee on Appropriations (originally sponsored by Representatives Nixon, Morris, Hunter, B. Sullivan, Simpson, Ormsby, Morrell, Haler, Clibborn, Ericks, Williams, Darneille, Dunn, Dickerson, P. Sullivan, Green and Hudgins)

Regulating electronic mail fraud. Revised for 2nd Substitute: Regulating internet fraud.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.190.010 and 2003 c 137 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message or a commercial electronic text message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message or the commercial electronic text message is engaged, or intends to engage, in any practice that violates the consumer protection act. "Assist the transmission" does not include any of the following: (a) Activities of an electronic mail service provider or other entity who provides intermediary transmission service in sending or receiving electronic mail, or provides to users of electronic mail services the ability to send, receive, or compose electronic mail; or (b) activities of any entity related to the design, manufacture, or distribution of any technology, product, or component that has a commercially significant use other than to violate or circumvent this section.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

(3) "Commercial electronic text message" means an electronic text message sent to promote real property, goods, or services for sale or lease.

(4) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(5) "Electronic mail message" means an electronic message sent to an electronic mail address and a reference to an internet domain, whether or not displayed, to which an electronic mail message can be sent or delivered.

~~(6)~~ "Electronic text message" means a text message sent to a cellular telephone or pager equipped with short message service or any similar capability, whether the message is initiated as a short message service message or as an electronic mail message.

~~((6))~~ ~~(7)~~ "Initiate the transmission" refers to the action by the original sender of an electronic mail message or an electronic text message, not to the action by any intervening interactive computer service or wireless network that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((7))~~ (8) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((8))~~ (9) "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, that comprise the interconnected world wide network of networks that employ the transmission control protocol/internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(10) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

~~((9))~~ (11) "Person" means ~~((a person, corporation, partnership, or association))~~ an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

(12) "Personally identifying information" means an individual's: (a) Social security number; (b) driver's license number; (c) bank account number; (d) credit or debit card number; (e) personal identification number; (f) automated or electronic signature; (g) unique biometric data; (h) account passwords; or (i) any other piece of information that can be used to access an individual's financial accounts or to obtain goods or services.

(13) "Web page" means a location, with respect to the world wide web, that has a single uniform resource locator or other single location with respect to the internet.

NEW SECTION. Sec. 2. A new section is added to chapter 19.190 RCW to read as follows:

It is a violation of this chapter to solicit, request, or take any action to induce a person to provide personally identifying information by means of a web page, electronic mail message, or otherwise using the internet by representing oneself, either directly or by implication, to be another person, without the authority or approval of such other person.

NEW SECTION. Sec. 3. A new section is added to chapter 19.190 RCW to read as follows:

(1) A person who is injured under this chapter may bring a civil action in the superior court to enjoin further violations, and to seek up to five hundred dollars per violation, or actual damages, whichever is greater. A person who seeks damages under this subsection may only bring an action against a person or entity that directly violates section 2 of this act.

(2) A person engaged in the business of providing internet access service to the public, an owner of a web page, or trademark owner who is adversely affected by reason of a violation of section 2 of this act, may bring an action against a person who violates section 2 of this act to:

(a) Enjoin further violations of section 2 of this act; and

(b) Recover the greater of actual damages or five thousand dollars per violation of section 2 of this act.

(3) In an action under subsection (2) of this section, a court may increase the damages up to three times the damages allowed by subsection (2) of this section if the defendant has engaged in a pattern and practice of violating this section. The court may award costs and reasonable attorneys' fees to a prevailing party.

NEW SECTION. Sec. 4. A new section is added to chapter 19.190 RCW to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 19.190 RCW to read as follows:

It is the intent of the legislature that this chapter is a matter of statewide concern. This chapter supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by a city, county, city and county, municipality, or local agency regarding the practices covered by this chapter and notices to consumers from computer software providers regarding information collection.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to Engrossed Second Substitute House Bill No. 1888.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 19.190.010; adding new sections to chapter 19.190 RCW; and prescribing penalties."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute House Bill No. 1888, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1888, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1888, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605, by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos)

Protecting children from area-wide soil contamination.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state and local agencies are currently implementing actions to reduce children's exposure to soils that contain hazardous substances. The legislature further finds that it is in the public interest to enhance those efforts in western Washington in areas located within the central Puget Sound smelter plume.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area-wide soil contamination" means low to moderate arsenic and lead soil contamination dispersed over a large geographic area.

(2) "Child care facility" means a child day-care center or a family day-care provider as those terms are defined under RCW 74.15.020.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Low to moderate soil contamination" means low level arsenic or lead concentrations where a child's exposure to soil contamination at a school or a child care facility may be reduced through best management practices.

(6) "School" means a public or private kindergarten, elementary, or secondary school.

NEW SECTION. Sec. 3. (1) The department, in cooperation with the department of social and health services, the department of health, the office of the superintendent of public instruction, and local health districts, shall assist schools and child care facilities west of the crest of the Cascade mountains to reduce the potential for children's exposure to area-wide soil contamination.

(2) The department shall:

(a) Identify schools and child care facilities that are located within the central Puget Sound smelter plume based on available information;

(b) Conduct qualitative evaluations to determine the potential for children's exposure to area-wide soil contamination;

(c) If the qualitative evaluation determines that children may be routinely exposed to area-wide soil contamination at a property, conduct soil samples at that property by December 31, 2009; and

(d) If soil sample results confirm the presence of area-wide soil contamination, notify schools and child care facilities regarding the test results and the steps necessary for implementing best management practices.

(3) If a school or a child care facility with area-wide soil contamination does not implement best management practices within six months of receiving written notification from the department, the superintendent or board of directors of a school or the owner or operator of a child care facility must notify parents and guardians in writing of the results of soil tests. The written notice shall be prepared by the department.

(4) The department shall recognize schools and child care facilities that successfully implement best management practices with a voluntary certification letter confirming that the facility has successfully implemented best management practices.

(5) Schools and child care facilities must work with the department to provide the department with site access for soil sampling at times that are the most convenient for all parties.

NEW SECTION. Sec. 4. (1) The department shall assist schools and owners and operators of child care facilities located within the central Puget Sound smelter plume. Such assistance may include the following:

(a) Technical assistance in conducting qualitative evaluations to determine where area-wide soil contamination exposures could occur;

(b) Technical and financial assistance in testing soils where evaluations indicate potential for contamination; and

(c) Technical and financial assistance to implement best management practices.

(2) The department shall develop best management practice guidelines for schools and day care facilities with area-wide soil contamination. The guidelines shall recommend a range of methods for reducing exposure to contaminated soil, considering the concentration, extent, and location of contamination and the nature and frequency of child use of the area.

(3) The department shall develop a grant program to assist schools and child care facilities with implementing best management practices.

(4) The department, within available funds, may provide grants to schools and child care facilities for the purpose of implementing best management practices.

(5) The department, within available funds, may provide financial assistance to the department of health and the department of social and health services to implement this chapter.

(6) The department may, through an interagency agreement, authorize a local health jurisdiction to administer any activity in this chapter that is otherwise not assigned to a local health jurisdiction by this chapter.

(7) The department shall evaluate actions to reduce child exposure to contaminated soils and submit progress reports to the governor and to the appropriate committees of the legislature by December 31, 2006, and December 31, 2008.

NEW SECTION. Sec. 5. The department of health shall assist the department in implementing this chapter, including but not limited to developing best management practices and guidelines.

NEW SECTION. Sec. 6. The department of social and health services shall assist the department by providing information on the location of child care facilities and contacts for these facilities.

NEW SECTION. Sec. 7. This chapter does not apply to land devoted primarily to the commercial production of livestock or agricultural commodities.

NEW SECTION. Sec. 8. Nothing in this chapter is intended to change ongoing actions or the authority of the department or other agencies to require actions to address soil contamination under existing laws.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Senator Poulsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Engrossed Second Substitute House Bill No. 1605.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "contamination;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute House Bill No. 1605, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1605, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1605, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1591, by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Hinkle, Cody, Skinner and Moeller)

Concerning assisted care facilities.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.20 RCW to read as follows:

The department of health, the department, and the building code council shall develop standards for small boarding homes between seven and sixteen beds that address at least the following issues:

- (1) Domestic food refrigeration and freezer storage;
- (2) Sinks and sink placement;
- (3) Dishwashers;
- (4) Use of heat supplements for water temperature in clothes washers;
- (5) Yard shrubbery;
- (6) Number of janitorial rooms in a facility;
- (7) Number and cross-purpose of dirty rooms;
- (8) Instant hot water faucets;
- (9) Medication refrigeration; and
- (10) Walled and gated facilities.

Based on the standards developed under this section, the department of health and the building code council shall study the risks and benefits of modifying and simplifying construction and equipment standards for boarding homes with a capacity of seven to sixteen persons. The study shall include coordination with the department. The department of health shall report its findings and recommendations to appropriate committees of the legislature no later than December 1, 2005.

NEW SECTION. Sec. 2. The department of health and the department of social and health services may adopt rules to implement section 1 of this act.

Sec. 3. RCW 70.128.010 and 2001 c 319 s 6 and 2001 c 319 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(2) "Special capacity adult family home" means an adult family home licensed to provide services to seven or eight residents.

(3) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company. A provider, in an adult family home licensed for seven or eight residents, means a person with one year of administration experience, in the state of Washington, in any long-term licensed care setting.

~~((3))~~ (4) "Department" means the department of social and health services.

~~((4))~~ (5) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

~~((5))~~ (6) "Adults" means persons who have attained the age of eighteen years.

~~((6))~~ (7) "Home" means an adult family home.

~~((7))~~ (8) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

~~((8))~~ (9) "Special care" means care beyond personal care as defined by the department, in rule.

~~((9))~~ (10) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

~~((10))~~ (11) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

NEW SECTION. Sec. 4. A new section is added to chapter 70.128 RCW to read as follows:

The department may license an adult family home to be a special capacity adult family home. The department shall, at a minimum, consider the prior compliance history of the licensee, the experience of the licensee, the adequacy of the physical space in the home, and the number, qualification, and training of readily available staff to meet the needs of residents when determining whether to grant the license. The department shall develop rules pertaining to the licensing of special capacity adult family homes to include requirements related to licensing and the health and safety of residents.

NEW SECTION. Sec. 5. A new section is added to chapter 70.128 RCW to read as follows:

(1) All adult family homes licensed for seven or eight residents shall install smoke detectors. Smoke detectors must be installed in each sleeping room and installed at a central point in a corridor or area which gives access to each separate sleeping room. All smoke detectors located inside adult family homes, licensed for seven or eight residents, shall be interconnected so as to sound an alarm from all smoke detectors located in the home when any one detector is activated.

(2) Adult family homes licensed for seven or eight residents shall have their interconnected smoke detectors monitored by a central monitoring company and the adult family home provider shall maintain the central monitoring service so long as the home is licensed as an adult family home.

(3) Adult family homes licensed for seven or eight residents shall install a residential automatic fire sprinkler system. Installation and maintenance shall be in accordance with standards specified in the state building code. The state building code council shall adopt rules to implement the requirements of this subsection (3). The automatic fire sprinkler system shall be inspected on an annual basis by a state certified automatic sprinkler system inspection and testing technician.

NEW SECTION. Sec. 6. A new section is added to chapter 70.128 RCW to read as follows:

The department shall implement, as part of the required training and continuing education, food safety training and testing integrated into the curriculum that meets the standards established by the state board of health pursuant to chapter 69.06 RCW. Individual food handler permits are not required for persons who begin working in an adult family home after June 30, 2005, and successfully complete the basic and modified-basic caregiver training, provided they receive information or training regarding safe food handling practices from the employer prior to providing food handling or service for the clients. Documentation that the information or training has been provided to the individual must be kept on file by the employer.

Licensed adult family home providers or employees who hold individual food handler permits prior to June 30, 2005, will be required to maintain continuing education of .5 hours per year in order to maintain food handling and safety training. Licensed adult family home providers or employees who hold individual food handler permits prior to June 30, 2005, will not be required to renew the permit provided the continuing education requirement as stated above is met.

NEW SECTION. Sec. 7. A new section is added to chapter 69.06 RCW to read as follows:

Except for the food safety training standards adopted by the state board of health under RCW 69.06.010, the provisions of this chapter do not apply to persons who work in adult family homes and successfully complete training and continuing education as required by section 6 of this act."

Senators Keiser and Deccio spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1591.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 70.128.010; adding a new section to chapter 18.20 RCW; adding new sections to chapter 70.128 RCW; adding a new section to chapter 69.06 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1591, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1591, as amended by the Senate.

MOTION

On motion of Senator Regala, Senator Franklin was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1591, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Franklin and Rockefeller - 2

SUBSTITUTE HOUSE BILL NO. 1591, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631, by House Committee on Local Government (originally sponsored by Representatives Clibborn, Fromhold, Moeller, Wallace and Jarrett)

Using revenues under the county conservation futures levy.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation not be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.34.230 and 1995 c 318 s 8 are each amended to read as follows:

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes.

For the purpose of acquiring conservation futures (~~(as well as)~~) and other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, ~~and for maintaining and operating any property acquired with these funds,~~ a county may levy an amount not to exceed (~~six and one quarter~~) ten cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county. The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section. Any rights or interests in real property acquired under this section after the effective date of this section must be located within the assessing county.

Sec. 2. RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to read as follows:

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes.

(1) Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to RCW 84.34.230. Amounts placed in this fund may be used (~~solely~~) for the purpose of acquiring rights and interests in real property pursuant to the terms of RCW 84.34.210 and 84.34.220, ~~and for the maintenance and operation of any property acquired with these funds.~~ The amount of revenue used for maintenance and operations of parks and recreational land may not exceed fifteen percent of the total amount collected from the tax levied under RCW 84.34.230 in the preceding calendar year. Revenues from this tax may not be used to supplant existing maintenance and operation funding. Any rights or interests in real property acquired under this section must be located within the assessing county.

(2) In counties greater than one hundred thousand in population, the board of county commissioners or county legislative authority shall develop a process to help ensure distribution of the tax levied under RCW 84.34.230, over time, throughout the county.

(3)(a) Between the effective date of this section and July 1, 2008, the county legislative authority of a county with a population density of fewer than four persons per square mile may enact an ordinance offering a ballot proposal to the people of the county to determine whether or not the county legislative authority may make a one-time emergency reallocation of unspent conservation futures funds to pay for other county government purposes, where such conservation futures funds were originally levied under RCW 84.34.230 but never spent to acquire rights and interests in real property.

(b) Upon adoption by the county legislative authority of a ballot proposal ordinance under (a) of this subsection the county auditor shall: (i) Confer with the county legislative authority and review any proposal to the people as to form and style; (ii) give the ballot proposal a number, which thereafter shall be the identifying number for the proposal; (iii) transmit a copy of the proposal to the prosecuting attorney; and (iv) submit the proposal to the people at the next general or special election that is not less than ninety days after the adoption of the ordinance by the county legislative authority.

(c) The county prosecuting attorney shall within fifteen working days of receipt of the proposal compose a concise statement, posed as a positive question, not to exceed twenty-five words, which shall express and give a true and impartial statement of the proposal. Such concise statement shall be the ballot title.

(d) If the measure is affirmed by a majority voting on the issue it shall become effective ten days after the results of the election are certified.

(4) Nothing in this section shall be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property.

Sec. 3. RCW 84.52.010 and 2004 c 129 s 21 and 2004 c 80 s 3 are each reenacted and amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.135, 36.54.130, 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) If the consolidated tax levy rate exceeds these limitations, any portion of the levy imposed under RCW 84.34.230 that is in excess of six and one-quarter cents per thousand dollars of assessed valuation shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated prior to any other levy authorized under RCW 84.34.230;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((e))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) and fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for regional fire protection service authorities under RCW 52.26.140(1)(a), fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated."

On page 1, line 2 of the title, after "levy;" strike the remainder of the title and insert "amending RCW 84.34.230 and 84.34.240; and reenacting and amending RCW 84.52.010."

The President declared the question before the Senate to be the motion by Senator Jacobsen to not adopt the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Engrossed Substitute House Bill No. 1631 and the motion carried by voice vote.

MOTION

Senator Zarelli moved that the following striking amendment by Senators Zarelli and Jacobsen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.34.230 and 1995 c 318 s 8 are each amended to read as follows:

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes.

For the purpose of acquiring conservation futures (~~as well as~~) and other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, and for maintaining and operating any property acquired with these funds, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county. The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section. Any rights or interests in real property acquired under this section after the effective date of this section must be located within the assessing county. Further, the county must determine if the rights or interests in real property acquired with these funds would reduce the capacity of land suitable for development necessary to accommodate the allocated housing and employment growth, as adopted in the countywide planning policies. When actions are taken that reduce capacity to accommodate planned growth, the jurisdiction shall adopt reasonable measures to increase the capacity lost by such actions.

Sec. 2. RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to read as follows:

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes.

(1) Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to RCW 84.34.230. Amounts placed in this fund may be used (~~solely~~) for the purpose of acquiring rights and interests in real property pursuant to the terms of RCW 84.34.210 and 84.34.220, and for the maintenance and operation of any property acquired with these funds. The amount of revenue used for maintenance and operations of parks and recreational land may not exceed fifteen percent of the total amount collected from the tax levied under RCW 84.34.230 in the preceding calendar year. Revenues from this tax may not be used to supplant existing maintenance and operation funding. Any rights or interests in real property acquired under this section must be located within the assessing county. Further, the county must determine if the rights or interests in real property acquired with these funds would reduce the capacity of land suitable for development necessary to accommodate the allocated housing and employment growth, as adopted in the countywide planning policies. When actions are taken that reduce capacity to accommodate planned growth, the jurisdiction shall adopt reasonable measures to increase the capacity lost by such actions.

(2) In counties greater than one hundred thousand in population, the board of county commissioners or county legislative authority shall develop a process to help ensure distribution of the tax levied under RCW 84.34.230, over time, throughout the county.

(3)(a) Between the effective date of this section and July 1, 2008, the county legislative authority of a county with a population density of fewer than four persons per square mile may enact an ordinance offering a ballot proposal to the people of the county to determine whether or not the county legislative authority may make a one-time emergency reallocation of unspent conservation futures funds to pay for other county government purposes, where such conservation futures funds were originally levied under RCW 84.34.230 but never spent to acquire rights and interests in real property.

(b) Upon adoption by the county legislative authority of a ballot proposal ordinance under (a) of this subsection the county auditor shall: (i) Confer with the county legislative authority and review any proposal to the people as to form and style; (ii) give the ballot proposal a number, which thereafter shall be the identifying number for the proposal; (iii) transmit a copy of the proposal to the prosecuting attorney; and (iv) submit the proposal to the people at the next general or special election that is not less than ninety days after the adoption of the ordinance by the county legislative authority.

(c) The county prosecuting attorney shall within fifteen working days of receipt of the proposal compose a concise statement, posed as a positive question, not to exceed twenty-five words, which shall express and give a true and impartial statement of the proposal. Such concise statement shall be the ballot title.

(d) If the measure is affirmed by a majority voting on the issue it shall become effective ten days after the results of the election are certified.

(4) Nothing in this section shall be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property."

Senators Zarelli and Jacobsen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Zarelli and Jacobsen to Engrossed Substitute House Bill No. 1631.

The motion by Senator Zarelli carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "levy;" strike the remainder of the title and insert "and amending RCW 84.34.230 and 84.34.240."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1631, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1631, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1631, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Pflug, Pridemore and Spanel - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

The Senate Journal reflects that I voted "No" on Engrossed Substitute House Bill No. 1631. I inadvertently voted "No" on this bill. I support the amended measure's provisions regarding conservation futures, and should have voted "Yes" on final passage.

SENATOR CHERYL PFLUG, Legislative District No. 5

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Sommers, Fromhold, Priest, Sells, Moeller, Hasegawa, Conway, Ormsby, McCoy, Roberts, Kessler, Darneille, O'Brien, Murray, Dickerson, Lantz, Williams, Chase, Hunter, Lovick, Dunshee, Kagi, Morrell, Haigh, McDermott, Wood and Hudgins)

Expanding access to baccalaureate degree programs.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Since their creation in 1989, the research university branch campuses have significantly expanded access to baccalaureate and graduate education for placebound students in Washington's urban and metropolitan cities. Furthermore, the campuses have contributed to community revitalization and economic development in their regions. The campuses have met their overall mission through the development of new degree programs and through collaboration with community and technical colleges. These findings were confirmed by a comprehensive review of the campuses by the Washington state institute for public policy in 2002 and 2003, and reaffirmed through legislation enacted in 2004 that directed four of the campuses to make recommendations for their future evolution.

(2) The self-studies conducted by the University of Washington Bothell, University of Washington Tacoma, Washington State University Tri-Cities, and Washington State University Vancouver reflect thoughtful and strategic planning and involved the input of numerous students, faculty, community and business leaders, community colleges, advisory committees, and board members. The higher education coordinating board's careful review provides a statewide context for the legislature to implement the next stage of the campuses.

(3) Concurrently, the higher education coordinating board has developed a strategic master plan for higher education that sets a goal of increasing the number of students who earn college degrees at all levels: Associate, baccalaureate, and graduate. The strategic master plan also sets a goal to increase the higher education system's responsiveness to the state's economic needs.

(4) The legislature finds that to meet both of the master plan's goals and to provide adequate educational opportunities for Washington's citizens, additional access is needed to baccalaureate degree programs. Expansion of the four campuses is one strategy for achieving the desired outcomes of the master plan. Other strategies must also be implemented through service delivery models that reflect both regional demands and statewide priorities.

(5) Therefore, the legislature intends to increase baccalaureate access and encourage economic development through overall expansion of upper division capacity, continued development of two plus two programs in some areas of the state, authorization of four-year university programs in other areas of the state, and creation of new types of baccalaureate programs on a pilot basis. These steps will make significant progress toward achieving the master plan goals, but the legislature will also continue to monitor the development of the higher education system and evaluate what additional changes or expansion may be necessary.

Sec. 2. RCW 28B.45.014 and 2004 c 57 s 2 are each amended to read as follows:

(1) The primary mission of the higher education branch campuses created under this chapter remains to expand access to baccalaureate and master's level graduate education in underserved urban areas of the state in collaboration with community and technical colleges. The top priority for each of the campuses is to expand courses and degree programs for transfer and graduate students. New degree programs should be driven by the educational needs and demands of students and the community, as well as the economic development needs of local businesses and employers.

(2) Branch campuses shall collaborate with the community and technical colleges in their region to develop articulation agreements, dual admissions policies, and other partnerships to ensure that branch campuses serve as innovative models of a two plus two educational system. Other possibilities for collaboration include but are not limited to joint development of curricula and degree programs, colocation of instruction, and arrangements to share faculty.

(3) In communities where a private postsecondary institution is located, representatives of the private institution may be invited to participate in the conversation about meeting the baccalaureate and master's level graduate needs in underserved urban areas of the state.

(4) However, the legislature recognizes there are alternative models for achieving this primary mission. Some campuses may have additional missions in response to regional needs and demands. At selected branch campuses, an innovative combination of instruction and research targeted to support regional economic development may be appropriate to meet the region's needs for both access and economic viability. Other campuses should focus on becoming models of a two plus two educational system through continuous improvement of partnerships and agreements with community and technical colleges. Still other campuses may be best suited to transition to a four-year (~~comprehensive~~) university or be removed from designation as a branch campus entirely.

(5) ~~((It is the legislature's intent that each branch campus be funded commensurate with its unique mission, the degree programs offered, and the institutional combination of instruction and research, but at a level less than a research university))~~ The legislature recognizes that size, mix of degree programs, and proportion of lower versus upper-division and graduate enrollments are factors that affect costs at branch campuses. However over time, the legislature intends that branch campuses be funded more similarly to regional universities.

(6) In consultation with the higher education coordinating board, a branch campus may propose legislation to authorize practice-oriented or professional doctoral programs if: (a) Unique research facilities and equipment are located near the campus; or (b) the campus can clearly demonstrate student and employer demand in the region that is linked to regional economic development.

(7) It is not the legislature's intent to have each campus chart its own future path without legislative guidance. Instead, the legislature intends to consider carefully the mission and model of education that best suits each campus and best meets the needs of students, the community, and the region. The higher education coordinating board shall monitor and evaluate the

addition of lower division students to the branch campuses and periodically report and make recommendations to the higher education committees of the legislature to ensure the campuses continue to follow the priorities established under this chapter.

Sec. 3. RCW 28B.45.020 and 1994 c 217 s 3 are each amended to read as follows:

(1) The University of Washington is responsible for ensuring the expansion of ((upper division)) baccalaureate and graduate educational programs in the central Puget Sound area under rules or guidelines adopted by the higher education coordinating board and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. The University of Washington shall meet that responsibility through the operation of at least two branch campuses. One branch campus shall be located in the Tacoma area. Another branch campus shall be collocated with Cascadia Community College in the Bothell-Woodinville area.

(2) At the University of Washington Tacoma, a top priority is expansion of upper division capacity for transfer students and graduate capacity and programs. Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus shall admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit freshmen and sophomores gradually and deliberately in accordance with the campus plan submitted to the higher education coordinating board in 2004.

(3) At the University of Washington Bothell, a top priority is expansion of upper division capacity for transfer students and graduate capacity and programs. The campus shall also seek additional opportunities to collaborate with and maximize its collocation with Cascadia Community College. Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit freshmen and sophomores gradually and deliberately in accordance with the campus plan submitted to the higher education coordinating board in 2004.

Sec. 4. RCW 28B.45.030 and 1989 1st ex.s. c 7 s 4 are each amended to read as follows:

(1) Washington State University is responsible for providing ((upper division)) baccalaureate and graduate level higher education programs to the citizens of the Tri-Cities area, under rules or guidelines adopted by the higher education coordinating board and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. Washington State University shall meet that responsibility through the operation of a branch campus in the Tri-Cities area. The branch campus shall replace and supersede the Tri-Cities university center. All land, facilities, equipment, and personnel of the Tri-Cities university center shall be transferred from the University of Washington to Washington State University.

(2) Washington State University Tri-Cities shall continue providing innovative coadmission and coenrollment options with Columbia Basin College, and expand its upper division capacity for transfer students and graduate capacity and programs. The campus shall also seek additional opportunities to collaborate with the Pacific Northwest national laboratory. Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit freshmen and sophomores for a bachelor's degree program in biotechnology subject to approval by the higher education coordinating board. The campus may not directly admit freshmen and sophomores for degree programs other than biotechnology, however this topic shall be the subject of further study and recommendations by the higher education coordinating board.

Sec. 5. RCW 28B.45.040 and 1989 1st ex.s. c 7 s 5 are each amended to read as follows:

(1) Washington State University is responsible for providing ((upper division)) baccalaureate and graduate level higher education programs to the citizens of the southwest Washington area, under rules or guidelines adopted by the higher education coordinating board and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. Washington State University shall meet that responsibility through the operation of a branch campus in the southwest Washington area.

(2) Washington State University Vancouver shall expand upper division capacity for transfer students and graduate capacity and programs and continue to collaborate with local community colleges on coadmission and coenrollment programs. In addition, beginning in the fall of 2006, the campus may admit lower division students directly. By simultaneously admitting freshmen and sophomores, increasing transfer enrollment, coadmitting transfer students, and expanding graduate and professional programs, the campus shall develop into a four-year institution serving the southwest Washington region.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board shall select four community or technical colleges to develop and offer programs of study leading to an applied baccalaureate degree. The college board shall convene a task force that includes representatives of both the community and technical colleges to develop objective selection criteria.

(2) Colleges may submit an application to become a pilot college under this section. The college board shall review the applications and select the pilot colleges using objective criteria, including:

(a) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(b) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(c) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(d) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(e) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area.

(3) A college selected as a pilot college under this section may develop the curriculum for and design and deliver courses leading to an applied baccalaureate degree. However, degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230 before a pilot college may enroll students in upper-division courses. A pilot college may not enroll students in upper division courses before the fall academic quarter of 2006.

Sec. 7. RCW 28B.50.020 and 1991 c 238 s 21 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, college districts containing only technical colleges shall maintain programs solely for occupational education, basic skills, and literacy purposes, and, for as long as a need exists, may continue those programs, activities, and services offered by the technical colleges during the twelve-month period preceding September 1, 1991;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive work force;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

(7) Establish firmly that, except on a pilot basis as provided under section 6 of this act, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 8. RCW 28B.50.030 and 2003 2nd sp.s. c 4 s 33 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under section 6 of this act for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

Sec. 9. RCW 28B.50.140 and 2004 c 275 s 58 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding September 1, 1991;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules (~~(and regulations)~~) of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules (~~(and regulations)~~) of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules (~~(and regulations)~~) for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the (~~(regulations)~~) rules of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt (~~(regulations)~~) rules to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules (~~(and regulations)~~) for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, (~~(nonbaccalaureate)~~) degree, or certificate. Technical colleges shall offer only (~~(nonbaccalaureate)~~) technical degrees under the rules of the state board for community and technical colleges that are appropriate to their work force education and training mission. The primary purpose of (~~(this)~~) these degrees is to lead the individual directly to employment in a specific occupation. Technical colleges may not offer transfer degrees. Only pilot colleges under section 6 of this act may award baccalaureate degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules (~~(and regulations)~~) prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and (~~(promulgate)~~) adopt such rules (~~(and regulations)~~) and perform all other acts not inconsistent with law or rules (~~(and regulations)~~) of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules (~~(and regulations)~~) shall include, but not be limited to, rules (~~(and regulations)~~) relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly (~~(promulgated)~~) adopted rules (~~(and regulations)~~);

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules

~~((and regulations))~~ adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) May participate in higher education centers and consortia that involve any four-year public or independent college or university: PROVIDED, That new degree programs or off-campus programs offered by a four-year public or independent college or university in collaboration with a community or technical college are subject to approval by the higher education coordinating board under RCW 28B.76.230; and

(20) Shall perform any other duties and responsibilities imposed by law or rule (~~((and regulation))~~) of the state board.

Sec. 10. RCW 28B.15.069 and 2003 c 232 s 5 are each amended to read as follows:

(1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

(2) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. For the 2003-04 academic year, the services and activities fee shall be based upon the resident undergraduate services and activities fee in 2002-03. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(3) Tuition and services and activities fees consistent with subsection (2) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under section 6 of this act may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities.

Sec. 11. RCW 28B.76.230 and 2004 c 275 s 9 are each amended to read as follows:

(1) The board shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions.

(2) As part of the needs assessment process, the board shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery; and

(c) Data from the work force training and education coordinating board and the state board for community and technical colleges on the supply and demand for work force education and certificates and associate degrees.

(3) Every two years the board shall produce, jointly with the state board for community and technical colleges and the work force training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated work force. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the board:

- (a) New degree programs by a four-year institution;
- (b) Creation of any off-campus program by a four-year institution;
- (c) Purchase or lease of major off-campus facilities by a four-year institution or a community or technical college;
- (d) Creation of higher education centers and consortia; ~~((and))~~
- (e) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college; and
- (f) Applied baccalaureate degree programs developed by colleges under section 6 of this act.

(6) Institutions seeking board approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the statewide strategic master plan for higher education under RCW 28B.76.200.

(7) The board shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The board shall periodically recommend consolidation or elimination of programs at the four-year institutions, based on the needs assessment analysis.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.50 RCW to read as follows:

(1) One strategy to accomplish expansion of baccalaureate capacity in underserved regions of the state is to allocate state funds for student enrollment to a community and technical college and authorize the college to enter into agreements with a regional university or state college as defined in RCW 28B.10.016 or a branch campus under chapter 28B.45 RCW, to offer baccalaureate degree programs.

(2) Subject to legislative appropriation for the purpose described in this section, the college board shall select and allocate funds to three community or technical colleges for the purpose of entering into an agreement with one or more regional universities, branch campuses, or the state college to offer baccalaureate degree programs on the college campus.

(3) The college board shall select the community or technical college based on analysis of gaps in service delivery, capacity, and student and employer demand for programs. Before taking effect, the agreement under this section must be approved by the higher education coordinating board.

(4) Students enrolled in programs under this section are considered students of the regional university, branch campus, or state college for all purposes including tuition and reporting of state-funded enrollments.

NEW SECTION. Sec. 13. (1) The legislature finds that access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. Studies conducted by the state board for community and technical colleges, the higher education coordinating board, and the council of presidents confirm that enrollment in higher education in this geographic region lags enrollment in other parts of the state, particularly for upper division courses leading to advanced degrees. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

(2) Therefore the legislature intends to refocus the consortium by assigning management and leadership responsibility for consortium operations to Everett Community College. Everett Community College shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model. The plan should provide for projections of student enrollment demand, coordinated delivery of lower and upper division courses, expanded availability of baccalaureate degree programs and high demand degree and certificate programs in the region, and a timeline and cost estimates for moving the physical location of the consortium to the college campus. The college shall submit preliminary recommendations to the higher education and fiscal committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 14. (1) The higher education coordinating board shall define potential outcomes resulting from this act and develop performance measures for those outcomes, including but not limited to increased numbers of baccalaureate degrees awarded; expansion of upper division and graduate capacity at the University of Washington Bothell and Tacoma and Washington State University Tri-Cities and Vancouver; enhanced regional access to baccalaureate programs; and creation and award of applied baccalaureate degrees. The board shall provide a progress report on the outcomes to the higher education committees of the senate and the house of representatives by December 1, 2008.

(2) This section expires July 1, 2009."

Senators Pridemore and McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Schmidt moved that the following amendment by Senators Schmidt and McAuliffe to the committee striking amendment be adopted.

On page 6, line 23 of the amendment, after "degree." insert "At least one of the four pilot programs chosen must lead to a baccalaureate of applied science degree which builds on an associate of applied science degree."

Senators Schmidt, McAuliffe, Shin and Rasmussen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schmidt and McAuliffe on page 6, line 23 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1794.

The motion by Senator Schmidt carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1794.

The motion by Senator Pridemore carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.020, 28B.50.030, 28B.50.140, 28B.15.069, and 28B.76.230; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Second Substitute House Bill No. 1794, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Schmidt, Jacobsen, Zarelli, Franklin, Kohl-Welles spoke in favor of passage of the bill.

Senators Mulliken and Spanel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1794 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1794, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fairley, McCaslin, Mulliken, Parlette, Schoesler, Spanel and Thibaudeau - 7

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Local Government (originally sponsored by Representatives Moeller, Bailey, McCoy, Armstrong, Williams, Newhouse, Fromhold, Springer, Ericks, Flannigan, Curtis, Cody, Condotta, Appleton, Hinkle, Morrell, Campbell, Pearson, Chase, Dickerson, Linville, Woods, Kenney, O'Brien, Conway, Lantz, Sells, Kagi, Ormsby, Haigh, Upthegrove, Hasegawa and Kilmer)

Providing relief for indigent veterans and their families.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature that each county establish a veterans' assistance program to benefit indigent veterans and their families. These programs must be funded, at least in part, by veterans' assistance funds. The legislature intends also for each county to establish a veterans' advisory board responsible for advising the county legislative authority on needed and appropriate assistance programs for local indigent veterans and their families. Recognizing the valuable insight and perspectives that veterans offer, it is the intent of the legislature that each board be comprised entirely of veterans.

(2) The legislature recognizes that ongoing veterans' relief or assistance programs in some areas of the state have provided meaningful assistance to indigent veterans and family members. The legislature further recognizes that veterans' service organizations have traditionally been the initial point of contact for indigent veterans and family members seeking assistance. In recognition of these factors, the legislature intends to authorize, upon the satisfaction of certain administrative requirements, existing veterans' relief or assistance programs to continue providing needed and effective assistance to indigent veterans and their families.

(3) The legislature recognizes that counties respond to the needs of indigent veterans and family members in the manner most appropriate to the needs and resources of the county. The legislature intends for the provisions of this act to facilitate the effective use of assistance funds through efficient model programs that benefit veterans and family members experiencing financial hardships.

(4) It is the policy of the state of Washington that bias shall not play a role in the distribution of the veterans' assistance fund.

NEW SECTION. Sec. 2. A new section is added to chapter 73.08 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct costs" includes those allowable costs that can be readily assigned to the statutory objectives of this chapter, consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(2) "Family" means the spouse, widow, widower, and dependent children of a living or deceased veteran.

(3) "Indigent" means a person who is defined as such by the county legislative authority using one or more of the following definitions:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income;

(b) Receiving an annual income, after taxes, of up to one hundred fifty percent or less of the current federally established poverty level, or receiving an annual income not exceeding a higher qualifying income established by the county legislative authority; or

(c) Unable to pay reasonable costs for shelter, food, utilities, and transportation because his or her available funds are insufficient.

(4) "Indirect costs" includes those allowable costs that are generally associated with carrying out the statutory objectives of this chapter, but the identification and tracking of those costs cannot be readily assigned to a specific statutory objective without an accounting effort that is disproportionate to the benefit received. A county legislative authority may allocate allowable indirect costs to its veterans' assistance fund if it is accomplished in a manner consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(5) "Veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007.

(6) "Veterans' advisory board" means a board established by a county legislative authority under the authority of section 4 of this act.

(7) "Veterans' assistance fund" means an account in the custody of the county auditor, or the chief financial officer in a county operating under a charter, that is funded by taxes levied under the authority of RCW 73.08.080.

(8) "Veterans' assistance program" means a program approved by the county legislative authority under the authority of RCW 73.08.010 that is fully or partially funded by the veterans' assistance fund authorized by RCW 73.08.080.

Sec. 3. RCW 73.08.010 and 2002 c 292 s 7 are each amended to read as follows:

(1) For the relief of indigent ~~((and suffering))~~ veterans ~~((as defined in RCW 41.04.007 and))~~, their families ~~((or))~~, and the families of ~~((those))~~ deceased indigent veterans, ~~((who need assistance in any city, town or precinct in this state,))~~ the legislative authority of ~~((the))~~ each county ~~((in which the city, town or precinct is situated shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster, or commander and adjutant or commander and service officer of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress in the city or town upon recommendation of the relief committee of said post, camp or chapter: PROVIDED, Said veteran or the families of those deceased are and have been residents of the state for at least twelve months, and the orders of said commander and quartermaster, or commander and adjutant or commander and service officer shall be the proper voucher for the expenditure of said sum or sums of money))~~ shall establish a veterans' assistance program to address the needs of local indigent veterans and their families. The county legislative authority shall consult with and solicit recommendations from the veterans' advisory board established under section 4 of this act to determine the appropriate services needed for local indigent veterans. Veterans' assistance programs shall be funded, at least in part, by the veterans' assistance fund created under the authority of RCW 73.08.080.

(2) The county legislative authority may authorize other entities to administer a veterans' assistance program or programs through grants, contracts, or interlocal agreements. If the county legislative authority authorizes another entity to

administer a veterans' assistance program or programs, the terms of the grant, contract, or interlocal agreement must, for each program, specify:

- (a) The details of the program;
- (b) The responsibilities of all parties;
- (c) The duration of the program;
- (d) The costs and sources of funding;
- (e) Any insurance or bond requirements;
- (f) The format and frequency of progress and final reports; and
- (g) Any other information deemed necessary or appropriate by either party.

(3) If the county legislative authority authorizes another entity to administer a veterans' assistance program or programs, the authorized entity should, to the extent feasible and consistent with this chapter, ensure that a local branch of a nationally recognized veterans' service organization is the initial point of contact for a veteran or family member seeking assistance.

(4) Nothing in this section shall prohibit or be construed as prohibiting a county from authorizing the continued operation of a veterans' relief or assistance program or programs existing on January 1, 2005, if the authorizing legislative authority:

- (a) Solicits advice from the veterans' advisory board established in section 4 of this act; and
- (b) Satisfies the grant, contractual, or interlocal agreement requirements of subsection (2) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 73.08 RCW to read as follows:

(1) The legislative authority for each county must establish a veterans' advisory board. Upon its establishment, the board shall advise the county legislative authority on the needs of local indigent veterans, the resources available to local indigent veterans, and programs that could benefit the needs of local indigent veterans and their families.

(2) The county legislative authority must solicit representatives from either local branches of nationally recognized veterans' service organizations or the veterans' community at large, or both, to serve on the board. No fewer than a majority of the board members shall be members from nationally recognized veterans' service organizations and only veterans are eligible to serve as board members.

(3) Service on the board is voluntary. The county legislative authority may provide for reimbursement to board members for expenses incurred.

Sec. 5. RCW 73.08.070 and 2002 c 292 s 9 are each amended to read as follows:

~~((It shall be the duty of))~~ (1) The legislative authority ~~((in each of the counties in this state to))~~ for each county must designate ~~((some))~~ a proper authority ~~((other than the one designated by law for the care of paupers and the custody of criminals who shall cause to be interred))~~ to be responsible, at the expense of the county ~~((the body of any honorably discharged veterans as defined in RCW 41.04.007 and the wives, husbands, minor children, widows or widowers of such veterans, who shall hereafter die)), for the burial or cremation of any deceased indigent veteran or deceased family member of an indigent veteran who died without leaving means sufficient to defray funeral expenses(, and when requested so to do by the commanding officer of any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress or the relief committee of any such posts, camps or chapters: PROVIDED, HOWEVER, That such interment shall not cost more than)). The costs of such a burial or cremation may not exceed the limit established by the county legislative authority nor be less than three hundred dollars.~~

(2) If the deceased has relatives or friends who desire to conduct the burial or cremation of such deceased person, then ~~((upon request of said commander or relief committee))~~ a sum not to exceed the limit established by the county legislative authority nor less than three hundred dollars shall be paid to ~~((said))~~ the relatives or friends by the county ~~((treasurer, upon))~~ auditor, or by the chief financial officer in a county operating under a charter. Payment shall be made to the relatives or friends upon presenting to the auditor or chief financial officer due proof of the death ~~((and)), burial ((of any person provided for by this section and proof of expenses incurred))~~ or cremation, and expenses incurred.

(3) Expenses incurred for the burial or cremation of a deceased indigent veteran or the deceased family member of an indigent veteran as provided by this section shall be paid from the veterans' assistance fund authorized by RCW 73.08.080.

Sec. 6. RCW 73.08.080 and 1985 c 181 s 2 are each amended to read as follows:

(1) The legislative ~~((authorities of the several counties in this state))~~ authority in each county shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating ~~((the veteran's))~~ a veterans' assistance fund ~~((for the relief of honorably discharged veterans as defined in RCW 41.04.005 and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such county legislative authority: PROVIDED, That if)). Expenditures from the veterans' assistance fund, and interest earned on balances from the fund, may be used only for:~~

- (a) The veterans' assistance programs authorized by RCW 73.08.010;
- (b) The burial or cremation of a deceased indigent veteran or deceased family member of an indigent veteran as authorized by RCW 73.08.070; and
- (c) The direct and indirect costs incurred in the administration of the fund as authorized by subsection (2) of this section.

~~(2) If the funds on deposit~~~~((less outstanding warrants, residing))~~ in the ~~((veteran's))~~ veterans' assistance fund, less outstanding warrants, on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county legislative authority may levy a lesser amount~~((PROVIDED FURTHER, That the))~~. The direct and indirect costs incurred in the administration of ~~((said veteran's))~~ the veterans' assistance fund shall be computed by the county ~~((treasurer))~~ auditor, or the chief financial officer in a county operating under a charter, not less than annually ~~((and such amount))~~. Following the computation of these direct and indirect costs, an amount equal to these costs may then be transferred from the ~~((veteran's))~~ veterans' assistance fund ~~((as herein provided for))~~ to the county current expense fund.

(3) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 73.08 RCW to read as follows:

The department of social and health services shall exempt payments provided under sections 2 and 4 of this act and RCW 73.08.010, 73.08.070, and 73.08.080 when determining eligibility for public assistance.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 73.08.030 (Procedure where no veterans' organization in precinct) and 1983 c 295 s 2, 1947 c 180 s 2, 1945 c 144 s 2, 1921 c 41 s 2, 1907 c 64 s 2, & 1888 p 208 s 2;

(2) RCW 73.08.040 (Notice of intention to furnish relief--Annual statement) and 1947 c 180 s 3, 1945 c 144 s 3, 1921 c 41 s 3, 1907 c 64 s 3, & 1888 p 209 s 3; and

(3) RCW 73.08.050 (Performance bond may be required) and 1983 c 295 s 3, 1947 c 180 s 4, 1945 c 144 s 4, 1921 c 41 s 4, 1907 c 64 s 4, & 1888 p 209 s 4."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1189.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "relief;" strike the remainder of the title and insert "amending RCW 73.08.010, 73.08.070, and 73.08.080; adding new sections to chapter 73.08 RCW; creating a new section; and repealing RCW 73.08.030, 73.08.040, and 73.08.050."

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1189, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1189, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

SECOND READING

HOUSE BILL NO. 1407, by Representatives Grant, Walsh, Linville, Buri and Morrell

Providing an expiration date for the tax deduction for certain businesses impacted by the ban on American beef products.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Schoesler and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1407.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1407 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1187, by Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa

Eliminating mandatory minimum sentences for youthful offenders tried as adults.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that emerging research on brain development indicates that adolescent brains, and thus adolescent intellectual and emotional capabilities, differ significantly from those of mature adults. It is appropriate to take these differences into consideration when sentencing juveniles tried as adults. The legislature further finds that applying mandatory minimum sentences for juveniles tried as adults prevents trial court judges from taking these differences into consideration in appropriate circumstances.

(2) The legislature intends to eliminate the application of mandatory minimum sentences under RCW 9.94A.540 to juveniles tried as adults, and to continue to apply all other adult sentencing provisions to juveniles tried as adults.

Sec. 2. RCW 9.94A.540 and 2001 2nd sp.s. c 12 s 315 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(3)(a) Subsection (1) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This section applies only to crimes committed on or after the effective date of this act."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed House Bill No. 1187.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 9.94A.540; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 1187, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1187, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1187 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 1187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:36 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5479,
SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5676,
SENATE BILL NO. 5701,
SENATE BILL NO. 5713,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5736,
SUBSTITUTE SENATE BILL NO. 5765,
SENATE BILL NO. 5809,
SENATE BILL NO. 5857,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 5, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5146,
SUBSTITUTE SENATE BILL NO. 5150,
SECOND SUBSTITUTE SENATE BILL NO. 5154,
SENATE BILL NO. 5181,
ENGROSSED SENATE BILL NO. 5194,
SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5317,
ENGROSSED SENATE BILL NO. 5332,
SENATE BILL NO. 5354,
SENATE BILL NO. 5453,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 6, 2005

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5065,
ENGROSSED SENATE BILL NO. 5087,
SUBSTITUTE SENATE BILL NO. 5471,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5506,
SUBSTITUTE SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5969,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 6, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5092,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5563,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 6, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 5775
SUBSTITUTE SENATE BILL NO. 5862,
ENGROSSED SENATE BILL NO. 5966,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5775,
SUBSTITUTE SENATE BILL NO. 5862,
ENGROSSED SENATE BILL NO. 5966.

The President signed:
SUBSTITUTE SENATE BILL NO. 5092,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5563.

The President signed:
SUBSTITUTE SENATE BILL NO. 5065,
ENGROSSED SENATE BILL NO. 5087,
SUBSTITUTE SENATE BILL NO. 5471,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5506,
SUBSTITUTE SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5969.

The President signed:
SUBSTITUTE SENATE BILL NO. 5146,
SUBSTITUTE SENATE BILL NO. 5150,
SECOND SUBSTITUTE SENATE BILL NO. 5154,
SENATE BILL NO. 5181,
ENGROSSED SENATE BILL NO. 5194,
SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5317,
ENGROSSED SENATE BILL NO. 5332,
SENATE BILL NO. 5354,
SENATE BILL NO. 5453.

The President signed:
SUBSTITUTE SENATE BILL NO. 5479,
SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5676,

SENATE BILL NO. 5701,
SENATE BILL NO. 5713,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5736,
SUBSTITUTE SENATE BILL NO. 5765,
SENATE BILL NO. 5809,
SENATE BILL NO. 5857.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 7, 2005."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 7, 2005.

SECOND READING

HOUSE BILL NO. 1286, by Representatives Cody, Simpson, Morrell and Kenney

Creating the medical flexible spending account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1286.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1286 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Deccio - 1

HOUSE BILL NO. 1286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1268, by Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire

Regulating stem cell research.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 2, beginning on line 13, strike all of subsection (5).

On page 2, line 21, after "research" strike "holds" and insert "may hold"

On page 3, line 30, after "develop", strike everything through "cells" on page 4, line 3 and insert the following:

"proposed guidelines for research involving the derivation or use of human embryonic stem cells in Washington and submit a report to the legislature by January 1, 2006. The proposed guidelines shall address the balance between the potential of research involving the derivation of human embryonic stem cells for curing or treating disease, and the ethical considerations that arise with such research. In addition, the proposed guidelines shall address recommendations regarding whether donations of embryonic tissue for research purposes are advisable and if so, identify any recommended safeguards."

On page 4, beginning on line 11, strike all material through "act." on page 6, line 4.

On page 6, beginning on line 18, strike all material through "act." on line 35.

On page 7, line 5, after "through" strike "8" and insert "5".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 13 to Engrossed House Bill No. 1268.

MOTION

A division was demanded.

The motion by Senator Zarelli failed and the amendment was not adopted by a rising vote.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted.

On page 2, beginning on line 18, strike all material through "state." on line 27 and insert the following:

"(6) While stem cell research holds enormous potential for treating or even curing some diseases, the cloning of human beings is morally and ethically unacceptable.

(7) No cloning of human beings of any kind shall be lawful in the state of Washington."

On page 6, after line 4, insert the following:

"(4) No health care provider may knowingly engage or assist in the cloning of a human being or the attempted cloning of a human being."

On page 6, line 5, after "(1)" strike everything through "being." on line 7 and insert the following:

"(1) No person may knowingly engage or assist in the cloning of a human being or the attempted cloning of a human being."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Esser, Mulliken and Benson spoke in favor of adoption of the amendment.

Senators Kohl-Welles, Hargrove, Brown and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 2, line 18 to Engrossed House Bill No. 1268.

MOTION

A division was demanded.

The motion by Senator Esser failed and the amendment was not adopted by a rising vote.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit, Franklin, Swecker and Zarelli be adopted.

On page 6, after "is" on line 10, strike everything down through and including "violation." on line 12, and insert the following:

"(a) guilty of a class C felony; and (b) subject to a civil penalty not to exceed five hundred thousand dollars for each violation."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Doumit spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit, Franklin, Swecker and Zarelli on page 6, after line 10 to Engrossed House Bill No. 1268.

The motion by Senator Doumit carried and the amendment was adopted by voice vote.

MOTION

Senator Stevens moved that the following striking amendment by Senator Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) An estimated one hundred twenty-eight million Americans suffer from chronic, degenerative, and acute diseases, including diabetes, Alzheimer's disease, cancer, Huntington's disease, Parkinson's disease, heart disease, and spinal cord injury. The crippling economic and psychological burdens of such diseases result in billions of dollars every year in costs of treatment and lost productivity as well as extreme human loss and emotional suffering.

(2) Adult stem cell research continues to offer immense promise for developing new medical therapies for these debilitating diseases and a critical means to explore fundamental questions of biology. Stem cell research could lead to unprecedented treatments and potential cures for diabetes, Alzheimer's disease, Huntington's disease, Parkinson's disease, heart disease, spinal cord injury, and other diseases.

(3) Stem cell therapy was born in Washington state over thirty years ago, with the pioneering work of nobel laureate, E. Donnall Thomas, and his colleagues at the Fred Hutchinson cancer research center. The Fred Hutchinson cancer research center remains the premier center for adult stem cell transplantation in the world. Support for adult stem cell research at this critical juncture represents a commitment to continue this distinguished legacy.

(4) While adult stem cell research holds enormous potential for treating or even curing some diseases, the cloning of human beings is morally and ethically unacceptable. Furthermore, the cloning of human beings poses grave health risks to any child who may be produced in this manner. Any attempt to clone a human being is in direct conflict with the policies of this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cloning of a human being" means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism at any stage of development with a human or predominantly human genetic constitution that is genetically virtually identical to an existing or previously existing human organism.

(2) "Diploid cell" means a cell which has a complete set of chromosomes.

(3) "Human somatic cell" means a diploid cell obtained or derived from a living or deceased human at any stage of development.

(4) "Oocyte" means the unfertilized human ovum.

NEW SECTION. Sec. 3. (1) No person may knowingly engage or assist in cloning or attempted cloning of a human being.

(2) The attorney general may bring an action to enjoin any person from violating subsection (1) of this section.

(3) Any person who violates subsection (1) of this section is subject to a civil penalty not to exceed three hundred thousand dollars for each violation. Civil penalties authorized by this subsection may be imposed in any civil action brought by the attorney general.

(4) Any person may bring a cause of action for injunctive relief against a person or entity that is reasonably believed to be about to violate or is in the course of violating section (1) of this section.

(5) Nothing in this section shall be construed to restrict areas of biomedical, agricultural, and scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning technologies to clone molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 1 of the title, after "research;", strike the remainder of the title and insert "creating new sections; and prescribing penalties."

Senators Stevens and Mulliken spoke in favor of adoption of the striking amendment.

Senator Kohl-Welles spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Stevens to Engrossed House Bill No. 1268.

MOTION

A division was demanded.

The motion by Senator Stevens failed and the striking amendment was not adopted by a rising vote.

MOTIONS

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1268, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton demanded a roll call.

ROLL CALL

The Secretary called the roll on the motion by Senator Kohl-Welles that the rules be suspended, the bill be advanced to third reading, the second reading considered the third and the bill be placed on final passage and the motion failed by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 23.

MOTION

On motion of Senator Eide, further consideration of Engrossed House Bill No. 1268 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1636, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Roberts, Kagi, Clements, Darneille, Hunt, Green, Kenney, Appleton, Chase, Jarrett, Kessler, Moeller, Morrell, Williams, Ormsby, Murray, Dickerson, Conway, Lantz, Wood, Haigh, McDermott, Santos and Hudgins)

Adopting a wage ladder for child care workers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Brown be adopted.

On page 3, line 24, after "ladder." insert "The adoption of a child care career and wage ladder shall not prohibit the provision of wage increases based upon merit."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Brown on page 3, line 24 to Engrossed House Bill No. 1268.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1636, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senators Parlette and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1636, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1636, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

SUBSTITUTE HOUSE BILL NO. 1636, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5247, by Senators Morton, Regala and Fraser

Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1.

The measure was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5247.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator McCaslin - 1

SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1495, by House Committee on Education (originally sponsored by Representatives McCoy, Roach, Simpson, P. Sullivan, McDermott, Santos, Appleton, Darneille, Williams, Hunt, Haigh, Chase, Sells, Conway, Kenney, Kagi, Moeller, Ormsby and Blake)

Requiring that Washington's tribal history be taught in the common schools. Revised for 1st Substitute: Requiring that tribal history be taught in the common schools. (REVISED FOR PASSED LEGISLATURE: Encouraging tribal history to be included in the common school curriculum.)

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to promote the full success of the centennial accord, which was signed by state and tribal government leaders in 1989. As those leaders declared in the subsequent millennial accord in 1999, this will require "educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian nations to the state of Washington." The legislature recognizes that this goal has yet to be achieved in most of our state's schools and districts. As a result, Indian students may not find the school curriculum, especially Washington state history curriculum, relevant to their lives or experiences. In addition, many students may remain uninformed about the experiences, contributions, and perspectives of their tribal neighbors, fellow citizens, and classmates. The legislature further finds that the lack of accurate and complete curricula may contribute to the persistent achievement gap between Indian and other students. The legislature finds there is a need to establish collaborative government-to-government relationships between elected school boards and tribal councils to create local and/or regional curricula about tribal history and culture, and to promote dialogue and cultural exchanges that can help tribal leaders and school leaders implement strategies to close the achievement gap.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.345 RCW to read as follows:

(1) Beginning in 2006, and at least once annually through 2010, the Washington state school directors' association is encouraged to convene regional meetings and invite the tribal councils from the region for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors. Participants in these meetings should discuss issues of mutual concern, and should work to:

- (a) Identify the extent and nature of the achievement gap and strategies necessary to close it;
- (b) Increase mutual awareness and understanding of the importance of accurate, high-quality curriculum materials about the history, culture, and government of local tribes; and
- (c) Encourage school boards to identify and adopt curriculum that includes tribal experiences and perspectives, so that Indian students are more engaged and learn more successfully, and so that all students learn about the history, culture, government, and experiences of their Indian peers and neighbors.

(2) By December 1, 2008, and every two years thereafter through 2012, the school directors' association shall report to the education committees of the legislature regarding the progress made in the development of effective government-to-government relations, the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. The report shall include information about any obstacles encountered, and any strategies under development to overcome them.

Sec. 3. RCW 28A.230.090 and 2004 c 19 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements (~~is encouraged to include~~) shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district board of directors is encouraged to incorporate curricula about the history, culture, and government of the nearest tribe or tribes, so that students learn about the unique heritage and experience of their closest neighbors. School districts near Washington's borders are encouraged to include tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon, Idaho, and British Columbia. School districts and tribes are encouraged to work together to develop such curricula.

(2) As they conduct regularly scheduled reviews and revisions of their social studies and history curricula, school districts are encouraged to collaborate with any tribe within their district, and with neighboring tribes, to incorporate expanded and improved curricular materials about tribes, and to create programs of classroom and community cultural exchanges.

(3) School districts are encouraged to collaborate with the office of the superintendent of public instruction on curricular areas regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards tribes. The program of Indian education within the office of the superintendent of public instruction is encouraged to help local school districts identify Indian tribes whose reservations are in whole or in part within the boundaries of the district and/or those that are nearest to the school district."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt to the committee striking amendment be adopted.

Beginning on page 3, line 35 of the amendment, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Each school district board of directors is encouraged to incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, so that students learn about the unique heritage and experience of their closest neighbors. School districts near Washington's borders are encouraged to include federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon, Idaho, and British Columbia. School districts and tribes are encouraged to work together to develop such curricula.

(2) As they conduct regularly scheduled reviews and revisions of their social studies and history curricula, school districts are encouraged to collaborate with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, to incorporate expanded and improved curricular materials about Indian tribes, and to create programs of classroom and community cultural exchanges.

(3) School districts are encouraged to collaborate with the office of the superintendent of public instruction on curricular areas regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards federally recognized Indian tribes. The program of Indian education within the office of the superintendent of public instruction is encouraged to help local school districts identify federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and/or those that are nearest to the school district."

Senators McAuliffe and Schmidt spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 3, line 35 to the committee striking amendment to Substitute House Bill No. 1495.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Substitute House Bill No. 1495.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.230.090; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1495, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1495, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Berkey, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benson, Brandland, Hewitt, Honeyford, Morton, Mulliken, Parlette, Schoesler and Stevens - 9

Absent: Senators Brown, Deccio, Keiser and Kline - 4

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "I had submitted an amendment to the bill that we just passed. I never saw it distributed and I don't believe it was voted on. Did the Secretary receive an amendment from me on this bill?"

NOTICE FOR RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which Substitute House Bill No. 1495 passed the Senate.

MOTION

At 6:52 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, April 8, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 7, 2005

2005 REGULAR SESSION

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 8, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Haugen, McCaslin, Oke and Schoesler.

The Sergeant at Arms Color Guard consisting of Pages Jayson Orth and Evan Kruschke, presented the Colors. The Reverend Sandra M. Sparks of the Zion-Philadelphia United Church of Christ offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 9:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:22 a.m. by the President Pro Tempore.

MOTION TO LIMIT DEBATE

Senator Eide: "Madam President, I move that, pursuant to Rule 29, that each member be allowed to speak only once on each question before the Senate, no more than three minutes, until the end of cut off."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Eide to limit debate pursuant to Rule 29.

The motion by Senator Eide carried and debate was limited through April 15, 2005.

MOTIONS

On motion of Senator Eide, the Senate advanced to the sixth order of business.

On motion of Senator Regala, Senator Haugen was excused.

NOTICE OF RECONSIDERATION

Senator Benton haven given notice of his intent to move to reconsider the vote by which Substitute House Bill No. 1495 passed the Senate withdrew the notice.

PARLIAMENTARY INQUIRY

Senator Eide: "Where is the bill, then, is it passed or is it on third reading, final?"

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "The bill has passed and will, as amended, be returned to the House."

SECOND READING

HOUSE BILL NO. 1112, by Representatives Quall, Bailey, Morris, Strow, Kristiansen and Pearson

Creating an additional superior court position.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Hewitt, Senators Finkbeiner, McCaslin and Parlette were excused.

On motion of Senator Regala, Senator Kastama was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1112.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1112 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Oke and Schoesler - 2

Excused: Senators Haugen and McCaslin - 2

HOUSE BILL NO. 1112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1262, by Representatives Takko, Walsh, Blake and Wallace

Limiting compensation for part-time judges.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1262.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1262 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Haugen and McCaslin - 2

HOUSE BILL NO. 1262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401, by House Committee on Local Government (originally sponsored by Representatives Simpson, Hankins, O'Brien, Ormsby and Chase)

Requiring certain buildings to add automatic sprinkler systems. Revised for 1st Substitute: Regulating fire safety.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Voting nay: Senators Hewitt, Honeyford and Zarelli - 3

Excused: Senators Haugen and McCaslin - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1689, by House Committee on Health Care (originally sponsored by Representatives Cody, Moeller, Appleton, Morrell, Clibborn, Green, Kenney, Murray, Schual-Berke and Chase)

Concerning dental health services.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.32.195 and 1994 sp.s. c 9 s 218 are each amended to read as follows:

The commission may, without examination, issue a license to persons who possess the qualifications set forth in this section.

(1) The commission may, upon written request of the dean of the school of dentistry of the University of Washington, issue a license to practice dentistry in this state to persons who have been licensed or otherwise authorized to practice dentistry in another state or country and who have been accepted for employment by the school of dentistry as full-time faculty members. For purposes of this subsection, this means teaching members of the faculty of the school of dentistry of the University of Washington who are so employed on a one hundred percent of work time basis. Such license shall permit the holder thereof to practice dentistry within the confines of the university facilities for a period of one year while he or she is so employed as a full-time faculty member by the school of dentistry of the University of Washington. It shall terminate whenever the holder ceases to be such a full-time faculty member. Such license shall permit the holder thereof to practice dentistry only in connection with his or her duties in employment with the school of dentistry of the University of Washington. This limitation shall be stated on the license.

(2) The commission may, upon written request of the dean of the school of dentistry of the University of Washington or the director of a dental residency program under RCW 18.32.040, issue a limited license to practice dentistry in this state to university residents in postgraduate dental education or postdoctorate residents in a dental residency program under RCW 18.32.040. The license shall permit the resident dentist to provide dental care only in connection with his or her duties as a university resident or a postdoctorate resident in a program under RCW 18.32.040.

(3) The commission may condition the granting of a license under this section with terms the commission deems appropriate. All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the dental profession, in accordance with this chapter, and in addition the licensee may be disciplined by the commission after a hearing has been held in accordance with the provisions set forth in this chapter, and determination by the commission that such licensee has violated any of the restrictions set forth in this section.

(4) Persons applying for licensure pursuant to this section shall pay the application fee determined by the secretary and, in the event the license applied for is issued, a license fee at the rate provided for licenses generally. After review by the commission, licenses issued under this section may be renewed annually if the licensee continues to be employed as a full-time faculty member of the school of dentistry of the University of Washington, or a university resident in postgraduate dental education, or a postdoctorate resident in a dental residency program under RCW 18.32.040, and otherwise meets the requirements of the provisions and conditions deemed appropriate by the commission. Any person who obtains a license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, in which case the applicant shall be subject to examination and the other requirements of this chapter.

Sec. 2. RCW 18.32.040 and 1994 sp.s. c 9 s 211 are each amended to read as follows:

The commission shall require that every applicant for a license to practice dentistry shall:

(1) Present satisfactory evidence of graduation from a dental college, school, or dental department of an institution approved by the commission;

(2) Submit, for the files of the commission, a recent picture duly identified and attested; and

(3)(a) Pass an examination prepared or approved by and administered under the direction of the commission. The dentistry licensing examination shall consist of practical and written tests upon such subjects and of such scope as the commission determines. ~~((The commission may accept, in lieu of all or part of a written examination, a certificate granted by a national or regional testing organization approved by the commission.))~~ The commission shall set the standards for passing the examination. The secretary shall keep on file the examination papers and records of examination for at least one year. This file shall be open for inspection by the applicant or the applicant's agent unless the disclosure will compromise the examination process as determined by the commission or is exempted from disclosure under RCW 42.17.250 through 42.17.340.

(b) The commission may accept, in lieu of all or part of the written examination required in (a) of this subsection, a certificate granted by a national or regional testing organization approved by the commission.

(c) The commission shall accept, in lieu of the practical examination required in (a) of this subsection, proof that an applicant has satisfactorily completed a postdoctoral dental residency program accredited by the commission on dental accreditation of the American dental association and approved by the commission, of one to three year's duration, in a community health clinic that serves predominantly low-income patients or is located in a dental care health professional shortage area in this state, and that includes an outcome assessment evaluation, other than the western regional examining board's clinical examination, assessing the resident's competence to practice dentistry. The commission shall develop criteria, consistent with the standards of the commission on dental accreditation of the American dental association, for community clinics to use when sponsoring students in a residency program under this subsection, including guidelines for the proper supervision of the resident and measuring the resident's competence to practice dentistry.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act takes effect July 1, 2006."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Substitute House Bill No. 1689.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 18.32.195 and 18.32.040; creating a new section; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1689, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1689, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1689, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Haugen and McCaslin - 2

SUBSTITUTE HOUSE BILL NO. 1689, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan and Upthegrove)

Concerning park rangers employed by the parks and recreation commission. Revised for 1st Substitute: Creating a task force on public recreational lands and public safety.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that law enforcement functions at state parks and lands are insufficient to adequately protect the public and our natural resources. Threats to the safety of the visiting public and public lands are not necessarily confined to the boundaries of state parks and lands. State law does not expressly grant or deny park rangers the authority to engage in law enforcement activities outside of park and land boundaries. Further, the legislature finds that, in many areas of the state, other state or local law enforcement officers are either too far away or understaffed to provide adequate support to on-site law enforcement professionals in emergency situations. The legislature finds that a comprehensive review of the role and responsibilities of law enforcement professionals within and around state parks and lands is necessary to ensure the value of state parks and natural resources is not diminished.

NEW SECTION. Sec. 2. (1) The task force on state public recreational lands and public safety is created. The task force shall be comprised of twelve members appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the senate, one from each major caucus, to be appointed by the president of the senate;

(c) The commissioner of public lands or his or her designee;

(d) The chair of the Washington state parks and recreation commission or his or her designee;

(e) The chair of the Washington fish and wildlife commission or his or her designee;

(f) Five members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, from nominations submitted by the following organizations:

(i) One representative of the Washington association of sheriffs and police chiefs;

(ii) One representative of the Washington state council of police and sheriffs;

(iii) One representative of the Washington association of prosecuting attorneys;

(iv) One representative park ranger who is an active member of the recognized employee bargaining unit and who is employed by the Washington state parks and recreation commission; and

(v) One recognized employee representative of enforcement officers with the department of natural resources.

(2) The task force members shall elect a chair and determine its operating procedures. The task force shall be jointly staffed by the office of program research and senate committee services as determined by their respective staff directors.

(a) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(b) The compensable travel expenses as provided in (a) of this subsection shall be paid jointly by the senate and the house of representatives.

(3) This section expires January 1, 2006.

NEW SECTION. Sec. 3. The task force shall conduct a comprehensive review of law enforcement issues in and around state parks and lands, including but not limited to:

(1) The extent to which illegal activity in and around state parks and lands threatens public safety and natural resources; and

(2) The ability of the current state and local law enforcement to respond to illegal activity on or near public recreational lands.

NEW SECTION. Sec. 4. By December 15, 2005, the task force shall provide a final report of its recommendations, including any draft legislation to implement the recommendations. The report shall be submitted to the chief clerk of the house of representatives and the secretary of the senate."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Engrossed Substitute House Bill No. 1799.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 1799, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1799, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1799, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Hewitt, Mulliken and Stevens - 4

Excused: Senators Haugen and McCaslin - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1848, by Representatives Springer, Tom, Lantz, Priest, Hunter, Jarrett, Clibborn, Serben, Fromhold, Rodne, Williams, Flannigan, Kessler, O'Brien and Simpson

Addressing construction defect disputes involving multiunit residential buildings.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. APPLICABILITY. (1)(a) Sections 2 through 10 of this act apply to any multiunit residential building for which the permit for construction or rehabilitative construction of such building was issued on or after the effective date of this act.

(b) Sections 2 and 10 of this act apply to conversion condominiums as defined in RCW 64.34.020, provided that section 10 of this act shall not apply to a condominium conversion for which a public offering statement had been delivered pursuant to chapter 64.34 RCW prior to the effective date of this act.

(2) Sections 2 and 11 through 18 of this act apply to any action that alleges breach of an implied or express warranty under chapter 64.34 RCW or that seeks relief that could be awarded for such breach, regardless of the legal theory pled, except that sections 11 through 18 of this act shall not apply to:

(a) Actions filed or served prior to the effective date of this act;

(b) Actions for which a notice of claim was served pursuant to chapter 64.50 RCW prior to the effective date of this act;

(c) Actions asserting any claim regarding a building that is not a multiunit residential building;

(d) Actions asserting any claim regarding a multiunit residential building that was permitted on or after the effective date of this act unless the letter required by section 7 of this act has been submitted to the appropriate building department or the requirements of section 10 of this act have been satisfied.

(3) Other than the requirements imposed by sections 2 through 10 of this act, nothing in this chapter amends or modifies the provisions of RCW 64.34.050.

NEW SECTION. **Sec. 2. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in RCW 64.34.020 and in this section apply throughout this chapter.

(1) "Attached dwelling unit" means any dwelling unit that is attached to another dwelling unit by a wall, floor, or ceiling that separates heated living spaces. A garage is not a heated living space.

(2) "Building enclosure" means that part of any building, above or below grade, that physically separates the outside or exterior environment from interior environments and which weatherproofs, waterproofs, or otherwise protects the building or its components from water or moisture intrusion. Interior environments consist of both heated and unheated enclosed spaces. The building enclosure includes, but is not limited to, that portion of roofs, walls, balcony support columns, decks, windows, doors, vents, and other penetrations through exterior walls, which waterproof, weatherproof, or otherwise protect the building or its components from water or moisture intrusion.

(3) "Building enclosure design documents" means plans, details, and specifications for the building enclosure that have been stamped by a licensed engineer or architect. The building enclosure design documents shall include details and specifications that are appropriate for the building in the professional judgment of the architect or engineer which prepared the same to waterproof, weatherproof, and otherwise protect the building or its components from water or moisture intrusion, including details of flashing, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings.

(4) "Developer" means:

(a) With respect to a condominium or a conversion condominium, the declarant; and

(b) With respect to all other buildings, an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other entity or person that obtains a building permit for the construction or rehabilitative reconstruction of a multiunit residential building. If a permit is obtained by service providers such as architects, contractors, and consultants who obtain permits for others as part of services rendered for a fee, the person for whom the permit is obtained shall be the developer, not the service provider.

(5) "Dwelling unit" has the meaning given to that phrase or similar phrases in the ordinances of the jurisdiction issuing the permit for construction of the building enclosure but if such ordinances do not provide a definition, then "dwelling unit" means a residence containing living, cooking, sleeping, and sanitary facilities.

(6) "Multiunit residential building" means:

(a) A building containing more than two attached dwelling units, including a building containing nonresidential units if the building also contains more than two attached dwelling units, but excluding the following classes of buildings:

(i) Hotels and motels;

(ii) Dormitories;

(iii) Care facilities;

(iv) Floating homes;

(v) A building that contains attached dwelling units that are each located on a single platted lot, except as provided in (b) of this subsection.

(vi) A building in which all of the dwelling units are held under one ownership and is subject to a recorded irrevocable sale prohibition covenant.

(b) If the developer submits to the appropriate building department when applying for the building permit described in section 3 of this act a statement that the developer elects to treat the improvement for which a permit is sought as a multiunit residential building for all purposes under this chapter, then "multiunit residential building" also means the following buildings for which such election has been made:

(i) A building containing only two attached dwelling units;

(ii) A building that does not contain attached dwelling units; and

(iii) Any building that contains attached dwelling units each of which is located on a single platted lot.

(7) "Party unit owner" means a unit owner who is a named party to an action subject to this chapter and does not include any unit owners whose involvement with the action stems solely from their membership in the association.

(8) "Qualified building inspector" means a person satisfying the requirements of section 5 of this act.

(9) "Rehabilitative construction" means construction work on the building enclosure of a multiunit residential building if the cost of such construction work is more than five percent of the assessed value of the building.

(10) "Sale prohibition covenant" means a recorded covenant that prohibits the sale or other disposition of individual dwelling units as or as part of a condominium for five years or more from the date of first occupancy except as otherwise provided in section 10 of this act, a certified copy of which the developer shall submit to the appropriate building department; provided such covenant shall not apply to sales or dispositions listed in RCW 64.34.400(2). The covenant must be recorded in the county in which the building is located and must be in substantially the following form:

This covenant has been recorded in the real property records of County, Washington, in satisfaction of the requirements of sections 2 through 10 of this act. The undersigned is the owner of the property described on Exhibit A (the "Property"). Until termination of this covenant, no dwelling unit in or on the Property may be sold as a condominium unit except for sales listed in RCW 64.34.400(2).

This covenant terminates on the earlier of either: (a) Compliance with the requirements of section 10 of this act, as certified by the owner of the Property in a recorded supplement hereto; or (b) the fifth anniversary of the date of first occupancy of a dwelling unit as certified by the Owner in a recorded supplement hereto.

All title insurance companies and persons acquiring an interest in the Property may rely on the forgoing certifications without further inquiry in issuing any policy of title insurance or in acquiring an interest in the Property.

(11) "Stamped" means bearing the stamp and signature of the responsible licensed architect or engineer on the title page, and on every sheet of the documents, drawings, or specifications, including modifications to the documents, drawings, and specifications that become part of change orders or addenda to alter those documents, drawings, or specifications.

NEW SECTION. Sec. 3. DESIGN DOCUMENTS. (1) Any person applying for a building permit for construction of a multiunit residential building or rehabilitative construction shall submit building enclosure design documents to the appropriate building department prior to the start of construction or rehabilitative construction of the building enclosure. If construction work on a building enclosure is not rehabilitative construction because the cost thereof is not more than five percent of the assessed value of the building, then the person applying for a building permit shall submit to the building department a letter so certifying. Any changes to the building enclosure design documents that alter the manner in which the building or its components is waterproofed, weatherproofed, and otherwise protected from water or moisture intrusion shall be stamped by the architect or engineer and shall be provided to the building department and to the person conducting the course of construction inspection in a timely manner to permit such person to inspect for compliance therewith, and may be provided through individual updates, cumulative updates, or as-built updates.

(2) The building department shall not issue a building permit for construction of the building enclosure of a multiunit residential building or for rehabilitative construction unless the building enclosure design documents contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form: "The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of sections 1 through 10 of this act."

(3) The building department is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of sections 1 through 10 of this act. Nothing in sections 1 through 10 of this act requires a building department to review, approve, or disapprove enclosure design documents.

NEW SECTION. Sec. 4. INSPECTIONS. All multiunit residential buildings shall have the building enclosure inspected by a qualified inspector during the course of initial construction and during rehabilitative construction.

NEW SECTION. Sec. 5. INSPECTORS--QUALIFICATIONS--INDEPENDENCE. (1) A qualified building enclosure inspector:

(a) Must be a person with substantial and verifiable training and experience in building enclosure design and construction;

(b) Shall be free from improper interference or influence relating to the inspections; and

(c) May not be an employee, officer, or director of, nor have any pecuniary interest in, the declarant, developer, association, or any party providing services or materials for the project, or any of their respective affiliates, except that the qualified inspector may be the architect or engineer who approved the building enclosure design documents or the architect or engineer of record. The qualified inspector may, but is not required to, assist with the preparation of such design documents.

(2) Nothing in this section alters requirements for licensure of any architect, engineer, or other professional, or alters the jurisdiction, authority, or scope of practice of architects, engineers, other professionals, or general contractors.

NEW SECTION. Sec. 6. SCOPE OF INSPECTION. (1) Any inspection required by this chapter shall include, at a minimum, the following:

(a) Water penetration resistance testing of a representative sample of windows and window installations. Such tests shall be conducted according to industry standards. Where appropriate, tests shall be conducted with an induced air pressure difference across the window and window installation. Additional testing is not required if the same assembly has previously been tested in situ within the previous two years in the project under construction by the builder, by another member of the construction team such as an architect or engineer, or by an independent testing laboratory; and

(b) An independent periodic review of the building enclosure during the course of construction or rehabilitative construction to ascertain whether the multiunit residential building has been constructed, or the rehabilitative construction has been performed, in substantial compliance with the building enclosure design documents.

(2) Subsection (1)(a) of this section shall not apply to rehabilitative construction if the windows and adjacent cladding are not altered in the rehabilitative construction.

(3) "Project" means one or more parcels of land in a single ownership, which are under development pursuant to a single land use approval or building permit, where window installation is performed by the owner with its own forces, or by the same general contractor, or, if the owner is contracting directly with trade contractors, is performed by the same trade contractor.

NEW SECTION. Sec. 7. CERTIFICATION--CERTIFICATE OF OCCUPANCY. Upon completion of an inspection required by this chapter, the qualified inspector shall prepare and submit to the appropriate building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated pursuant to section 3 of this act. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required by this section has been submitted. The building department is not charged with and has no responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of this chapter.

NEW SECTION. Sec. 8. INSPECTOR, ARCHITECT, AND ENGINEER LIABILITY. (1) Nothing in this act is intended to, or does:

(a) Create a private right of action against any inspector, architect, or engineer based upon compliance or noncompliance with its provisions; or

(b) Create any independent basis for liability against an inspector, architect, or engineer.

(2) The qualified inspector, architect, or engineer and the developer that retained the inspector, architect, or engineer may contractually agree to the amount of their liability to the developer.

NEW SECTION. Sec. 9. NO EVIDENTIARY PRESUMPTION--ADMISSIBILITY. A qualified inspector's report or testimony regarding an inspection conducted pursuant to this chapter is not entitled to any evidentiary presumption in any arbitration or court proceeding. Nothing in this chapter restricts the admissibility of such a report or testimony, and questions of the admissibility of such a report or testimony shall be determined under the rules of evidence.

NEW SECTION. Sec. 10. NO SALE OF CONDOMINIUM UNIT ABSENT COMPLIANCE. (1) Except for sales or other dispositions listed in RCW 64.34.400(2), no declarant may convey a condominium unit that may be occupied for residential use in a multiunit residential building without first complying with the requirements of sections 1 through 9 of this act unless the building enclosure of the building in which such unit is included is inspected by a qualified building enclosure inspector, and:

(a) The inspection includes such intrusive or other testing, such as the removal of siding or other building enclosure materials, that the inspector believes, in his or her professional judgment, is necessary to ascertain the manner in which the building enclosure was constructed;

(b) The inspection evaluates, to the extent reasonably ascertainable and in the professional judgment of the inspector, the present condition of the building enclosure including whether such condition has adversely affected or will adversely affect the performance of the building enclosure to waterproof, weatherproof, or otherwise protect the building or its components from water or moisture intrusion. "Adversely affect" has the same meaning as provided in RCW 64.34.445(7);

(c) The inspection report includes recommendations for repairs to the building enclosure that, in the professional judgment of the qualified building inspector, are necessary to: (i) Repair a design or construction defect in the building enclosure that results in the failure of the building enclosure to perform its intended function and allows unintended water penetration not caused by flooding; and (ii) repair damage caused by such a defect that has an adverse effect as provided in RCW 64.34.445(7);

(d) With respect to a building that would be a multiunit residential building but for the recording of a sale prohibition covenant and unless more than five years have elapsed since the date such covenant was recorded, all repairs to the building enclosure recommended pursuant to (c) of this subsection have been made; and

(e) The declarant provides as part of the public offering statement, consistent with RCW 64.34.410 (1)(nn) and (2) and 64.34.415(1)(b), an inspection and repair report signed by the qualified building enclosure inspector that identifies:

(i) The extent of the inspection performed pursuant to this section;

(ii) The information obtained as a result of that inspection; and

(iii) The manner in which any repairs required by this section were performed, the scope of those repairs, and the names of the persons performing those repairs.

(2) Failure to deliver the inspection and repair report in violation of this section constitutes a failure to deliver a public offering statement for purposes of chapter 64.34 RCW.

NEW SECTION. Sec. 11. ARBITRATION--ELECTION--NUMBER OF ARBITRATORS--QUALIFICATIONS--TRIAL DE NOVO. (1) If the declarant, an association, or a party unit owner demands an arbitration by filing such demand with the court not less than thirty and not more than ninety days after filing or service of the complaint, whichever is later, the parties shall participate in a private arbitration hearing. The declarant, the association, and the party unit owner do not have the right to compel arbitration without giving timely notice in compliance with this subsection. Unless otherwise agreed by the parties, the arbitration hearing shall commence no more than fourteen months from the later of the filing or service of the complaint.

(2) Unless otherwise agreed by the parties, claims that in aggregate are for less than one million dollars shall be heard by a single arbitrator and all other claims shall be heard by three arbitrators. As used in this chapter, arbitrator also means arbitrators where applicable.

(3) Unless otherwise agreed by the parties, the court shall appoint the arbitrator, who shall be a current or former attorney with experience as an attorney, judge, arbitrator, or mediator in construction defect disputes involving the application of Washington law.

(4) Upon conclusion of the arbitration hearing, the arbitrator shall file the decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after the filing of the decision and award, any aggrieved party may file with the clerk a written notice of appeal and demand for a trial de novo in the superior court on all claims between the appealing party and an adverse party. As used in this section, "adverse party" means the party who either directly asserted or defended claims against the appealing party. The demand shall identify the adverse party or parties and all claims between those parties shall be included in the trial de novo. The right to a trial de novo includes the right to a jury, if demanded. The court shall give priority to the trial date for the trial de novo.

(5) If the judgment for damages, not including awards of fees and costs, in the trial de novo is not more favorable to the appealing party than the damages awarded by the arbitrator, not including awards of fees and costs, the appealing party shall pay the nonappealing adverse party's costs and fees incurred after the filing of the appeal, including reasonable attorneys' fees so incurred.

(6) If the judgment for damages, not including awards of fees and costs, in the trial de novo is more favorable to the appealing party than the damages awarded by the arbitrator, not including awards of fees and costs, then the court may award costs and fees, including reasonable attorneys' fees, incurred after the filing of the request for trial de novo in accordance with

applicable law; provided if such a judgment is not more favorable to the appealing party than the most recent offer of judgment, if any, made pursuant to section 17 of this act, the court shall not make an award of fees and costs to the appealing party.

(7) If a party is entitled to an award with respect to the same fees and costs pursuant to this section and section 17 of this act, then the party shall only receive an award of fees and costs as provided in and limited by section 17 of this act. Any award of fees and costs pursuant to subsections (5) or (6) of this section is subject to review in the event of any appeal thereof otherwise permitted by applicable law or court rule.

NEW SECTION. Sec. 12. CASE SCHEDULE PLAN. (1) Not less than sixty days after the later of filing or service of the complaint, the parties shall confer to create a proposed case schedule plan for submission to the court that includes the following deadlines:

- (a) Selection of a mediator;
- (b) Commencement of the mandatory mediation and submission of mediation materials required by this chapter;
- (c) Selection of the arbitrator by the parties, where applicable;
- (d) Joinder of additional parties in the action;
- (e) Completion of each party's investigation;
- (f) Disclosure of each party's proposed repair plan;
- (g) Disclosure of each party's estimated costs of repair;
- (h) Meeting of parties and experts to confer in accordance with section 13 of this act; and
- (i) Disclosure of each party's settlement demand or response.

(2) If the parties agree upon a proposed case schedule plan, they shall move the court for the entry of the proposed case schedule plan. If the parties cannot agree, either party may move the court for entry of a case schedule plan that includes the above deadlines.

NEW SECTION. Sec. 13. MANDATORY MEDIATION. (1) The parties to an action subject to this act shall engage in mediation. Unless the parties agree otherwise, the mediation required by this section shall commence within seven months of the later of the filing or service of the complaint. If the parties cannot agree upon a mediator, the court shall appoint a mediator.

(2) Prior to the mediation required by this section, the parties and their experts shall meet and confer in good faith to attempt to resolve or narrow the scope of the disputed issues, including issues related to the parties' repair plans.

(3) Prior to the mandatory mediation, the parties or their attorneys shall file and serve a declaration that:

- (a) A decision maker with authority to settle will be available for the duration of the mandatory mediation; and
- (b) The decision maker has been provided with and has reviewed the mediation materials provided by the party to which the decision maker is affiliated as well as the materials submitted by the opposing parties.

(4) Completion of the mediation required by this section occurs upon written notice of termination by any party. The provisions of section 17 of this act shall not apply to any later mediation conducted following such notice.

NEW SECTION. Sec. 14. NEUTRAL EXPERT. (1) If, after meeting and conferring as required by section 13(2) of this act, disputed issues remain, a party may file a motion with the court, or arbitrator if an arbitrator has been appointed, requesting the appointment of a neutral expert to address any or all of the disputed issues. Unless otherwise agreed to by the parties or upon a showing of exceptional circumstances, including a material adverse change in a party's litigation risks due to a change in allegations, claims, or defenses by an adverse party following the appointment of the neutral expert, any such motion shall be filed no later than sixty days after the first day of the meeting required by section 13(2) of this act. Upon such a request, the court or arbitrator shall decide whether or not to appoint a neutral expert or experts. A party may only request more than one neutral expert if the particular expertise of the additional neutral expert or experts is necessary to address disputed issues.

(2) The neutral expert shall be a licensed architect or engineer, or any other person, with substantial experience relevant to the issue or issues in dispute. The neutral expert shall not have been employed as an expert by a party to the present action within three years before the commencement of the present action, unless the parties agree otherwise.

(3) All parties shall be given an opportunity to recommend neutral experts to the court or arbitrator and shall have input regarding the appointment of a neutral expert.

(4) Unless the parties agree otherwise on the following matters, the court, or arbitrator if then appointed, shall determine:

- (a) Who shall serve as the neutral expert;
- (b) Subject to the requirements of this section, the scope of the neutral expert's duties;
- (c) The number and timing of inspections of the property;
- (d) Coordination of inspection activities with the parties' experts;
- (e) The neutral expert's access to the work product of the parties' experts;
- (f) The product to be prepared by the neutral expert;
- (g) Whether the neutral expert may participate personally in the mediation required by section 13 of this act; and
- (h) Other matters relevant to the neutral expert's assignment.

(5) Unless the parties agree otherwise, the neutral expert shall not make findings or render opinions regarding the amount of damages to be awarded, or the cost of repairs, or absent exceptional circumstances any matters that are not in dispute as determined in the meeting described in section 13(2) of this act or otherwise.

(6) A party may, by motion to the court, or to the arbitrator if then appointed, object to the individual appointed to serve as the neutral expert and to determinations regarding the neutral expert's assignment.

(7) The neutral expert shall have no liability to the parties for the performance of his or her duties as the neutral expert.

(8) Except as otherwise agreed by the parties, the parties have a right to review and comment on the neutral expert's report before it is made final.

(9) A neutral expert's report or testimony is not entitled to any evidentiary presumption in any arbitration or court proceeding. Nothing in this act restricts the admissibility of such a report or testimony, provided it is within the scope of the neutral expert's assigned duties, and questions of the admissibility of such a report or testimony shall be determined under the rules of evidence.

(10) The court, or arbitrator if then appointed, shall determine the significance of the neutral expert's report and testimony with respect to parties joined after the neutral expert's appointment and shall determine whether additional neutral experts should be appointed or other measures should be taken to protect such joined parties from undue prejudice.

NEW SECTION. Sec. 15. PAYMENT OF ARBITRATORS, MEDIATORS, AND NEUTRAL EXPERTS. (1) Where the building permit that authorized commencement of construction of a building was issued on or after the effective date of this act:

(a)(i) If the action is referred to arbitration under section 11 of this act, the party who demands arbitration shall advance the fees of any arbitrator and any mediator appointed under section 13 of this act; and

(ii) A party who requests the appointment of a neutral expert pursuant to section 14 of this act shall advance any appointed neutral expert's fees incurred up to the issuance of a final report.

(b) If the action has not been referred to arbitration, the court shall determine liability for the fees of any mediator appointed under section 13 of this act, unless the parties agree otherwise.

(c) Ultimate liability for any fees or costs advanced pursuant to this subsection (1) is subject to the fee- and cost-shifting provisions of section 17 of this act.

(2) Where the building permit that authorized commencement of construction of a building was issued before the effective date of this act:

(a)(i) If the action is referred to arbitration under section 11 of this act, the party who demands arbitration is liable for and shall pay the fees of any appointed arbitrator and any mediator appointed under section 13 of this act; and

(ii) A party who requests the appointment of a neutral expert pursuant to section 14 of this act is liable for and shall pay any appointed neutral expert's fees incurred up to the issuance of a final report.

(b) If the action has not been referred to arbitration, the court shall determine liability for the fees of any mediator appointed under section 13 of this act, unless the parties agree otherwise.

(c) Fees and costs paid under this subsection (2) are not subject to the fee- and cost-shifting provisions of section 17 of this act.

NEW SECTION. Sec. 16. SUBCONTRACTORS. Upon the demand of a party to an arbitration demanded under section 11 of this act, any subcontractor or supplier against whom such party has a legal claim and whose work or performance on the building in question becomes an issue in the arbitration may be joined in and become a party to the arbitration. However, joinder of such parties shall not be allowed if such joinder would require the arbitration hearing date to be continued beyond the date established pursuant to section 11 of this act, unless the existing parties to the arbitration agree otherwise. Nothing in sections 2 through 10 of this act shall be construed to release, modify, or otherwise alleviate the liabilities or responsibilities that any party may have towards any other party, contractor, or subcontractor.

NEW SECTION. Sec. 17. OFFERS OF JUDGMENT--COSTS AND FEES. (1) On or before the sixtieth day following completion of the mediation pursuant to section 13(4) of this act, the declarant, association, or party unit owner may serve on an adverse party an offer to allow judgment to be entered. The offer of judgment shall specify the amount of damages, not including costs or fees, that the declarant, association, or party unit owner is offering to pay or receive. A declarant's offer shall also include its commitment to pay costs and fees that may be awarded as provided in this section. The declarant, association, or party unit owner may make more than one offer of judgment so long as each offer is timely made. Each subsequent offer supersedes and replaces the previous offer. Any offer not accepted within twenty-one days of the service of that offer is deemed rejected and withdrawn and evidence thereof is not admissible and may not be provided to the court or arbitrator except in a proceeding to determine costs and fees or as part of the motion identified in subsection (2) of this section.

(2) A declarant's offer must include a demonstration of ability to pay damages, costs, and fees, including reasonable attorneys' fees, within thirty days of acceptance of the offer of judgment. The demonstration of ability to pay shall include a sworn statement signed by the declarant, the attorney representing the declarant, and, if any insurance proceeds will be used to fund any portion of the offer, an authorized representative of the insurance company. If the association or party unit owner disputes the adequacy of the declarant's demonstration of ability to pay, the association or party unit owner may file a motion with the court requesting a ruling on the adequacy of the declarant's demonstration of ability to pay. Upon filing of such motion, the deadline for a response to the offer shall be tolled from the date the motion is filed until the court has ruled.

(3) An association or party unit owner that accepts the declarant's offer of judgment shall be deemed the prevailing party and, in addition to recovery of the amount of the offer, shall be entitled to a costs and fees award, including reasonable attorneys' fees, in an amount to be determined by the court in accordance with applicable law.

(4) If the amount of the final nonappealable or nonappealed judgment, exclusive of costs or fees, is not more favorable to the offeree than the offer of judgment, then the offeror is deemed the prevailing party for purposes of this section only and is entitled to an award of costs and fees, including reasonable attorneys' fees, incurred after the date the last offer of judgment was rejected and through the date of entry of a final nonappealable or nonappealed judgment, in an amount to be determined by the court in accordance with applicable law. The nonprevailing party shall not be entitled to receive any award of costs and fees.

(5) If the final nonappealable or nonappealed judgment on damages, not including costs or fees, is more favorable to the offeree than the last offer of judgment, then the court shall determine which party is the prevailing party and shall determine the amount of the costs and fees award, including reasonable attorneys' fees, in accordance with applicable law.

(6) Notwithstanding any other provision in this section, with respect to claims brought by an association or unit owner, the liability for declarant's costs and fees, including reasonable attorneys' fees, shall:

(a) With respect to claims brought by an association, not exceed five percent of the assessed value of the condominium as a whole, which is determined by the aggregate tax-assessed value of all units at the time of the award; and

(b) With respect to claims brought by a party unit owner, not exceed five percent of the assessed value of the unit at the time of the award.

Sec. 18. RCW 64.34.415 and 1992 c 220 s 22 are each amended to read as follows:

(1) The public offering statement of a conversion condominium shall contain, in addition to the information required by RCW 64.34.410:

(a) Either a copy of a report prepared by an independent, licensed architect or engineer, or a statement by the declarant based on such report, which report or statement describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium;

(b) A copy of the inspection and repair report prepared by an independent, licensed architect, engineer, or qualified building inspector in accordance with the requirements of section 10 of this act;

(c) A statement by the declarant of the expected useful life of each item reported on in (a) of this subsection or a statement that no representations are made in that regard; and

~~((c))~~ (d) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations. Unless the purchaser waives in writing the curing of specific violations, the extent to which the declarant will cure such violations prior to the closing of the sale of a unit in the condominium shall be included.

(2) This section applies only to condominiums containing units that may be occupied for residential use.

Sec. 19. RCW 64.34.410 and 2004 c 201 s 11 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

(a) The name and address of the condominium;

(b) The name and address of the declarant;

(c) The name and address of the management company, if any;

(d) The relationship of the management company to the declarant, if any;

(e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;

(f) The nature of the interest being offered for sale;

(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995;

(ll) A notice that is substantially in the form required by RCW 64.50.050; ~~((and))~~

(mm) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; and

(nn) A statement that the building enclosure has been designed and inspected as required by sections 2 through 10 of this act, and, if required, repaired in accordance with the requirements of section 10 of this act.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, ~~((and))~~ the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more, and the inspection and repair report or reports prepared in accordance with the requirements of section 10 of this act.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 20. RCW 64.34.100 and 2004 c 201 s 2 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as otherwise provided in sections 11 through 17 of this act or chapter 64.35 RCW, any right or obligation declared by this chapter is enforceable by judicial proceeding. The arbitration proceedings provided for in sections 11 through 17 of this act shall be considered judicial proceedings for the purposes of this chapter.

NEW SECTION. Sec. 21. A new section is added to Article 1 of chapter 64.34 RCW to read as follows:

Chapter 64.-- RCW (sections 1 through 17 of this act) includes requirements for: The inspection of the building enclosures of multiunit residential buildings, as defined in section 2 of this act, which includes condominiums and conversion condominiums; for provision of inspection and repair reports; and for the resolution of implied or express warranty disputes under chapter 64.34 RCW.

NEW SECTION. Sec. 22. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 23. Sections 1 through 17 of this act constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 24. EFFECTIVE DATE. This act takes effect August 1, 2005."

Senators Kline and Johnson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed House Bill No. 1848.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "buildings;" strike the remainder of the title and insert "amending RCW 64.34.415, 64.34.410, and 64.34.100; adding a new section to chapter 64.34 RCW; adding a new chapter to Title 64 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 1848, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1848, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1848, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senator Thibaudeau - 1

Excused: Senators Haugen and McCaslin - 2

ENGROSSED HOUSE BILL NO. 1848, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed House Bill No. 1268 which had been deferred on the previous day.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed House Bill No. 1268, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. Well, we're voting now on the bill known as 'stem-cell research' and we talked a lot about it already with amendments that were offered last night, but it's very important to recognize that this legislation that is ground-breaking, that will bring scientific research to our state that has the potential for, not only assisting thousands and

thousands of people, if not more, by finding an eventual cure to some of our most debilitating diseases such as Alzheimer's; Parkinson's Disease; cancer; childhood diabetes; adult diabetes; and so forth, also has the potential to do a great deal for our economy. We want to be able to keep the research efforts that have been ongoing in our state since the last thirty years. In fact, at Fred Hutchinson Cancer Center, we had the first stem-cell research in the world. We have premier scientists, with the University of Washington being the number one public institution in the country to receive federal funds. And we would like our premier scientists to stay in our state and not go to other places where embryonic stem-cell research is now allowed, such as in California; New Jersey; soon to be Massachusetts; and other states are vying for the ability to have the premier research scientists be working on these important efforts, but there are serious considerations to this effort and what this bill represents is not only creating a state policy for conducting stem-cell research, utilizing therapeutic cloning, but there are regulations that are needed and have not existed especially with regard to the source of the embryonic tissue that is needed for stem-cell research, mainly through in-vitro fertilization. This bill is very important, because it does establish regulations. It prohibits reproductive cloning. It prohibits the sale of unused embryos as a result of in-vitro fertilization. It places penalties, \$500,000, for the conducting or engaging in reproductive cloning. So ..."

Pursuant to Rule 29, imposed by the Senate earlier in the day, debate was limited to three minutes.

REMARKS BY SENATOR MULLIKEN

Senator Mulliken: "Thank you Mr. President. I think this is a tragedy and it's a travesty. And I'm absolutely overwhelmed with a broken heart, because I believe that God's heart is broken that we would even be considering exchanging one life for another. We don't have to have a moral discussion on this issue. We can have our cake and eat it too. We can have adult stem-cell research which has proven ninety-nine percent effective in the early studies. We have countries that are developing stem-cells out of tissue from our nostrils in Australia and they can create a heart, they can create a kidney from just adult tissue which would be our own DNA - there's no rejection. Embryonic stem-cells aren't even proven to be effective. Zero, zero effectiveness out of embryonic stem-cells in all the research that they've done. And, I know, everybody in this room has made up their minds. But I hope that there's at least one or two more people in this chamber whose hearts are going to be broken tonight if they go home and vote for this, because this a tragic day in our state that we would legalize this kind of behavior, this kind of immoral research. We don't have to have the moral debate. We can have the scientific and medical assurance of finding cures for Parkinson's disease, for Lou Gehrig's disease, for diabetes, for all the diseases that plague our family members and the people we love. I have two great aunts that died of Parkinson's disease. There's nothing I'd like better than to find a cure for a disease that debilitates the body while the mind continues to work and know exactly what is happening and there's nothing you can do to stop it. We can have that with adult stem-cell research and emphasis on that kind of research. We don't have to exchange a life for another. And I urge you to please vote no on final passage."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Mr. President, Ladies and Gentlemen of the Senate, I would first like to say, thank my colleagues for the civility of the discussion that has gone on with regards to this very, very important issue. It's an issue that many have very strong feelings about. I had to take a course in embryology at the University of Puget Sound when I returned a few, several years ago in pursuit of my undergraduate degree which was a major in science. And to tell you the truth, in the very early hours after fertilization, I could not really identify anything, but a clump of cells under the microscope. These cells that had not been assigned to a home and that home would be whether that cell would be developed into a nose, an ear, an eye, a mouth. This is what researchers are concentrating on, rudimentary cells. Not having been assigned to a home in hopes of teasing these cells in order to be able to find a cure for those very, very debilitating diseases such as Lou Gehrig's disease, which is known as ALS, Amyotrophic Lateral Sclerosis, diabetes, some cancers. Prohibiting, for me, which allows me to really support this bill, is the prohibiting of human cloning, a bill which I had put forth in the last session which did not get passed because of a very strong feeling. The bill is made stronger because of a Class C felony. It was not as strong as it should have been. My fear is that the science are moving so fast, and the technology, is moving so fast that public policy is not keeping up. My fear is that some mad scientist somewhere without anything in control, any public policy, will be allowed to create another Frankenstein and that is really my greatest fear. We need to be able to have some public policy in place. As we look over the world, we know that it is going to happen. Be not, don't think that it will not happen, that someone will try to clone a human being, but what we are saying, it should not happen here in this state and we need to have a public policy. This bill, of course, is not an all to end all. We must be always alert. This bill casts some light, some sunshine on what is taking place. Science, as we know, tend to operate in a very closed environment. What we need is to have this ..."

Pursuant to Rule 29, imposed by the Senate earlier in the day, debate was limited to three minutes.

REMARKS BY SENATOR DECCIO

Senator Deccio: "One of the most vivid memories I have of World War II was visiting the Belsen concentration camp after World War II. To see those bodies that were stacked like cord wood and those who were still alive were gaunt ready, almost

ready, to die. They were embryos at one point, but somebody decided that those people should be done away with. It was government. That was the public policy of Germany. Genocide in Africa, those were embryos at one time. Public policy said those people should be destroyed. We're talking about the same thing. When human life begins, does it begin with an embryo and then results in a Jew being executed in the Belsen concentration camps? There is a relationship here. I think, we're living, we've developed a culture of death in this world today with what goes on and I think that for my part, when I have to answer the call, when someone asks me, 'Did you destroy human life?' I'm going to say, 'I did not support the destruction of human life because human life begins with an embryo.' And that's what we're talking about here. I'm not trying to offend anybody. I think its time we took a good, hard look at what happened and how far we go in this process. So I'm going to vote no."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you Mr. President. This is not the time, I believe, for anybody to draw moral equivalence between the events of the Holocaust or references to recent German history. This is a bill about the use of science and the application, by law, of ethical rules to science. We want to produce, and we want our state to be the place to produce, medicines that can approach a wide variety of physical diseases. This is a far cry from the Holocaust. I, personally, have a difficult time accepting some kind, any kind of political rhetoric that attempts to draw moral equivalency between science on one hand and murder of millions of people on the other. This is not that kind of occasion and I think we can, please, keep the rhetoric to this issue, to science and medicine. Thank you."

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you Mr. President. We had a lot of conversation here about different aspects of life, where it begins, how we should end it and on. And I really appreciated Senator Franklin's reference to back when she was in school and just I want to say, 'We've come a long way, baby.' This is about babies. We are talking about what goes on in creation. When we are putting the male and the female together in the form of reproduction, we are not reproducing little kittens. That never comes out that way. It never comes out as little puppies or baby horses. It comes out as human beings and you can not pretend that it is something other than what it is. There's been a lot of talk today about the reproductive cloning that we are prohibiting here and the therapeutic cloning and, if I may Mr. President, I would just like to give an example of what therapeutic cloning is and explain that a little bit?"

REMARKS BY SENATOR STEVENS

Senator Stevens: "Thank you Mr. President. 'Therapeutic cloning which consists of inserting the DNA from the cell's nucleus into an egg whose genetic material has been removed.' That's what we're talking about doing here. 'The egg is stimulated resulting in a cloned embryo that, genetically, is identical to the person who donated the cell.' Now, you can talk about reproductive cloning and, yeah, that is what we're taking away here, but we're not taking away the creation of human life. And as I said, we're not creating puppies or kittens, we're creating people and you can not pretend that it's otherwise. And, as Senator Deccio said a moment ago, we will have to answer for this some day in our consciences if nothing else, but certainly to the higher being who is the author of life. And I would just urge you, each and every one, to search your hearts to recognize that, indeed, we are moving into a labyrinth where we could have mad scientists who are creating life and using it for ill purposes. And I would just urge you people to have that heart to heart with yourself and examine exactly where we're going here and what we are we're doing."

REMARKS BY SENATOR BROWN

Senator Brown: "Thank Mr. President. I also respect the strong feelings on both sides of this issue. I'd like to just point out a couple of things. This bill not only forms some ethical guidelines, some ethic policy guidelines around the utilization of this type of research that, in the absence of this bill, would not be there. We would not have those kinds of guidelines or prohibitions in our law in the absence of this bill. So, this bill is an important step forward with respect to some ethical guidelines for this type of research. And then, furthermore, this bill does not allow the creation of embryos for research. Absolutely not. There are embryos that are already present because couples wishing to fulfill their desire to have children create them. Sometimes they are successful in having children. I know some of these children. I know some of these couples. I know the happiest day of their life is when their baby was born through the use of this process. And some of them are not successful and they do not have children. Under this bill, there's a process in place by which they may donate the embryonic material for research, which means that they know that, though they may not have been able to have children, that these efforts may help relieve human suffering, may keep someone's father or grandfather alive, may benefit in the overall scheme of things to the advancement of human knowledge and the reduction of human suffering. Personally, as someone who was born and raised Catholic and believes that the social teachings of the church teachings inspires me everyday, I find no contradiction between those essential values of wanting to reduce human suffering and advance ..."

POINT OF ORDER

Senator Mulliken "I object. I am truly offended. With all due respect to the Majority Leader, please, please do not say there is no conflict with the beloved Catholic Church. The Holy Catholic Church does not teach ..."

REMARKS BY SENATOR BROWN

Senator Brown: "Senator, I apologize. That was not what I was trying to say. Senator what I'm saying, is that, with my values and with my upbringing, I personally, see no conflict in promoting this bill and having values relating to reducing human suffering. That does not extend to other people. It does not extend to the official position of the Catholic Church. It certainly does not. I would never claim that. So, I apologize. I was simply trying to explain some of my personal motivation. I think many of us are motivated by our own personal values and religious views when we cast votes, despite the separation of church and state. Our personal religious views do motivate us. Our personal values and ethics and convictions do motivate us. That was all I was trying to explain. In any case, I do believe that this bill is consistent with the idea of alleviating human suffering and that many people who are involved and care a lot about it have that motivation."

REMARKS BY SENATOR HEWITT

Senator Hewitt: "Thank Mr. President. This is a decision I do not take lightly and I have pondered on this decision long and hard. My grandfather died from Alzheimer's and Alzheimer's wasn't even identified at that time. They didn't even call it Alzheimer's. I saw my grandfather go in and out of institutions not knowing what to do with him, not how to deal with him. And I saw the pain and suffering that my family endured because of that. I lost a very close, personal friend who was a Viet Nam veteran to Alzheimer's at the age of 52 years of age. 52 years of old. We have cancer patients on my wife's side of the family that have died at early ages, many of them, not just a few, but many of them. I saw my father die from the complications of diabetes. And this was over a period of years, this just wasn't a couple of years, this took many, many years for this to happen. I saw the mini-strokes. I saw the heart attacks and all the things that come from diabetes. I have a niece who has diabetes and she's had a transplant since then. And I've seen people suffer. And I know that we say that 90 percent, 98 percent of the research has come from adult stem cells, but, you know, that's like telling science that we can't move forward. We can't go to the moon. We can't do all the things and all the progress that we've made in that last fifty years. So I, this is a decision that I had to ponder on long and hard on and I'll tell you, it was difficult for me to get there, but I'm going to be supporting this bill just because of the reasons that I spoke about."

REMARKS BY SENATOR ZARELLI

Senator Zarelli: "Thank you Mr. President. Of course, I didn't think we were going to have this discussion until Monday. I certainly would've felt better coming in and starting the week off the week that way rather than ending it. However, we're at where we're at today. You know, I'm feeling a little used in this process. Earlier in the session, we passed the Life Sciences Fund and we put some amending language on there dealing with the issue of cloning. That was sent out of here and that's been stripped out. So with the passage of this bill today and it becoming law, now what we have, is not only the moving forward in this very, very debatable issue, but we're saying that the taxpayers are going to pay for it too, all of us, whether we agree with it or not. And it's something that I think, on this issue of life we decided, both on the national level and the state level, that if you want to do it, that's fine, but don't ask all of us to pay the freight. But, we're going to be asking the citizens of the state of Washington today, because of that previous motion out of this body, is that, not only we're going to do it, despite your objection, but we're going to make you pay for it. And I think that's wrong. The second point I wanted to make is that I understand the difficulty of seeing a loved one suffer and for me, it really doesn't matter that it's a loved one, it's just coming into contact with somebody who is in life and is struggling and suffering. It's very difficult to deal with. However, at some point, we need to come to the conclusion that life ends for all of us. And as much as we want for life to go on for everybody that we want to keep close to us, at a certain point, life gives way and we go on. And the concern I have, that we're going to be faced with in the future, is that our greed for life rather than living becomes the thing that consumes us. Instead of focusing on the days that we're given and doing everything that we can for our neighbor, for ourselves, for our families with the time we're given. Instead become reliant on man's desire to live as long as he or she can and therefore begin to put our faith in science to create the heart for us, to create the brain for us, to create the leg, to create the ligament, to simply replace it when we abuse it, use it and it's gone. And I think that'll be a terrible day. When we come to rely on ourselves and focus on the length of life rather than the quality of life in which we live. And I think that's the dilemma and the dynamic, Mr. President, that we're entering in today. I wish that we would be taking a smaller step and at least asking for further consideration in this body and the other as we move forward in this very, very difficult thing. This is the most difficult issue that we're challenged, not only as legislators, but as Americans today. I would just ask this body to move slower. Move this aside and let's reconsider where we're going in more of a baby step approach. Thank you."

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you Mr. President. This really is a perplexing issue. I stayed awake quite a bit last night, tossed and turned. I think I slept, but I did get up at five. We had a lot of calls in our office from people who see this bill as hope for their family, for their loved one. They may have Parkinson's disease or other ailments and there's hope there. In my own personal

belief, I sometimes say when bills come up like this that are so darned confusing, they're so complex that I'm reluctant to vote for it. I tried to do more research when somebody, the advocate, for the bill you see there reading their articles they're always in favor. And the people that don't like it, they give the articles that are on the other side. And I read a pretty good article in the magazine we all get, State Legislatures Magazine, here this morning which lays out briefly what other states are struggling with, in Missouri and other states on the east coast, California, which has just passed an initiative. So, rest assured there's lots of other people that are legislators that are dealing with this issue too. Yesterday I wasn't prepared to vote yes after some of the amendments failed, but I'm going to vote yes today. I'm going to do it, especially, for a person here that's not here today, and that's Senator Haugen, because in 2001 we had another big vote. It was collective bargaining. I was going to vote no on that bill. And my mother was in the hospital with gall bladder surgery, she had complications and there was a possibility that she wouldn't make it and I was there, just like she's with her daughter today in the hospital, and she voted no for me. She would've voted yes. I'm going to vote yes today and partially pay her back for what she did. Thank you."

REMARKS BY SENATOR BENSON

Senator Benson: "Thank you Mr. President. Some of the discussion today has been that we need to have a policy on this issue. And I agree and I think everybody on this floor agrees that we need to have a policy on this issue. So, the question isn't whether we should have a policy or whether we should not have a policy. We all agree on that. Yesterday, we offered an amendment and if that amendment had gone through we would've had a good, non-partisan policy that we could've all moved forward with. It would've been something that would've moved forward research without raising the ethical questions of how we use an embryo. Essentially, use a human life. And that's what this is about, is using a human life. There's no country in the history of this world that has ever been judged harshly by history for erring to the side of human rights. Ever. The great tragedies of human history have always begun with dehumanization of other human beings. It's very important that we as a body, we as a state, we as a country do whatever we can to stay as clear of devaluing the human life and using human life for our own purposes as we can possibly be. Therefore, I ask you to vote no on this and let's build a new policy that is a bi-partisan policy."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President. Well, this too has been a real struggle for me, but let me tell you a little story first. Fifty-one years ago, May 3rd in 1954, my mother died of breast cancer. She left three little kids. Her doctor cried at her bedside because he couldn't save her. His name was Dr. Hutchinson. He went on to develop the tumor institute. His patients were my mother's sisters, all seven of them. Because of his research, the work that he did, it meant that people like me, my cousins, my daughters have a mother and have grandmother. Dr. Hutchinson, of course, is the founder of the Hutchinson Research. When I came down here in '97, my first bill was to give the research facilities bonding capacity, like hospitals, so that we could form the Fred Hutch Center. Research is never done. And I support this bill because I think we cannot put stopgaps into what the good Lord gave us. A free will to be able to preserve life, be able to use the capacity we have to save others. I think that this bill is what we want it to do. It sets up those guidelines and those policies so they will be ethical. So they will be ethical. So the research does not go beyond what we think and our society knows that is what's best. The debate for us is to be able to make sure that there will be a foundation, a foundation that will give the guidelines for the state of Washington. I support this. I support this and I'm asking you to do the same."

MOTION

Senator Benton moved to postpone indefinitely further consideration of Engrossed House Bill 1268.

POINT OF ORDER

Senator Brown: "Thank you Mr. President. I object."

The President declared the question before the Senate to the motion by Senator Benton that further consideration of Engrossed House Bill 1268 be postponed indefinitely.

Senator Benton demanded a roll call.

The President declared that one-sixth of the Senators supported the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Sheldon: "I think at the point the objection was raised, or division was called, excuse me, request for a roll call. The appropriate action would be a division."

REPLY BY THE PRESIDENT

President Owen: "No Senator, either process for counting votes is appropriate prior to the dropping of the gavel."

ROLL CALL

The Secretary called the roll on the motion to indefinitely postpone further consideration of Engrossed House Bill No. 1268 and the motion failed the Senate by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Carrell, Deccio, Delvin, Doumit, Esser, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 20.

Voting nay: Senators Berkey, Brandland, Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27.

Excused: Senators Haugen and McCaslin - 2.

MOTION

On motion of Senator Eide, further consideration of Engrossed House Bill No. 1268 was deferred and the bill held its place on the third reading calendar.

SECOND READING

HOUSE BILL NO. 1958, by Representatives Buck and B. Sullivan

Extending certain limited fisheries buyback programs.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1958.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1958 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Haugen and McCaslin - 2

HOUSE BILL NO. 1958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Zarelli moved that the all remarks made during consideration of Engrossed House Bill No. 1268 be spread upon the Journal.

Senators Deccio and Kohl-Welles spoke in favor of the motion.

Senator Brown spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Zarelli that all remarks made on April 8, 2005 to Engrossed House Bill No. 1268 be spread upon the Journal and the motion carried.

SECOND READING

HOUSE BILL NO. 1254, by Representatives Wood, Jarrett, Simpson, B. Sullivan, Wallace, Kilmer, Hankins, Haler, Hunter, Morrell, Lovick, Nixon and Ormsby

Authorizing the "share the road" special license plate.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the "Share the Road" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.

(2) The department shall issue a special license plate displaying a symbol or artwork, approved by the special license plate review board and the legislature, recognizing an organization that promotes bicycle safety and awareness education. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate the life of Cooper Jones.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Share the Road license plates" means license plates that commemorate the life of Cooper Jones and display a symbol of an organization that promote bicycle safety and awareness education in communities throughout Washington.

Sec. 3. RCW 46.16.313 and 2004 c 221 s 3, 2004 c 48 s 3, and 2004 c 35 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the

cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Share the Road" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Share the Road" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Share the Road" account established under section 4 of this act.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Share the Road" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Share the Road" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Share the Road" account established under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

(1) The "Share the Road" account is created in the custody of the state treasurer. Upon the department's determination that the state had been reimbursed for the cost of implementing the "Share the Road" special license plate, all receipts, except as provided in RCW 46.16.313(12) (a) and (b), from "Share the Road" license plates must be deposited into the account. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the account must be disbursed subject to the following conditions and limitations:

(a) Under the requirements set out in RCW 46.16.765, the department must contract with a qualified nonprofit organization to promote bicycle safety and awareness education in communities throughout Washington.

(b) For the purpose of this section, a "qualified nonprofit organization" means a not-for-profit corporation incorporated and of tax exempt status under section 501(c)(3) of the federal internal revenue code. The organization must promote bicycle safety and awareness education in communities throughout Washington.

(c) The qualified nonprofit organization must meet all requirements set out in RCW 46.16.765.

Sec. 5. RCW 46.16.333 and 2002 c 264 s 3 are each amended to read as follows:

In cooperation with the Washington state patrol and the department of licensing, the traffic safety commission shall create and design, and the department shall issue, Cooper Jones license plate emblems displaying a symbol of bicycle safety that may be used on motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. These license plate emblems will fund the Cooper Jones act and provide funding for bicyclist and pedestrian safety education, enforcement, and encouragement.

Any person may purchase Cooper Jones license plate emblems. The emblems are to be displayed on the vehicle license plates in the manner described by the department, existing vehicular licensing procedures, and current laws. The fee for Cooper Jones emblems shall be twenty-five dollars. All moneys collected shall first go to the department to be deposited into the motor vehicle fund until all expenses of designing and producing the emblems are recovered. Thereafter, the department shall deduct an amount not to exceed five dollars of each fee collected for Cooper Jones emblems for administration and collection expenses. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the proceeds to the ~~((bicycle and pedestrian safety account as established in RCW 43.59.150))~~ "Share the Road" account established under section 4 of this act.

Sec. 6. RCW 43.59.150 and 1999 c 372 s 9 and 1999 c 351 s 1 are each reenacted and amended to read as follows:

~~((1))~~ The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety.

~~((2) The bicycle and pedestrian safety account is created in the state treasury to support bicycle and pedestrian education or safety programs.)~~

NEW SECTION. Sec. 7. Section 6 of this act takes effect June 30, 2007."

Senator Jacobsen spoke in favor of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1254.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

In line 1 of the title, after "plate" strike the remainder of the title and insert "to commemorate Cooper Jones; amending RCW 46.16.333; reenacting and amending RCW 46.16.313 and 43.59.150; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1254, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Swecker and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1254, as amended by the Senate.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1254, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli – 43

Absent: Senators Finkbeiner, Honeyford and Parlette – 3

Excused: Senators Haugen, McCaslin and Poulsen – 3

HOUSE BILL NO. 1254, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5150,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION

8658

By Senators Delvin, Fraser, Shin, Parlette, Mulliken, McCaslin, Schoesler, Benton, Esser, Carrell, Stevens, Hewitt, Honeyford, Johnson, Deccio, Pflug, Brandland, Oke, Schmidt, Keiser, Eide, Roach, Fairley, Prentice, Berkey, Thibaudeau, McAuliffe, Regala, Kohl-Welles, Kline, Brown, Doumit, Franklin, Kastama, Spanel, Rasmussen, Jacobsen, Poulsen, Weinstein, Pridemore and Rockefeller

WHEREAS, Mark Noble exhibited true excellence during his 21 years as a Fire Fighter, beginning as a student at the McLane Fire Department and rising to the rank of Captain, and serving several terms as President of the Fire Fighter's Local Union and later with the Olympia Fire Department; and

WHEREAS, Mark Noble was born July 15, 1957, in Larkspur, California, to Helaine and Gerald Noble; and

WHEREAS, Mark Noble was raised in Belvedere, California, and attended The Evergreen State College, where he received his Bachelor of Arts degree in 1978; and

WHEREAS, Mark Noble's death on January 15, 2005, at age 46 was the first Line of Duty Death in the 146-year history of the Olympia Fire Department; and

WHEREAS, Mark Noble exhibited great strength, courage, and humor as he battled work-related brain cancer and allowed his friends and family to share in his journey through his web site "TumorOrLater"; and

WHEREAS, Mark Noble's excellence in serving the public stemmed from his love of the fire service, the challenges he conquered in the work, and the camaraderie of his fellow fire fighters; and

WHEREAS, Mark Noble's passion for woodworking led him to build a remarkable home which became the site for gatherings for his many friends; and

WHEREAS, Mark Noble's excellent black and white landscape photography became treasured gifts for his friends and valued finds for collectors; and

WHEREAS, Mark Noble left a legacy of honor, courage, commitment to family and friendship, service to his community, and devotion to his chosen career;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the spirit, devotion, and service of Mark Noble and extend its deepest condolences to his sons Luke and Shane, his wife Rebecca, his mother Helaine, his sister Lisa, and his many friends and coworkers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to his family, the McLane Fire Department, and the Olympia Fire Department.

Senators Delvin, Fraser, Shin and Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

The motion by Senator Delvin carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Mulliken moved adoption of the following resolution:

SENATE RESOLUTION

8673

By Senators Mulliken, Doumit, Kline, Poulsen, Berkey, Johnson, Hargrove, Franklin, Thibaudeau, Esser, McCaslin, Zarelli, Carrell, Kohl-Welles, Eide, Rasmussen, Deccio, Keiser, Hewitt, Morton, Oke, Honeyford, Benton, Brandland, Kastama, McAuliffe, Swecker, Roach, Benson, Schoesler, Parlette, Finkbeiner, Weinstein, Shin, Fraser, Spanel, Haugen and Brown

WHEREAS, Pope John Paul II was called home by God on Saturday, April 2, leaving more than a billion Catholics worldwide--and 1.6 million Catholics in Washington state--mourning the loss of their bold and beloved leader, who "towered over his century, then led his church into a new millennium"; and

WHEREAS, Pope John Paul II was born Karol Wojtyla in Wadowice, Poland, in 1920, received his First Holy Communion at age 9 and was confirmed at age 18; and

WHEREAS, He lost his mother, father, and brother all by 1941; and

WHEREAS, He enrolled in the university and in a school for drama in 1938, but went to work in the quarry, then later a chemical factory to avoid being deported to Germany when Nazi occupation forces closed the university in 1939; and

WHEREAS, He was called to the priesthood in 1942 and began courses in the clandestine seminary of Cracow, run by the Archbishop of Cracow, while at the same time pioneering the "Rhapsodic Theatre"--also clandestine; and

WHEREAS, He is credited with helping Jews find refuge from the Nazis and appeared on a Nazi blacklist in Poland in 1944 for his activities in a Christian democratic underground; and

WHEREAS, After surviving World War II, he continued his studies in the major seminary of Cracow and in the faculty of theology at the university, until his priestly ordination on November 1, 1946; and

WHEREAS, On July 4, 1958, he was appointed Auxiliary Bishop of Cracow by Pope Pius XII, and was consecrated on September 28, 1958, by Archbishop Baziak; and

WHEREAS, He was nominated Archbishop of Cracow on January 13, 1964, by Pope Paul VI who made him a cardinal on June 26, 1967; and

WHEREAS, Besides taking part in Vatican Council II, as Cardinal, he participated in all the assemblies of the Synod of Bishops; and

WHEREAS, He took the name John Paul II on October 16, 1978, when he was elected pope at the age of 58, making him the youngest pope in 132 years, the first non-Italian pope in 455 years, and the first Pole to claim the position of Holy Father; and

WHEREAS, His election placed him on a global stage as "winds of reform were blowing through the Soviet Union and Eastern bloc" and many call him the "most influential pope since the Reformation, playing a dual role as consolidator of church teachings and catalyzer of post-communist world politics"; and

WHEREAS, He is credited with "toppling the totalitarian government of his native Poland in 1989, which contributed to the fall of communist Eastern Europe and the Soviet Union"; and

WHEREAS, He is also credited for his "unique ability to talk to non-Catholics" and "address centuries-old grievances," holding power for a generation "as presidents and world leaders came and went" and as the church changed, "growing enormously in Africa and Latin America during his tenure"; and

WHEREAS, No other pope has encountered so many individuals as John Paul II with more than 17.6 billion pilgrims having participated in the General Audiences held on Wednesdays, more than 8 million pilgrims participating in the Great Jubilee of the Year 2000, 104 pastoral visits outside of Italy and 146 within Italy as well as 38 official visits, 738 audiences and meetings with heads of state, and 246 audiences and meetings with Prime Ministers; and

WHEREAS, Even as a revered world leader, possessing a broad range of talents as a poet, an athlete, a linguist, a playwright, an actor, a philosopher, an economic critic, a deft political strategist, and a prolific writer, Pope John Paul II "never let his followers forget he was human," and noted "his own sinfulness, his feeling of unworthiness of God's love"; and

WHEREAS, Among his final comments, he said, "Do not weep for me. You should be joyful, as I am joyful";

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate join people across the earth in mourning the passing of this great champion of human dignity and freedom, this faithful and humble servant of God, and this powerful shepherd of the Catholic Church; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate take a moment of silence to reflect upon Pope John Paul II's contributions to this world, to celebrate his life, and to remember his guidance to "Be not afraid," as we go forth in our work to protect the vulnerable, promote human freedom, and unite the people of Washington for the common good; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Vatican as well as to the Archdiocese of Seattle and to the Dioceses of Spokane and Yakima.

Senators Mulliken, Deccio, Franklin, Shin, Rasmussen and Kline spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

The motion by Senator Mulliken carried and the resolution was adopted by voice vote.

MOTION

Senator Deccio: "If there's no objection, I'd like to have all the names of the members of the Senate added to the resolution."

REPLY BY THE PRESIDENT

President Owen: "Senator Deccio, you passed a rule this session that does not allow for that. Each member would have to come up and sign onto the resolution."

MOTION

At 12:27 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 11, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 8, 2005

2005 REGULAR SESSION

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 11, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benson, Doumit, Kline, McCaslin, Pflug, Rasmussen and Roach.

The Sergeant at Arms Color Guard consisting of Pages Julia Dellwo and Hayley Larsen, presented the Colors. Senator Schmidt offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENT

April 4, 2005

SGA 9143 JANE NISHITA, reappointed April 3, 2003, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Pridemore; Vice Chair; Early Learning, K-12 & Higher Education, Rockefeller, Schmidt, Schoesler and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

April 8, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Department of Social & Health Services "Quarterly Child Fatality Report". This report is mandated under RCW 74.13.640.

If you have any questions about the report, please call 360-902-7822.

Sincerely,
Dennis Braddock, Secretary

The Washington State Department of Social & Health Services "Quarterly Child Fatality Report" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 7, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

VALORIA LOVELAND, reappointed April 5, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Agriculture.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Agriculture & Rural Economic Development.

March 16, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SANDY MATHESON, appointed April 1, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Retirement Systems.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

March 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LINDA VILLEGAS BREMER, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of General Administration.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed the following bill:

HOUSE CONCURRENT RESOLUTION NO. 4408,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6107 by Senators Haugen and Swecker

AN ACT Relating to transportation funding and appropriations.

Referred to Committee on Transportation.

SB 6108 by Senators Haugen and Swecker

AN ACT Relating to ferry systems.

Referred to Committee on Transportation.

SB 6109 by Senators Haugen and Swecker

AN ACT Relating to transportation revenue.

Referred to Committee on Transportation.

SB 6110 by Senators Haugen and Swecker

AN ACT Relating to transportation improvement and financing.

Referred to Committee on Transportation.

SB 6111 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6112 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6113 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6114 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6115 by Senator Prentice

AN ACT Relating to K-12 education.

Referred to Committee on Ways & Means.

SB 6116 by Senator Prentice

AN ACT Relating to K-12 education.

Referred to Committee on Ways & Means.

SB 6117 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6118 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6119 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

SB 6120 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

ESB 6121 by Senator Prentice

AN ACT Relating to fiscal matters; adding a new section to chapter ... (ESSB 6090), Laws of 2005 (uncodified); and making appropriations.

Referred to Committee on Ways & Means.

SB 6122 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6123 by Senator Prentice

AN ACT Relating to retirement.

Referred to Committee on Ways & Means.

SB 6124 by Senator Prentice

AN ACT Relating to retirement.

Referred to Committee on Ways & Means.

SB 6125 by Senator Prentice

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

SB 6126 by Senator Prentice

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4408 by Representatives Quall, Ormsby, Dunn and McDermott

Creating a joint select committee on secondary education.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9141, Kathryn A. Nelson, as a member of the Professional Educator Standards Board, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senators Doumit and Rasmussen were excused.

APPOINTMENT OF KATHRYN A. NELSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9141, Kathryn A. Nelson as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9141, Kathryn A. Nelson as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Benson, Kline, McCaslin, Pflug and Roach - 5

Excused: Senators Doumit and Rasmussen - 2

Gubernatorial Appointment No. 9141, Kathryn A. Nelson, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTIONS

On motion of Senator Mulliken, Senators Benson, Carrell, Pflug and Roach were excused.

On motion of Senator Hewitt, Senators Benton and McCaslin were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9155, Holly Parker Jensen, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF HOLLY PARKER JENSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9155, Holly Parker Jensen as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9155, Holly Parker Jensen as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Jacobsen - 1

Excused: Senators Benson, Benton, Carrell, McCaslin and Roach - 5

Gubernatorial Appointment No. 9155, Holly Parker Jensen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Reappointment No. 9207, John D. Warner, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

REAPPOINTMENT OF JOHN D. WARNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9207, John D. Warner as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9207, John D. Warner as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Benton, McCaslin and Roach - 4

Gubernatorial Reappointment No. 9207, John D. Warner, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, An issue has been brought to the President's attention and I would just like to remind the body of Rule 10. Under Rule 10, no one is allowed on the Senate floor during session other than members; other state elected officials; certain designated staff; members of the staff; and members of the press; and guests recognized and permitted by the President. Particularly, I would ask the members to be especially courteous in following this rule with respect to the couches in the back of the chamber which are in such close proximity to the desk of those members seated there. Thank you very much."

SECOND READING

HOUSE BILL NO. 1202, by Representatives Williams, Woods, Lantz, Hunt, Campbell, Appleton, McCune, Eickmeyer, Ormsby and Kilmer

Creating additional district court judge positions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1202.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1202 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Benson, Benton, McCaslin and Roach - 4

HOUSE BILL NO. 1202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1621, by Representative McDonald

Modifying identification requirements for liquor purchases.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1621.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1621 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benson, McCaslin and Roach - 3

HOUSE BILL NO. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:25 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5161,
SUBSTITUTE SENATE BILL NO. 5709,
SENATE BILL NO. 5831,
SENATE BILL NO. 5974,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SENATE BILL NO. 5006,
SENATE BILL NO. 5175,
SENATE BILL NO. 5180,
SENATE BILL NO. 5267,
SENATE BILL NO. 5869,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5161,
SUBSTITUTE SENATE BILL NO. 5709,
SENATE BILL NO. 5831,
SENATE BILL NO. 5974,
SENATE BILL NO. 5006,
SENATE BILL NO. 5175,
SENATE BILL NO. 5180,
SENATE BILL NO. 5267,
SENATE BILL NO. 5869.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1690, by Representatives Cody and Moeller

Regarding the applicability of certain taxes and assessments to state funded health care services.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.14.0201 and 2004 c 260 s 24 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in RCW 48.44.010, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035;

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW; or

(iii) The medicaid program on behalf of elderly or disabled clients as provided in chapter 74.09 RCW when these prepayments are received prior to July 1, 2009, and are associated with a managed care contract program that has been implemented on a voluntary demonstration or pilot project basis.

(c) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020.

~~((c))~~ (d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state does hereby preempt the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision shall have the right to impose any such taxes upon such taxpayers. This subsection shall be limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection shall not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. If there has not been a final determination by the United States department of labor or a federal court that the taxes are not preempted by federal law, the taxes provided for in this section become effective on March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later. During the time period between March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later, and the final determination by the United States department of labor or a federal court, any taxes shall be deposited in an interest bearing escrow account maintained by the ~~((self-funded))~~ self-funded multiple employer welfare arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income

security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the state treasurer.

Sec. 2. RCW 48.41.090 and 2000 c 79 s 11 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan; ~~((and))~~

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly or disabled medicaid clients under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) If assessments exceed actual losses and administrative expenses of the pool, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug, Parlette and Deccio to the committee striking amendment be adopted.

On page 4, line 16, after "calculation" insert "and those assessments shall be paid by the state"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Prentice, Franklin and Keiser spoke against adoption of the amendment to the committee striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug, Parlette and Deccio on page 4, line 16 to the committee striking amendment to House Bill No. 1690.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benson Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein- 25

Excused: Senator McCaslin - 1

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1690.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 48.14.0201 and 48.41.090."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1690, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Parlette and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1690, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1690, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Hewitt and Swecker - 3

Excused: Senator McCaslin - 1

HOUSE BILL NO. 1690, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "As those of you in the audience or on the floor know I come from Whatcom county which borders Canada and I just want to actually speak to this full Intern program just very briefly, if you don't mind. You know, working on the border is a very, at times, it's a very delicate issue but when push comes to shove we always find ways to get along and get things done. It's really been kind of an honor, I think, to be a part of – a very small part – of the Intern program that we have here. We have eighty young interns that are working with the House and the Senate this year and I'm standing because you're going to be introduced to a lot of them throughout the day and you're probably going to be introduced to some of our British Columbia interns as well. I think this is a great program. It's been a great learning experience for me as a Legislator to talk with our intern in our office. For the past two years we've had an intern. To see them grow and learn is a very rewarding part of this process for me. I hope that each of you have had the opportunity to at one time to have an intern as well and to give these young people the opportunity to go up to Canada and see how their process works and to have the BC folks come down here and take a look at our process. I think everybody is a winner here and I welcome them whole heartedly. Thank you."

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 1268, by Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire.

Regulating stem cell research.

The bill was read on Third Reading.

MOTION

Senator Brown demanded the previous question.

The President declared that at least two additional senators joined the demand and the demand was sustained.

MOTION

Senator Benton moved that Engrossed House Bill No. 1268 be referred to the Committee on Judiciary.

PARLIAMENTARY INQUIRY

Senator Eide: "Regarding the last motion just made can we speak against that motion?"

REPLY BY THE PRESIDENT

President Owen: "The President would like to first determine which motion has higher rank and then we'll proceed. "

RULING BY THE PRESIDENT

President Owen: "Senator Benton, the motion to demand the previous question has higher rank and we will dispose of that first before we can address your motion."

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Brown, "Shall the main question be now put?"

PARLIAMENTARY INQUIRY

Senator Benton: "Clarification, Mr. President. I want to make sure with the motion and the procedural stuff that's happening here that every member understands exactly what their yes or no vote on this motion would mean. Am I to understand correctly that the motion that we are about to roll call is the motion to end debate on the issue and nothing else? Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That's correct."

ROLL CALL

The Secretary called the roll on the motion by Senator Brown "Shall the main question be now put?" and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Excused: Senator McCaslin - 1.

The President declared the question before the Senate to be the motion by Senator Benton to refer Engrossed House Bill No. 1268 to the Committee on Judiciary.

MOTION

Senator Johnson moved that the Senate recess until 1:30 p.m.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Brown spoke against the motion.

POINT OF ORDER

Senator Esser: "I believe that referring to a motion made in good faith as 'delay tactics' is inappropriate and is impugning the motives of the speaker."

Senator Johnson spoke in favor of the motion.

The President declared the question before the Senate to be the motion of Senator Johnson that the Senate recess until 1:30 p.m.

ROLL CALL

The Secretary called the roll on the motion by Senator Johnson that the Senate recess until 1:30 p.m. and the motion was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator McCaslin - 1.

President declared the question before the Senate to be the motion by Senator Benton to refer Engrossed House Bill No. 1268 to the Committee on Judiciary.

MOTION

Senator Morton moved that the Senate adjourn until 2:00 p.m.

RULING BY THE PRESIDENT

President Owen: "Senator Morton, your motion would be out of order because of the fact that we have just had a motion to, in effect, adjourn until a time certain which is what your motion is. The President believes that the overriding factor is adjourning or recessing 'to a time certain' are the same motion."

MOTIONS

Senator Benton demanded a division.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the motion by Senator Benton to refer Engrossed House Bill No. 1268 to the Committee on Judiciary and the motion was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator McCaslin - 1.

MOTION

Senator Zarelli moved that the Senate adjourn.

PARLIAMENTARY INQUIRY

Senator Kline: "Mr. President, I'm, I wish I could remember the exact section of the Senate Rules and or in Reed's Rules. I believe there is explicit language about the abuse of the rules and I believe Mr. President, that you may very well rule that what we're seeing here is just exactly that. A repetitive motion to adjourn either to one time certain or to another or not to a time certain. This is I believe an abuse of those rules not to be allowed."

REPLY BY THE PRESIDENT

President Owen: "The President believes there is some language over orderly conduct, etcetera, and I will take that into consideration as we continue on. Right now, the point before us is the matter by Senator Zarelli to adjourn. Senator Zarelli, you must provide a time to adjourn to."

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate adjourn until 10:00 a.m., Tuesday, April 12, 2005.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the motion by Senator Zarelli that the Senate adjourn until 10:00 a.m., Tuesday, April 12, 2005 and the motion failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator McCaslin - 1.

POINT OF ORDER

Senator Doumit: "Thank you Mr. President. I'm just wondering how many times you can reconsider the same motion without being on the prevailing side?"

REPLY BY THE PRESIDENT

President Owen: "They're not reconsidering. These are new motions, Senator Doumit."

MOTION

Senator Benton demanded a call of the Senate.

The President declared that two additional members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Kline: "Mr. President, these repetitive motions are, in effect, motions for reconsideration and I believe that, as motions for reconsideration of decisions previously made, they're improper for two reasons. The most important of which is, in order to move for reconsideration, you must've been on the prevailing side, in each one of these motions, the maker has been not someone on the prevailing side. Secondly I believe they are an abuse of Rule 36 of the Senate Rules in they are constantly calling a previous question, constantly going over the same motions and are, in effect, an abuse. For that reason, I urge that the, Mr. President, that you rule that the previous motion that is currently before you is out of order."

POINT OF ORDER

Senator Benton: "Thank you Mr. President. I believe there's a motion for a call of the Senate on the floor and do not believe that motion is debatable. It would appear that Senator Kline is attempting to debate that motion."

REPLY BY THE PRESIDENT

President Owen: "Senator Kline is asking for a point of order which the President believes is appropriate at this time, however, he is not correct in his interpretation. Once an action has taken place another motion to adjourn would be in order. A motion to adjourn and then another by another motion to adjourn would not be in order. Therefore the procedures that have been taking place are appropriate at this time."

The President declared the question before the Senate to be the motion by Senator Benton for a call of the Senate.

RULING BY THE PRESIDENT

President Owen: "The President feels that its appropriate that he clarifies where we're at at this time and just some of the process just generally. The rules provide for the motions that you have been making to be allowed for, because there are specific rules that provide for it. The rules do not allow for a call of the Senate prior to the vote being taken at this time because of where we are at in the rules right now. Your motion for a call of the Senate at this time is not in order."

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1268.

CALL OF THE SENATE

Senator Benton demanded a call of the Senate.

The President declared that two additional members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Benton for a call of the Senate.

RULING BY THE PRESIDENT

President Owen: "For clarification, the rule provides that a call of the Senate can be made during a vote."

The motion by Senator Benton failed by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1268 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 23

Voting nay: Senators Benson, Benton, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 26

ENGROSSED HOUSE BILL NO. 1268, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Senator Brown gave notice of her intent to move to reconsider the vote by which Engrossed House Bill No. 1268 failed to pass the Senate.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTIONS

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8644

By Senators Jacobsen, Spanel, Fairley, Franklin, Oke and Finkbeiner

WHEREAS, April 12, 2005, will be the centenary of the birth of Warren G. Magnuson, Washington's distinguished United States Senator and for several years President Pro Tem of the United States Senate; and

WHEREAS, Senator Magnuson's career of public service extended for over half a century; and during his career in the U.S. Senate, he had a major hand in enacting federal consumer protection laws, health care, civil and voting rights legislation, and federal aid to education and he was a confidant of U.S. Presidents; and

WHEREAS, Senator Magnuson helped to secure for Washington federal assistance for dams; highways, bridges, and airports; the University of Washington medical school and hospital; and National Oceanic and Atmospheric Administration facilities and parks; and

WHEREAS, On the centenary of his birth, it is appropriate for those who benefited from his activities to pause and consider his career and contributions as exemplary of a good and faithful public servant;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington call on the State Archivist, the officials of state museums, the University of Washington and other state universities and colleges, and Washington cities and counties to remember and commemorate the career and accomplishments of Senator Warren G. Magnuson on or about the centenary of his birth with such activities and events as they deem appropriate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to Mrs. Jermaine Magnuson, to the State Archivist, to the University of Washington and other state institutions of higher education, and to the Association of Washington Cities for distribution to Washington cities and the Washington Association of County Officials for distribution to the chief executives of Washington counties.

Senators Jacobsen and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

MOTION

At 12:48 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:38 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1034, by Representatives Kirby, Roach and Simpson

Conducting the administrative supervision of financially distressed insurers.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.31.020 and 1998 c 284 s 8 are each amended to read as follows:

(1) For the purposes of this chapter, other than as to RCW 48.31.010, and in addition to persons included under RCW 48.99.010, the term "insurer" shall be deemed to include an insurer authorized under chapter 48.05 RCW, an insurer or institution holding a certificate of exemption under RCW 48.38.010, a health care service contractor registered under chapter 48.44 RCW, and a health maintenance organization registered under chapter 48.46 RCW, as well as all persons engaged as, or purporting to be engaged as insurers, institutions issuing charitable gift annuities, health care service contractors, or health maintenance organizations in this state, and to persons in process of organization to become insurers, institutions issuing charitable gift annuities, health care service contractors, or health maintenance organizations.

(2) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Exceeded its powers" means the following conditions:

(i) The insurer has refused to permit examination of its books, papers, accounts, records, or affairs by the commissioner, his or her deputies, employees, or duly commissioned examiners as required by this title or any rules adopted by the commissioner;

(ii) A domestic insurer has unlawfully removed from this state books, papers, accounts, or records necessary for an examination of the insurer;

(iii) The insurer has failed to promptly comply with the filing of any applicable financial reports as required by this title or any rules adopted by the commissioner;

(iv) The insurer has neglected or refused to observe a lawful order of the commissioner to comply, within the time prescribed by law, with any prohibited deficiency in its applicable capital, capital stock, or surplus;

(v) The insurer is continuing to transact insurance or write business after its license has been revoked or suspended by the commissioner;

(vi) The insurer, by contract or otherwise, has unlawfully or has in violation of an order of the commissioner or with respect to a transaction to which the insurer has without first having obtained written approval of the commissioner if approval is required by law;

(A) Totally reinsured its entire outstanding business; or

(B) Merged or consolidated substantially its entire property or business with another insurer; or

(vii) The insurer engaged in any transaction in which it is not authorized to engage under this title or any rules adopted by the commissioner.

(b) "Consent" means agreement to administrative supervision by the insurer.

Sec. 2. RCW 48.31.115 and 1993 c 462 s 60 are each amended to read as follows:

(1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver or administrative supervisor responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners, administrative supervisors, and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers and special administrative supervisors appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the

commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

(7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an alleged act or omission that takes place on or after July 25, 1993.

(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before July 25, 1993, unless suit is filed and valid service of process is obtained within twelve months after July 25, 1993.

(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after July 25, 1993, without regard to when the alleged act or omission took place.

NEW SECTION. Sec. 3. (1) An insurer may be subject to administrative supervision by the commissioner if upon examination or at any other time the commissioner makes a finding that:

(a) The insurer's condition renders the continuance of its business financially hazardous to the public or to its insureds consistent with this title or any rules adopted by the commissioner;

(b) The insurer has or appears to have exceeded its powers granted under its certificate of authority and this title or any rules adopted by the commissioner;

(c) The insurer has failed to comply with the applicable provisions of Title 48 RCW or rules adopted by the commissioner such that its condition has or will render the continuance of its business financially hazardous to the public or to its insureds;

(d) The business of the insurer is being conducted fraudulently; or

(e) The insurer gives its consent.

(2) If the commissioner determines that the conditions set forth in subsection (1) of this section exist, the commissioner shall:

(a) Notify the insurer of his or her determination;

(b) Furnish to the insurer a written list of the requirements to abate this determination; and

(c) Notify the insurer that it is under the supervision of the commissioner and that the commissioner is applying and effectuating the provisions of this chapter. Action by the commissioner shall be subject to review pursuant to chapters 48.04 and 34.05 RCW.

(3) If placed under administrative supervision, the insurer has sixty days, or another period of time as designated by the commissioner, to comply with the requirements of the commissioner subject to the provisions of this chapter.

(4) If it is determined after notice and hearing that the conditions giving rise to the administrative supervision still exist at the end of the supervision period under subsection (3) of this section, the commissioner may extend the period.

(5) If it is determined that none of the conditions giving rise to the administrative supervision exist, or that the insurer has remedied the conditions that gave rise to the supervision, the commissioner shall release the insurer from supervision.

NEW SECTION. Sec. 4. (1) Except as set forth in this section, proceedings, hearings, notices, correspondence, reports, records, and other information in the possession of the commissioner relating to the supervision of any insurer under this chapter are confidential and are not subject to chapter 42.17 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action, except as provided by this section. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

(2) The employees of the commissioner have access to these proceedings, hearings, notices, correspondence, reports, records, or information as permitted by the commissioner. Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner may share the notices, correspondence, reports, records, or information with other state, federal, and international regulatory agencies, with the national association of insurance commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, if the commissioner determines that the disclosure is necessary or proper for the enforcement of the laws of this or another state of the United States, and provided that the recipient

agrees to maintain the confidentiality of the documents, material, or other information. No waiver of any applicable privilege or claim of confidentiality may occur as a result of the sharing of documents, materials, or other information under this subsection.

(4) The commissioner may open the proceedings or hearings or make public the notices, correspondence, reports, records, or other information if the commissioner deems that it is in the best interest of the public or in the best interest of the insurer or its insureds, creditors, or the general public. However, the determination of whether to disclose any confidential information at the public proceedings or hearings is subject to applicable law.

(5) This section does not apply to hearings, notices, correspondence, reports, records, or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

NEW SECTION. Sec. 5. During the period of administrative supervision, the commissioner or the commissioner's designated appointee shall serve as the administrative supervisor. The commissioner shall establish standards and procedures that maintain reasonable and customary claims practices and otherwise provide for the orderly continuation of the insurer's operations and business. Considering these standards and procedures, the commissioner may provide that the insurer may not do any of the following things during the period of supervision, without the prior approval of the commissioner or the appointed administrative supervisor:

- (1) Dispose of, convey, or encumber any of its assets or its business in force;
- (2) Withdraw any of its bank accounts;
- (3) Lend any of its funds;
- (4) Invest any of its funds;
- (5) Transfer any of its property;
- (6) Incur any debt, obligation, or liability;
- (7) Merge or consolidate with another company;
- (8) Approve new premiums or renew any policies;
- (9) Enter into any new reinsurance contract or treaty;
- (10) Terminate, surrender, forfeit, convert, or lapse any insurance policy, certificate, or contract, except for nonpayment of premiums due;
- (11) Release, pay, or refund premium deposits; accrued cash or loan values; unearned premiums; or other reserves on any insurance policy, certificate, or contract;
- (12) Make any material change in management; or
- (13) Increase salaries and benefits of officers or directors or the preferential payment of bonuses, dividends, or other payments deemed preferential.

NEW SECTION. Sec. 6. During the period of administrative supervision the insurer may contest an action taken, proposed to be taken, or failed to be taken by the administrative supervisor specifying the manner wherein the action being complained of would not result in improving the condition of the insurer. Denial of the insurer's request upon reconsideration entitles the insurer to request a proceeding under chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 7. RCW 48.31.020, 48.31.115, and sections 3 through 6, 8, and 10 of this act do not preclude the commissioner from initiating judicial proceedings to place an insurer in rehabilitation or liquidation proceedings or other delinquency proceedings, however designated under the laws of this state, regardless of whether the commissioner has previously initiated administrative supervision proceedings under this chapter against the insurer.

NEW SECTION. Sec. 8. The commissioner may meet with the administrative supervisor appointed under this chapter and with the attorney or other representative of the administrative supervisor, without the presence of any other person, at the time of any proceeding or during the pendency of any proceeding held under authority of this chapter to carry out the commissioner's duties under this chapter or for the supervisor to carry out his or her duties under this chapter.

NEW SECTION. Sec. 9. An action or the failure to act by the commissioner is subject to chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 10. The commissioner may adopt rules to implement and administer RCW 48.31.020, 48.31.115, and sections 3 through 8 of this act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 3 through 10 of this act are each added to chapter 48.31 RCW."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to House Bill No. 1034.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurers;" strike the remainder of the title and insert "amending RCW 48.31.020 and 48.31.115; and adding new sections to chapter 48.31 RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1034, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Spanel were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1034, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Benson, Deccio, Doumit, Haugen and Poulsen - 5

Excused: Senators Brown and Spanel - 2

HOUSE BILL NO. 1034, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097, by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton)

Establishing a management program for Hood Canal rehabilitation.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance to Washington.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes that federal, state, tribal, and local governments and other organizations and entities are coordinating research, monitoring, and modeling efforts through the Hood Canal low-dissolved oxygen program. The legislature also recognizes that these entities and others are continuing individual efforts to study and identify potential solutions for Hood Canal's low-dissolved oxygen concentrations. The legislature also recognizes numerous public, private, and community organizations are working to provide public education regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes and encourages the continuation of these efforts.

(4) The legislature finds a need exists for the state to take additional action to address and resolve Hood Canal's low-dissolved oxygen concentrations. The legislature also finds a need exists to designate the state and local entities to develop, coordinate, and administer a Hood Canal rehabilitation program and funding.

NEW SECTION. Sec. 2. (1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound action team is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

NEW SECTION. Sec. 3. (1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to section 2 of this act. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in section 2 of this act and when establishing funding criteria according to subsection (7) of this section, the Puget Sound action team and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound action team shall participate in the development of the program authorized under section 2 of this act.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound action team each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound action team and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound action team receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound action team shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. The Puget Sound action team shall make final approval and manage projects under this section. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to section 2 of this act to the appropriate committees of the legislature.

NEW SECTION. Sec. 4. This act does not apply to forest practices regulated under chapter 76.09 RCW.

NEW SECTION. Sec. 5. Nothing in this act provides any regulatory authority to the Puget Sound action team or the Hood Canal coordinating council.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 90.-- RCW (the new chapter created in Substitute House Bill No. 2081).

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "rehabilitation;" strike the remainder of the title and insert "adding new sections to chapter 90.-- RCW; creating new sections; and declaring an emergency."

PARLIAMENTARY INQUIRY

Senator Jacobsen: "Are we, oh we're doing the committee amendment and not Senator Sheldon's amendment?"

REPLY BY THE PRESIDENT

President Owen: "The committee amendment and Senator Sheldon's amendment, Senator Jacobsen, are both striking amendments. If the committee amendment passes then his amendment would be out of order."

MOTION

Senator Sheldon moved to not adopt the committee striking amendment.

Senators Sheldon and Benton spoke against adoption of the committee striking amendment.
Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Engrossed Substitute House Bill No. 2097.

MOTION

Senator Jacobsen demanded a division.
The motion by Senator Sheldon failed and the committee striking amendment was not adopted by a rising vote.

MOTION

Senator Sheldon moved that the following striking amendment by Senators Sheldon, Hargrove, Oke and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance to Washington.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes that federal, state, tribal, and local governments and other organizations and entities are coordinating research, monitoring, and modeling efforts through the Hood Canal low-dissolved oxygen program. The legislature also recognizes that these entities and others are continuing individual efforts to study and identify potential solutions for Hood Canal's low-dissolved oxygen concentrations. The legislature also recognizes numerous public, private, and community organizations are working to provide public education regarding Hood Canal's low-dissolved oxygen concentrations. The legislature recognizes and encourages the continuation of these efforts.

(4) The legislature finds a need exists for the state to provide additional resources to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds a need exists to designate the state and local entities to develop, coordinate, and administer a Hood Canal rehabilitation program and funding.

NEW SECTION. Sec. 2. (1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound action team is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound action team and the Hood Canal coordinating council must each approve and must comanage projects under the rehabilitation program authorized in this section.

NEW SECTION. Sec. 3. (1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to section 2 of this act. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in section 2 of this act and when establishing funding criteria according to subsection (7) of this section, the Puget Sound action team and the local management board shall solicit

participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound action team shall participate in the development of the program authorized under section 2 of this act.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound action team each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound action team and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound action team receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound action team shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound action team and the local management board. Projects under this section must be comanaged by the Puget Sound action team and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to section 2 of this act to the appropriate committees of the legislature.

NEW SECTION. **Sec. 4.** This act does not apply to forest practices regulated under chapter 76.09 RCW.

NEW SECTION. **Sec. 5.** Nothing in this act provides any regulatory authority to the Puget Sound action team or the Hood Canal coordinating council.

NEW SECTION. **Sec. 6.** The activities of the Puget Sound action team and the Hood Canal coordinating council required by this act are subject to the availability of amounts appropriated for this specific purpose.

NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act are each added to chapter 90.-- RCW (the new chapter created in Substitute House Bill No. 2081).

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Sheldon, Hargrove and Schoesler spoke in favor of adoption of the striking amendment.

Senator Fraser spoke against adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senator Doumit was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheldon, Hargrove, Oke and Morton to Engrossed Substitute House Bill No. 2097.

The motion by Senator Sheldon carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "rehabilitation;" strike the remainder of the title and insert "adding new sections to chapter 90.-- RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2097, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2097, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2097, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 35

Voting nay: Senators Eide, Fairley, Franklin, Fraser, Jacobsen, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Regala, Thibaudeau and Weinstein - 13

Excused: Senator Doumit - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Linville, Roach, Morris, DeBolt, Ericksen, Williams and Upthegrove)

Making it a crime to excavate without notification near a transmission pipeline.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be not adopted.

On page 1, line 4, strike everything after the enacting clause and insert:

Sec. 1. RCW 19.122.055 and 2001 c 238 s 5 are each amended to read as follows:

(1)(a) Any person who fails to notify the one-number locator service when required under this chapter, excavates within thirty-five feet of a transmission pipeline, and causes damage to the transmission pipeline is guilty of a gross misdemeanor.

(b) Any person who fails to notify the one-number locator service when required under this chapter and excavates within thirty-five feet of a transmission pipeline is guilty of a misdemeanor.

(c) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation. The civil penalty may also be imposed on any person violating (a) or (b) of this subsection.

(2) All fines and civil penalties recovered under this section shall be deposited into the pipeline safety account created in RCW 81.88.050.

Sec. 2. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.

(2) Any excavator who willfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed willful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

Sec. 3. RCW 19.122.020 and 2000 c 191 s 15 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or

complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.

(8) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(9) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(10) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(11) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(12) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(13) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in RCW 81.88.010.

(14) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(15) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

(16) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

(17) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not include pipelines as defined in subsection (13) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

~~((47))~~ (18) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities."

The motion by Senator Poulsen carried and the committee striking amendment by the Committee on Water, Energy & Environment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Morton be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 19.122.020 and 2000 c 191 s 15 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavation confirmation code" means a code or ticket issued by the one-number locator service for the site where an excavation is planned. The code must include the date and time it was issued.

(6) "Excavator" means any person who engages directly in excavation.

~~((6))~~ (7) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

~~((7))~~ (8) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.

~~((8))~~ (9) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

~~((9))~~ (10) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

~~((10))~~ (11) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

~~((11))~~ (12) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

~~((12))~~ (13) "Notice" means contact in person or by telephone or other electronic methods that results in the receipt of a valid excavation confirmation code.

(14) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

(15) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((13))~~ (16) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in RCW 81.88.010.

~~((14))~~ (17) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

~~((15))~~ (18) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

~~((16))~~ (19) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

(20) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not include pipelines as defined in subsection ~~((13))~~ (16) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

~~((17) "One number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.)~~

Sec. 2. RCW 19.122.027 and 2000 c 191 s 16 are each amended to read as follows:

(1) ~~((By December 31, 2000,))~~ The utilities and transportation commission shall cause to be established a single statewide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services ~~((consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate)).~~

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 3. RCW 19.122.030 and 2000 c 191 s 17 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling less than twelve inches in depth, ~~((the excavator shall provide))~~ notice shall be provided of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no

one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties.

~~(4)~~ Excavators shall not excavate until notice has been provided under subsection (1) of this section and all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

~~((4))~~ ~~(5)~~ The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

~~((5))~~ ~~(6)~~ An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

~~((6))~~ ~~(7)~~ Emergency excavations are exempt from the time requirements for notification provided in this section.

~~((7))~~ ~~(8)~~ If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

Sec. 4. RCW 19.122.033 and 2000 c 191 s 18 are each amended to read as follows:

(1) Before commencing any excavation, excluding agricultural tilling less than twelve inches in depth, ~~((an excavator shall notify))~~ notice shall be provided to pipeline companies of the scheduled commencement of excavation through a one-number locator service in the same manner as is required for notifying owners of underground facilities of excavation work under RCW 19.122.030. Pipeline companies shall have the same rights and responsibilities as owners of underground facilities under RCW 19.122.030 regarding excavation work. Excavators have the same rights and responsibilities under this section as they have under RCW 19.122.030.

(2) Project owners, excavators, and pipeline companies have the same rights and responsibilities relating to excavation near pipelines that they have for excavation near underground facilities as provided in RCW 19.122.040.

Sec. 5. RCW 19.122.035 and 2000 c 191 s 19 are each amended to read as follows:

(1) After a pipeline company has been notified ~~((by an excavator))~~ pursuant to RCW 19.122.033 that excavation work will uncover any portion of the pipeline, the pipeline company shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.

(2) Immediately upon receiving information of third-party damage to a hazardous liquid pipeline, the company that operates the pipeline shall terminate the flow of hazardous liquid in that pipeline until it has visually inspected the pipeline. After visual inspection, the operator of the hazardous liquid pipeline shall determine whether the damaged pipeline section should be replaced or repaired, or whether it is safe to resume pipeline operation. Immediately upon receiving information of third-party damage to a gas pipeline, the company that operates the pipeline shall conduct a visual inspection of the pipeline to determine whether the flow of gas through that pipeline should be terminated, and whether the damaged pipeline should be replaced or repaired. A record of the pipeline company's inspection report and test results shall be provided to the utilities and transportation commission consistent with reporting requirements under 49 C.F.R. 195 Subpart B.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release of a hazardous liquid from a pipeline. Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property. Pipeline companies shall take all appropriate steps to ensure the public safety in the event of a release of hazardous liquid or gas under this subsection.

(4) No damaged pipeline may be buried until it is repaired or relocated. The pipeline company shall arrange for repairs or relocation of a damaged pipeline as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

Sec. 6. RCW 19.122.055 and 2001 c 238 s 5 are each amended to read as follows:

(1)~~(a)~~ Any person who ~~((fails to notify))~~ excavates without first obtaining a valid excavation confirmation code from the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

~~(b)~~ The civil penalty in this subsection may also be imposed on any person who violates section 8 or 9 of this act.

(2) All civil penalties recovered under this section shall be deposited into the pipeline safety account created in RCW 81.88.050.

Sec. 7. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.

(2) Any excavator who willfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which ~~((an excavator))~~ a person fails to notify known underground facility owners or excavates without first obtaining a valid excavation confirmation code from the one-number locator service, any damage to the underground facility shall be deemed willful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

NEW SECTION. Sec. 8. A new section is added to chapter 19.122 RCW to read as follows:

Any person who excavates, without a valid excavation confirmation code when required under this chapter, within thirty-five feet of a transmission pipeline, and causes damage to the transmission pipeline, is guilty of a gross misdemeanor.

NEW SECTION. Sec. 9. A new section is added to chapter 19.122 RCW to read as follows:

Any person who excavates, without a valid excavation confirmation code when required under this chapter, within thirty-five feet of a transmission pipeline is guilty of a misdemeanor.

NEW SECTION. Sec. 10. A new section is added to chapter 19.122 RCW to read as follows:

If charged with a violation of section 8 or 9 of this act, an excavator will be deemed to have established an affirmative defense to such charges if:

- (1) The excavator was provided a valid excavation confirmation code;
- (2) The excavation was performed in an emergency situation;
- (3) The excavator was provided a false confirmation code by an identifiable third party; or
- (4) Notice of the excavation was not required under this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 19.122 RCW to read as follows:

Any person who intentionally provides an excavator with a false excavation confirmation code is guilty of a misdemeanor.

NEW SECTION. Sec. 12. A new section is added to chapter 19.122 RCW to read as follows:

Upon receipt, during normal business hours, of notice of an intended excavation, the one-number locator service shall provide an excavation confirmation code."

Senators Poulsen and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Morton to Engrossed Substitute House Bill No. 1539.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "pipeline;" strike the remainder of the title and insert "amending RCW 19.122.020, 19.122.027, 19.122.030, 19.122.033, 19.122.035, 19.122.055, and 19.122.070; adding new sections to chapter 19.122 RCW; and prescribing penalties."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1539, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1539, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1539, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1072, by Representatives Lovick and Pearson

Including salts, isomers, and salts of isomers in controlled substances provisions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1072.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1072 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

HOUSE BILL NO. 1072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2101, by Representatives Pearson, Lovick, McDonald and Chase

Changing provisions relating to registration of sex and kidnapping offenders who are students.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. ~~((In addition, any such))~~

(b) Any adult or juvenile who is required to register under (a) of this subsection:

~~((a))~~ (i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the

sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

((~~b~~)) (iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

((~~e~~)) (iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on the effective date of this act, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for

kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 2. RCW 4.24.550 and 2003 c 217 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county-operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 3. The safety center of the office of the superintendent of public instruction shall review the types and amounts of training that will be necessary for principals, teachers, supervisors, and school staff to implement this act and shall report to the appropriate committees of the legislature with recommendations for training requirements not later than January 1, 2006.

NEW SECTION. Sec. 4. This act takes effect September 1, 2006."

Senators Regala and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 2101.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "school;" strike the remainder of the title and insert "amending RCW 4.24.550; reenacting and amending RCW 9A.44.130; creating a new section; and providing an effective date."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 2101, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2101, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2101, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 2101, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1136, by Representatives O'Brien, Darneille, Kirby, Miloscia, Lovick and Chase

Ordering a study of electronic monitoring systems.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature believes that electronic monitoring, as an alternative to incarceration, is a proper and cost-effective method of punishment and supervision for many criminal offenders. The legislature further finds that advancements in electronic monitoring technology have made the technology more common and acceptable to criminal justice system personnel, policymakers, and the general public.

In an effort to reduce prison and jail populations, many states are increasing their utilization of electronic monitoring. However, Washington state's use of electronic monitoring has been relatively stagnant.

The intent of this act is to determine what electronic monitoring policies and programs have been implemented in the other forty-nine states, in order that Washington state can learn from the other states' experiences.

NEW SECTION. Sec. 2. (1) The Washington association of sheriffs and police chiefs shall conduct a comprehensive study on electronic monitoring in every state. The study shall review and analyze each state's activity regarding electronic monitoring. Specifically, the study shall include:

- (a) How often electronic monitoring is used;
- (b) A description of laws and circumstances of when an offender is placed on electronic monitoring;
- (c) The discovery and analysis of specific programs used to promote electronic monitoring and how they are operated;
- (d) The type of electronic monitoring technology used;
- (e) Evaluation of offender pay programs and the amount of money recovered from these programs;
- (f) Overall perceptions of electronic monitoring from the criminal justice community, and any real or perceived problems or concerns with electronic monitoring;
- (g) Estimates on savings realized by utilizing electronic monitoring.

(2) The findings and any recommendations from the study shall be placed into a final report and presented to the legislature no later than December 31, 2005.

Sec. 3. RCW 9.94A.737 and 2002 c 175 s 15 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for

each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(3) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

(6) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

(7) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

NEW SECTION. Sec. 4. This act expires December 31, 2005."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove to the committee striking amendment be adopted.

On page 4, after line 34 of the amendment, insert the following:

"NEW SECTION. Sec. 5. If specific funding for the purposes of section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2005, in the omnibus appropriations act, section 2 of this act is null and void."

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 4, after line 34 to the committee striking amendment to House Bill No. 1136.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to House Bill No. 1136.

The motion by Senator Hargrove carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "incarceration;" strike the remainder of the title and insert "amending RCW 9.94A.737; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1136, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1136, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1136, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1136, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Simpson, Nixon, Anderson, Morrell, Linville, B. Sullivan and Ormsby)

Regulating computer spyware.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 1012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1012.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1012 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Finkbeiner and Schmidt - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1211, by Representatives Blake, B. Sullivan, Buck, Kretz, Eickmeyer and Armstrong

Concerning a multiple season big game permit.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1211.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1211 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Morton - 1

HOUSE BILL NO. 1211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1854, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest, Haler, Walsh and Williams)

Changing procedures on the withholding of the driving privilege. Revised for 1st Substitute: Changing provisions relating to withholding of driving privileges.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1854 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1854.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1854 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Jacobsen - 1

SUBSTITUTE HOUSE BILL NO. 1854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1385, by Representatives Takko, Haigh, Roberts, Hankins, Ericks, Haler, Lovick, McCoy and Chase

Restricting the information on recorded documents.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1385.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1385 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1236, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz)

Changing duties for aiding injured persons.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.
On page 1, line 7, after "(1)" strike "(a)"
On page 1, beginning on line 8, after "person" strike all material through "person" on line 10
Senator Kline spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to Substitute House Bill No. 1236.

The motion by Senator Kline carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1236, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Carrell and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1236, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1236, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 42

Voting nay: Senators Benton, Deccio, Hewitt, Honeyford, McCaslin, Swecker and Zarelli - 7

SUBSTITUTE HOUSE BILL NO. 1236, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Appropriations (originally sponsored by Representatives Kirby, Roach, Simpson, Santos, Campbell, Orcutt, Williams and Serben)

Regulating insurance overpayment recovery practices.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except in the case of fraud, or as provided in subsection (2) and (3) of this section, a carrier may not: (a) request a refund from a health care provider of a payment previously made to satisfy a claim unless it does so in writing to the provider within twenty-four months after the date that the payment was made; or (b) request that a contested refund be paid any sooner than six months after receipt of the request. Any such request must specify why the carrier believes the provider owes the refund. If a provider fails to contest the request in writing to the carrier within thirty days of its receipt, the request is deemed accepted and the refund must be paid.

(2) A carrier may not, if doing so for reasons related to coordination of benefits with another carrier or entity responsible for payment of a claim: (a) request a refund from a health care provider of a payment previously made to satisfy a claim unless it does so in writing to the provider within thirty months after the date that the payment was made; or (b) request that a contested refund be paid any sooner than six months after receipt of the request. Any such request must specify why the carrier believes the provider owes the refund, and include the name and mailing address of the entity that has primary responsibility for payment of the claim. If a provider fails to contest the request in writing to the carrier within thirty days of its receipt, the request is deemed accepted and the refund must be paid.

(3) A carrier may at any time request a refund from a health care provider of a payment previously made to satisfy a claim if: (a) a third party, including a government entity, is found responsible for satisfaction of the claim as a consequence of liability imposed by law, such as tort liability; and (b) the carrier is unable to recover directly from the third party because the third party has either already paid or will pay the provider for the health services covered by the claim.

(4) If a contract between a carrier and a health care provider conflicts with this section, this section shall prevail. However, nothing in this section prohibits a health care provider from choosing at any time to refund to a carrier any payment previously made to satisfy a claim.

(5) For purposes of this section, "refund" means the return, either directly or through an offset to a future claim, of some or all of a payment already received by a health care provider.

(6) This section neither permits nor precludes a carrier from recovering from a subscriber, enrollee, or beneficiary any amounts paid to a health care provider for benefits to which the subscriber, enrollee, or beneficiary was not entitled under the terms and conditions of the health plan, insurance policy, or other benefit agreement.

(7) This section does not apply to claims for health care services provided through dental-only health carriers, health care services provided under Title XVIII (medicare) of the social security act, or medicare supplemental plans regulated under chapter 48.66 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except in the case of fraud, or as provided in subsection (2) of this section, a health care provider may not: (a) request additional payment from a carrier to satisfy a claim unless he or she does so in writing to the carrier within twenty-four months after the date that the claim was denied or payment intended to satisfy the claim was made; or (b) request that the additional payment be made any sooner than six months after receipt of the request. Any such request must specify why the provider believes the carrier owes the additional payment.

(2) A health care provider may not, if doing so for reasons related to coordination of benefits with another carrier or entity responsible for payment of a claim: (a) request additional payment from a carrier to satisfy a claim unless he or she does so in writing to the carrier within thirty months after the date the claim was denied or payment intended to satisfy the claim was made; or (b) request that the additional payment be made any sooner than six months after receipt of the request. Any such request must specify why the provider believes the carrier owes the additional payment, and include the name and mailing address of any entity that has disclaimed responsibility for payment of the claim.

(3) If a contract between a carrier and a health care provider conflicts with this section, this section shall prevail. However, nothing in this section prohibits a carrier from choosing at any time to make additional payments to a provider to satisfy a claim.

(4) This section does not apply to claims for health care services provided through dental-only health carriers, health care services provided under Title XVIII (medicare) of the social security act, or medicare supplemental plans regulated under chapter 48.66 RCW.

NEW SECTION. Sec. 3. This act applies to contracts issued or renewed on or after January 1, 2006." Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Second Substitute House Bill No. 1418.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objections, the following title amendment was adopted.

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "adding new sections to chapter 48.43 RCW; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1418, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1418, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Benton - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1313, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives O'Brien, Pearson and Darneille)

Requiring the parks and recreation commission to have a record check performed on certain job applicants.

The measure was read the second time.

MOTION

Senator Regala moved that the following amendment by Senators Regala, Brandland, Jacobsen and Oke be adopted.

On page 3, after line 30, insert the following:

"**Sec. 2.** RCW 43.43.570 and 1987 c 450 s 1 are each amended to read as follows:

(1) No local law enforcement agency may establish or operate an automatic fingerprint identification system unless ~~((and~~ ~~((and~~ both the hardware and software of the local system ~~((are))~~ use an interface compatible with the state system under RCW 43.43.560 ~~((and~~

~~((b) The local system is equipped to receive and answer inquiries from the Washington state patrol automatic fingerprint identification system and transmit data to the Washington state patrol automatic fingerprint identification system)).~~ The local law enforcement agency shall be able to transmit a tenprint record to the state system through any available protocol which meets accepted industry standards, and the state system must be able to accept tenprint records which comply with those requirements. When industry transmission protocols change, the Washington state patrol shall incorporate these new standards as funding and reasonable system engineering practices permit. The tenprint transmission from any local law enforcement agency must be in accordance with the current version of the state electronic fingerprint transmission specification.

(2) No later than January 1, 2007, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency. If specific funding for the purposes of this subsection is not provided by June 30, 2006, in the omnibus appropriations act, or if funding is not obtained from another source by June 30, 2006, this subsection is null and void.

(3) A local law enforcement agency operating an automatic fingerprint identification system shall transmit data on fingerprint entries to the Washington state patrol electronically ~~((by computer))~~. This requirement shall be in addition to those under RCW 10.98.050 and 43.43.740.

~~((3) Counties or local agencies that purchased or signed a contract to purchase an automatic fingerprint identification system prior to January 1, 1987, are exempt from the requirements of this section. The Washington state patrol shall charge fees for processing latent fingerprints submitted to the patrol by counties or local jurisdictions exempted from the requirements of this section. The fees shall cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such fingerprints.))~~

(4) Any personnel functions necessary to prepare fingerprints for searches under this section shall be the responsibility of the submitting agency.

(5) The Washington state patrol shall adopt rules to implement this section."

Senators Regala and Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala, Brandland, Jacobsen and Oke on page 3, after line 30 to Substitute House Bill No. 1313.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.
On page 1, line 2 of the title, after "contractors;" insert "amending RCW 43.43.570"

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1313, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Oke and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1313, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1313, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1313, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1487, by Representatives Ormsby, Dunshee, Serben and Crouse

Concerning payment agreements.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1487.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1487 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1798, by House Committee on Transportation (originally sponsored by Representatives Simpson, Skinner, Lovick, Armstrong, B. Sullivan, Schindler, Upthegrove, Murray and Hudgins)

Recovering costs for motorist information signs. Revised for 1st Substitute: Modifying motorist information sign panel regulatory provisions.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.36.310 and 1999 c 201 s 3 are each amended to read as follows:

The department is authorized to erect and maintain motorist information sign panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, lodging, camping, or tourist-oriented business available on a crossroad at or near an interchange. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "CAMPING," or "TOURIST ACTIVITIES" and the letters "RV" next to a gas, food, lodging, camping, or tourist activity sign if the business or destination accommodates recreational vehicles, and directional information ~~((and))~~. Directional information may contain one or more individual business signs maintained on the panel. The "RV" logo for businesses or destinations that accommodate recreational vehicles shall be placed in the lower right corner of the gas, food, lodging, camping, or tourist activity sign and shall be in the form of a small yellow circle with the letters "RV" in black. In managing the number of individual business signs to be displayed, the department must ensure the use of available space on a panel is maximized. Motorist information sign panels are authorized within the corporate limits of cities and towns and areas zoned for commercial or industrial uses at locations where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. The erection and maintenance of motorist information sign panels shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of an interstate highway shall not be permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign. The restriction for on-premise signs does not apply if the sign is not visible from the highway. The department may, on a case-by-case basis, waive the height restriction when an on-premise sign is visible from the rural interstate system. The department shall charge ~~((reasonable))~~ sufficient fees for the display of individual business signs to ~~((defray))~~ recover the costs of their installation and maintenance, and ~~((may))~~ shall charge ~~((reasonable))~~ sufficient fees to recover costs for the erection and maintenance of the motorist information sign panels.

Sec. 2. RCW 47.36.320 and 1999 c 213 s 1 and 1999 c 201 s 4 are each reenacted and amended to read as follows:

The department is authorized to erect and maintain motorist information sign panels within the right of way of noninterstate highways to give the traveling public specific information as to gas, food, lodging, recreation, or tourist-oriented businesses accessible by way of highways intersecting the noninterstate highway. The motorist information sign panels are permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "RECREATION," or "TOURIST ACTIVITIES" and the letters "RV" next to a gas, food, lodging, camping, or tourist activity sign if the business or destination accommodates recreational vehicles, and directional information ~~((and))~~. Directional information may contain one or more individual business signs maintained on the panel. The "RV" logo for businesses or destinations that accommodate recreational vehicles shall be placed in the lower right corner of the gas, food, lodging, camping, or tourist activity sign and shall be in the form of a small yellow circle with the letters "RV" in black. In managing the number of individual business signs to be displayed, the department must ensure the use of available space on a panel is maximized. The erection and maintenance of motorist information sign panels along noninterstate highways shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of a noninterstate highway shall not be permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

- (1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "LODGING," ~~((or))~~ "RECREATION," or "RV" motorist information sign panels previously described in this section;
- (2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;
- (3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway except as provided in RCW 47.36.330(3) (b) and (c), and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge ~~((reasonable))~~ sufficient fees for the display of individual business signs to ~~((defray))~~ recover the costs of their installation and maintenance, and ~~((may))~~ shall charge ~~((reasonable))~~ sufficient fees to recover the costs for the erection and maintenance of the motorist information sign panels.

NEW SECTION. Sec. 3. A new section is added to chapter 47.36 RCW to read as follows:

(1) The department of transportation shall not include the logo "RV" under RCW 47.36.310 and 47.36.320 unless a business or destination requests an "RV" logo and the department determines that the gas, food, or lodging business or the camping or tourist activity destination provides parking spaces, overhang clearances, and entrances and exits designed to accommodate recreational or other large vehicles.

(2) The department may charge a reasonable fee in accordance with RCW 47.36.310 or 47.36.320 to defray the costs associated with the installation and maintenance of signs with "RV" logos.

(3) The department may adopt rules necessary to administer this section.

NEW SECTION. Sec. 4. The department of transportation shall submit an electronic report by December 15, 2005, to the house of representatives and senate transportation committees detailing revenues and expenditures of the motorist information sign program. The report shall also include a detailed explanation of the methodology and calculation of costs charged to businesses using the program.

NEW SECTION. Sec. 5. RCW 47.36.325 (Motorist information signs--Private contractors) and 2002 c 321 s 1 are each repealed."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1798.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "panels;" strike the remainder of the title and insert "amending RCW 47.36.310; reenacting and amending RCW 47.36.320; adding a new section to chapter 47.36 RCW; creating a new section; and repealing RCW 47.36.325."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1798, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1798, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1798, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Esser - 1

SUBSTITUTE HOUSE BILL NO. 1798, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1426, by House Committee on Children & Family Services (originally sponsored by Representatives Roberts, McDonald, Kagi, Nixon, Pettigrew, Dickerson, Darneille, Tom, Rodne, Hasegawa, O'Brien, Lovick, Ormsby, Morrell, Chase and Santos)

Establishing an interagency plan for children of incarcerated parents.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that children of incarcerated parents face significant obstacles in their lives. In many cases, these children have witnessed the arrest of a parent, face unstable living arrangements and multiple school placements, live under financial hardship, and experience the social stigma associated with their parents' incarceration. As a result of these factors, children of incarcerated parents are at risk for poor academic achievement, substance abuse, and delinquency and criminal activity that can lead to their own incarceration.

The legislature intends to support children in the state whose parents are incarcerated by encouraging the state agencies involved with families of individuals who are incarcerated to coordinate and expand existing services for these families in order to improve the well-being of children of incarcerated parents both over the short term and the long term.

NEW SECTION. Sec. 2. (1) The department of corrections, in partnership with the department of social and health services, shall establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for the children of this state whose parents are incarcerated in jail or prison.

(2) The interagency plan shall include the following:

(a) Identification of existing state services and programs, as well as recognized community-based services and programs, for children whose parents are incarcerated;

(b) Identification of methods to improve collaboration and coordination of existing services and programs;

(c) Recommendations concerning new services and programs for children whose parents are incarcerated, involving both interagency and community-based efforts; and

(d) Identification of evidence-based practices and areas for further research to support the long-term provision of services and programs for children whose parents are incarcerated, including the following:

(i) Identification and ongoing collection of data relating to incarcerated individuals in the state who have children under eighteen years of age; and

(ii) Identification and sharing of information relating to children of incarcerated parents who are involved in the juvenile justice or child welfare systems, to the extent permissible under state and federal law.

(3) The oversight committee shall include the following:

(a) Representatives with decision-making authority of: The department of corrections, the children's administration of the department of social and health services, the juvenile rehabilitation administration of the department of social and health services, the Washington association of sheriffs and police chiefs, the office of superintendent of public instruction, the courts, prosecuting attorneys and public defenders, and community-based agencies working with families of individuals who are incarcerated; and

(b) Caregivers of children whose parents are incarcerated.

(4) The oversight committee shall seek input from children whose parents are or have been incarcerated and from parents who have been incarcerated in developing the interagency plan.

(5) The oversight committee shall develop the interagency plan by June 30, 2006, with an interim report due to the appropriate committees of the legislature by January 1, 2006."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1426.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1426, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1426, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1426, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Prentice - 1

SUBSTITUTE HOUSE BILL NO. 1426, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577, by House Committee on Capital Budget (originally sponsored by Representatives Lantz, Hankins, Morrell, Jarrett, Moeller, Clibborn, Flannigan, Darneille, Dunshee and Kilmer)

Concerning capital projects for certain nonprofit organizations.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1577.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1577 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators McCaslin, Morton and Mulliken - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Buck, Takko, Holmquist, McCune, Condotta, Hinkle and B. Sullivan)

Increasing penalties for the violation of certain fish and wildlife provisions.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.15 RCW to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. All receipts from criminal wildlife penalty assessments under RCW 77.15.420 must be deposited into the account. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 2. RCW 77.15.070 and 2000 c 107 s 231 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this title or rule of the commission or director. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing with the department or into court a cash bond or equivalent security equal to the value of the seized property but not more than ~~((twenty-five))~~ one hundred thousand dollars. Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the ~~((wildlife fund, as provided for in RCW 77.12.170))~~ fish and wildlife enforcement reward account created in section 1 of this act.

Sec. 3. RCW 77.15.370 and 2001 c 253 s 38 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway; ~~((or))~~

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stonies fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director; or

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 4. RCW 77.15.410 and 1999 c 258 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title;

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(2) A person is guilty of unlawful hunting of big game in the first degree if the person was previously convicted of any crime under this title involving unlawful hunting, killing, possessing, or taking big game, and within five years of the date that the prior conviction was entered the person:

(a) Hunts for big game and does not have and possess all licenses, tags, or permits required under this title;

(b) Acts in violation of any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, or closed times; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor. Upon conviction of an offense involving killing or possession of big game taken during a period of time when hunting for the particular species is not permitted, or in excess of the bag or possession limit, the department shall revoke all hunting licenses and tags and order a suspension of hunting privileges for two years.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all hunting licenses or tags (~~(involved in the crime)~~) and the department shall order the person's hunting privileges suspended for ~~((two))~~ ten years.

Sec. 5. RCW 77.15.420 and 1998 c 190 s 62 are each amended to read as follows:

(1) If a person is convicted of violating RCW 77.15.410 and that violation results in the death of wildlife listed in this section, the court shall require payment of the following amounts for each animal killed or possessed. This shall be a criminal wildlife penalty assessment that shall be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the ~~((public safety and education))~~ fish and wildlife enforcement reward account created in section 1 of this act.

(a) Moose, mountain sheep, mountain goat,
and all wildlife species classified as
endangered by rule of the commission,
except for mountain caribou and
grizzly bear as listed under (d) of this
subsection

\$4,000

(b) Elk, deer, black bear, and cougar

\$2,000

(c) Trophy animal elk and deer

\$6,000

(d) Mountain caribou, grizzly bear, and trophy
animal mountain sheep

\$12,000

(2) No forfeiture of bail may be less than the amount of the bail established for hunting during closed season plus the amount of the criminal wildlife penalty assessment in subsection (1) of this section.

(3) For the purpose of this section a "trophy animal" is:

(a) A buck deer with four or more antler points on both sides, not including eyeguards;

(b) A bull elk with five or more antler points on both sides, not including eyeguards; or

(c) A mountain sheep with a horn curl of three-quarter curl or greater.

For purposes of this subsection, "eyeguard" means an antler protrusion on the main beam of the antler closest to the eye of the animal.

(4) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment shall be imposed on them jointly and separately.

(5) The criminal wildlife penalty assessment shall be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this title. The criminal wildlife penalty assessment shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. This section may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) A person assessed a criminal wildlife penalty assessment under this section shall have his or her hunting license revoked and all hunting privileges suspended until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (1) of this section shall be doubled in the following instances:

(a) When a person is convicted of spotlighting big game under RCW 77.15.450;

(b) When a person has a previous conviction of a misdemeanor, gross misdemeanor, or a felony violation under this title;

(c) When the person killed the animal in question with the intent of bartering, selling, or otherwise deriving economic profit from the animal or the animal's parts; or

(d) When a person kills the animal under the supervision of a licensed guide.

Sec. 6. RCW 77.15.450 and 1998 c 190 s 27 are each amended to read as follows:

(1) A person is guilty of spotlighting big game in the second degree if the person hunts big game with the aid of a spotlight ~~((or))~~, other artificial light, or night vision equipment while in possession or control of a firearm, bow and arrow, or cross bow. For purposes of this section, "night vision equipment" includes electronic light amplification devices, thermal imaging devices, and other comparable equipment used to enhance night vision.

(2) A person is guilty of spotlighting big game in the first degree if:

(a) The person has any prior conviction for gross misdemeanor or felony for a crime under this title involving big game including but not limited to subsection (1) of this section or RCW 77.15.410; and

(b) Within ten years of the date that such prior conviction was entered the person commits the act described by subsection (1) of this section.

(3)(a) Spotlighting big game in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke all hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(b) Spotlighting big game in the first degree is a class C felony. Upon conviction, the department shall order suspension of all privileges to hunt wildlife for a period of ~~((two))~~ ten years.

(4) A person convicted under this section shall be assessed a criminal wildlife penalty assessment as provided in RCW 77.15.420."

MOTION

Senator Morton moved that the following amendment by Senators Morton, Oke, Jacobsen and Morton to the committee striking amendment be adopted.

On page 6, beginning on line 30 of the amendment, after "(b)" strike all material through "this title" on line 31 and insert "When a person commits a violation that requires payment of a wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title"

Senators Morton and Jacobsen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton, Oke Jacobsen and Hargrove on page 6, line 30 to the committee striking amendment to Engrossed Substitute House Bill No. 1696.

The motion by Senator Morton carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Engrossed Substitute House Bill No. 1696.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "penalties;" strike the remainder of the title and insert "amending RCW 77.15.070, 77.15.370, 77.15.410, 77.15.420, and 77.15.450; adding a new section to chapter 77.15 RCW; and prescribing penalties."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1696, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1696, as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1696, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives O'Brien, Lovick, Hankins, Ericks, Holmquist, Darneille, Kirby and Moeller)

Protecting public employee personal information.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1694.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1694 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1722, by Representatives Grant, Newhouse, Linville, Buri, Clements, Walsh, Haler and Skinner

Extending an asparagus exception to the standards for fruits and vegetables.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, House Bill No. 1722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1722.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1722 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

HOUSE BILL NO. 1722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Health Care (originally sponsored by Representatives Ericks, Appleton, Simpson, Kilmer, Eickmeyer, Woods, Lovick, Santos and Linville)

Authorizing fire protection districts to establish or participate in health clinic services.

The measure was read the second time.

MOTION

On motion of Senator Keiser, further consideration of Substitute House Bill No. 1652 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1681, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Darneille, Chase, Appleton, Upthegrove and Lovick)

Extending and adding a member to the joint task force on criminal background check processes.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2004 c 41 s 2 (uncodified) is reenacted and amended to read as follows:

(1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The state superintendent of public instruction, or the superintendent's designee;

(f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

(g) The following (~~seven~~) eleven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

(iii) A representative from a business or organization that primarily serves persons with a developmental disability (~~or vulnerable adults~~);

(iv) A representative from a local youth athletic association;

(v) A representative from the insurance industry; (~~and~~)

(vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties;

(vii) A representative from a for-profit entity that primarily serves children;
(viii) A representative from a business or organization that primarily serves vulnerable adults;
(ix) A representative selected by the state's long-term care ombudsman; and
(x) As a nonvoting ex officio member, a representative of an organization that serves as a clearinghouse for other nonprofit organizations in the state and that recruits volunteers and trains nonprofit boards of directors.

(2) The task force shall choose two cochairs from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;

(b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;

(c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;

(d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;

(e) What is the feasibility and costs for businesses and organizations to do periodic background checks;

(f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, persons with a developmental disability, or vulnerable adults; ~~((and))~~

(g) What is the feasibility of establishing a state registration program for private youth sports coaches under which some or all of such persons are required to obtain and disclose to prospective clients and employers a copy of the results of their fingerprint-based criminal background checks;

(h) A review of the practices of the department of social and health services with respect to checking the backgrounds of its employees, applicants for employment, and candidates for promotion; and

(i) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, ~~((2004))~~ 2005.

NEW SECTION. Sec. 2. This act expires January 31, 2006.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1681.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "processes;" strike the remainder of the title and insert "reenacting and amending 2004 c 41 s 2 (uncodified); providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1681, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1681, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1681, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE HOUSE BILL NO. 1681, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1431, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Condotta, Campbell and Chase)

Authorizing licensees and managers to conduct courses of instruction on beer and wine and furnish beer and wine samples.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1431.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1431 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Hargrove and Rasmussen - 2

SUBSTITUTE HOUSE BILL NO. 1431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903, by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Haler, Linville, Springer, Kilmer, Morrell, O'Brien, Schual-Berke, P. Sullivan, Simpson, Pettigrew, Jarrett, Wallace, Sells, Strow, Grant, Upthegrove, Kessler, Dunn, Fromhold, Appleton, Chase, Green, Moeller, Hasegawa and Takko)

Creating a job development fund. Revised for 1st Substitute: Providing funds to stimulate community and economic development.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature has and continues to recognize the vital importance of economic development to the health and prosperity of Washington state as indicated in RCW 43.160.010, 43.155.070(4)(g), 43.163.005, and 43.168.010. The legislature finds that current economic development programs and funding, which are primarily low-interest loan programs, can be enhanced by creating a loan and grant program to assist political subdivisions with public infrastructure projects that directly stimulate community and economic development by supporting the creation of new jobs or the retention of existing jobs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.160 RCW to read as follows:

(1) The job development fund program is created to provide loans and grants to political subdivisions of the state for public infrastructure projects that will stimulate job creation or assist in job retention. Grants may be awarded only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the board has made a finding that financial circumstances require grant assistance to enable the project to move forward. The program is to be administered by the board. The board shall establish a competitive process to request and prioritize proposals and make loan and grant awards.

(2) For the purposes of this act:

- (a) "Public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11); and
- (b) "Political subdivision" means a county, city, port district, or other special purpose district, excluding a school district.

(3) The board shall conduct a statewide request for project applications from political subdivisions. The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to:

(i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

(d) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under this act;

(e) The ability of the project to improve the viability of existing business entities in the project area;

(f) Whether or not the project is a partnership of multiple jurisdictions;

(g) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and

(h) The availability of existing assets that applicants may apply to projects.

(4) Job development fund program loans and grants may only be awarded to those applicants that have entered into or expect to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project. Job development fund program loans and grants shall not be provided for any project where:

(a) The funds will not be used within the jurisdiction or jurisdictions of the applicants; or

(b) Evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board shall, with the joint legislative audit and review committee, develop performance criteria for each loan and grant and evaluation criteria to be used to evaluate both how well successful applicants met the community and economic development objectives stated in their applications, and how well the job development fund program performed in creating and retaining jobs.

NEW SECTION. Sec. 3. A new section is added to chapter 43.160 RCW to read as follows:

The maximum loan or grant from the job development fund for any one project is ten million dollars. Grant and loan assistance from the job development fund may not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

Sec. 4. RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans.

(2) The job development fund is hereby established in the state treasury. Money from the public works assistance account may be placed in the job development fund only after appropriation. Money in the job development fund may be used solely for job development fund program grants or loans and administrative expenses related to the administration of the job development fund program created in section 2 of this act. Moneys in the job development fund may be spent only after appropriation. The board shall prepare a list of proposed projects that totals fifty million dollars as part of the department's 2007-09 biennial budget request.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: The public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December 1, 2005.

(2) By September 1, 2010, the joint legislative audit and review committee shall submit a report on the outcomes of the job development fund program to the appropriate committees of the legislature. The report shall apply the performance and evaluation criteria developed by the community economic revitalization board and the committee and shall include a project by project review detailing how the funds were used and whether the performance measures were met.

NEW SECTION. Sec. 6. This act expires June 30, 2011.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Shin spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon, Shin and Swecker to the committee striking amendment be adopted.

On page 1, line 9 of the amendment, after "subdivisions" insert "and federally recognized Indian tribes in the state"

On page 1, line 16 of the amendment, after "state" insert "and to federally recognized Indian tribes in the state"

On page 2, line 2 of the amendment, after "subdivisions" insert "and federally recognized Indian tribes"

Senator Sheldon spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Zarelli and Stevens spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon, Shin and Swecker on page 1, line 9 to the committee striking amendment to Engrossed Substitute House Bill No. 1903.

MOTION

Senator Sheldon demanded a division.

The motion by Senator Sheldon failed and the amendment to the committee striking amendment was not adopted by a rising vote.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Pflug to the committee striking amendment be adopted.

On page 4, line 28 of the amendment, after "met." insert "The report shall also include impacts to the availability of low-interest and interest-free loans to local governments under RCW 43.155.055, 43.155.060, 43.155.065, and 43.155.068, resulting from appropriations to the job development fund. Information in the report shall include, but not be limited to:

(a) The total funds appropriated from the public works assistance account to the job development account;

(b) The ratio of loan requests submitted to the public works board as compared to actual money available for loans in the public works assistance account since the effective date of this act;

(c) The total amount that would have been available for loans from the public works assistance account had this act not taken effect;

(d) Identification of specific loan requests that would have qualified for funding under chapter 43.155 RCW had money been available in the public works assistance account;

(e) Assessment of increased costs for otherwise qualifying projects where local governments were compelled to seek alternate funding sources."

Senators Schoesler and Shin spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Pflug on page 4, line 28 to the committee striking amendment to Engrossed Substitute House Bill No. 1903.

The motion by Senator Schoesler carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1903.

The motion by Senator Shin carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 43.155.050; adding new sections to chapter 43.160 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1903, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Zarelli spoke in favor of passage of the bill.

Senators Pflug and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1903, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1903, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Esser, Haugen, Honeyford, McCaslin, Morton, Mulliken, Pflug, Schoesler and Sheldon - 9

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 2292,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SHB 2292 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Cody, Campbell, Kirby, Flannigan, Williams, Linville, Springer, Clibborn, Wood, Fromhold, Morrell, Hunt, Moeller, Green, Kilmer, Conway, O'Brien, Sells, Kenney, Kessler, Chase, Upthegrove, Ormsby, Lovick, McCoy and Santos)

AN ACT Relating to improving health care by increasing patient safety, reducing medical errors, reforming medical malpractice insurance, and resolving medical malpractice claims fairly without imposing mandatory limits on damage awards or fees; amending RCW 5.64.010, 4.24.260, 18.71.015, 18.130.160, 18.130.172, 43.70.510, 48.18.290, 48.18.2901, 48.18.100, 48.18.103, 48.19.043, 48.19.060, 4.16.190, 7.04.010, and 7.70.080; reenacting and amending RCW 69.41.010; reenacting RCW 4.16.350; adding new sections to chapter 18.130 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 48.19 RCW; adding a new section to chapter 48.18 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 7 RCW; creating new sections; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Health & Long-Term Care.

MOTION

Senator Esser moved to amend the motion by Senator Eide and refer Substitute House Bill No. 2292 to the Committee on Judiciary.

Senators Eide, Kline, Keiser, Deccio and Franklin spoke against the motion.

Senators Johnson and McCaslin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Esser to refer Substitute House Bill No. 2292 to the Committee on Judiciary.

MOTION

Senator Esser demanded a division.

The motion by Senator Esser failed and Substitute House Bill No. 2292 was not referred to the Committee on Judiciary by a rising vote.

PERSONAL PRIVILEGE

Senator Deccio: "I'm sorry that last amendment passed because we on the Health Care Committee are doctors not lawyers."

The President declared the question before the Senate to be the motion by Senator Eide to refer Substitute House Bill No. 2292 to the Committee on Health & Long-Term Care.

The motion by Senator Eide carried and Substitute House Bill No. 2292 was referred to the Committee on Health & Long-Term Care by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1000, by Representatives Clibborn, Pettigrew, Shabro, Nixon, B. Sullivan, Moeller, Jarrett, Hunter, Hudgins, Upthegrove, Tom, Morrell, P. Sullivan, Wallace and Kilmer

Allowing fax and electronic mail notice of special meetings.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner, Honeyford and Parlette were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1000.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Finkbeiner, Honeyford and Parlette - 3

HOUSE BILL NO. 1000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1711, by House Committee on Transportation (originally sponsored by Representatives Wallace, Woods, Simpson, Morrell, Lovick, Flannigan, Chase, Moeller and Kilmer)

Revising marking requirement parking places for persons with disabilities. Revised for 1st Substitute: Revising marking requirements for parking places for persons with disabilities.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be not adopted.

On page 1, line 8, after "a" strike "vertical" and insert "((vertical)) marking or"

On page 1, beginning on line 8, after "sign" delete all material through "ground," on line 9 and insert "((~~between thirty six and eighty four inches off the ground,~~))"

The motion by Senator Haugen carried and the committee amendment by the Committee on Transportation to Substitute House Bill No. 1711 was not adopted by voice vote.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Stevens be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.61.581 and 1998 c 294 s 2 are each amended to read as follows:

A parking space or stall for a ~~((disabled))~~ person with a disability shall be indicated by a vertical sign~~((~~between thirty six and eighty four inches off the ground,~~))~~ with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 ~~((and the notice "State disabled parking permit required."))~~. The sign may include additional language such as, but not limited to, an indication of the amount of the monetary penalty defined in RCW 46.16.381 for parking in the space without a valid permit.

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction.

Sec. 2. RCW 46.16.381 and 2004 c 222 s 2 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician or an advanced registered nurse practitioner licensed under chapter 18.79 RCW:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or
- (g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician or advanced registered nurse practitioner of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for ~~((disabled))~~ parking permits for persons with disabilities and ~~((temporary-disabled))~~ parking permits for persons with temporary disabilities are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's or advanced registered nurse practitioner's signature and immediately below the applicant's signature: "A ~~((disabled))~~ parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued no later than January 1, 2000, to all persons who are issued parking placards, including those issued for temporary disabilities, and special ~~((disabled))~~ parking license plates for persons with disabilities. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the ~~((disabled))~~ person with disabilities. Instead of regular motor vehicle license plates, ~~((disabled))~~ persons with disabilities are entitled to receive special license plates under this section or RCW 46.16.385 bearing the international symbol of access for one vehicle registered in the ~~((disabled-person's))~~ name of the person with disabilities. ~~((Disabled))~~ Persons with disabilities who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the placard or special license plates issued under this section or RCW 46.16.385 may park in places reserved for ~~((mobility-disabled))~~ persons with physical disabilities. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport ~~((disabled))~~ persons with disabilities who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding home~~((s))~~, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the ~~((disabled))~~ person with disabilities transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the ~~((disabled))~~ person with disabilities and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the ~~((disabled))~~ person with disabilities, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new

certification from the ~~((disabled))~~ person's physician. The permanent parking placard and identification card of a ~~((disabled))~~ person with disabilities shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its ~~((disabled permit))~~ data base of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(6) Each person with disabilities who has been issued a permanent ~~((disabled))~~ parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate issued under this section or RCW 46.16.385, or identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for ~~((physically disabled))~~ persons with physical disabilities. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for ~~((physically disabled))~~ persons with physical disabilities without a placard or special license plate issued under this section or RCW 46.16.385. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this section or RCW 46.16.385 required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for ~~((physically disabled))~~ persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this section or RCW 46.16.385. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate issued under this section or RCW 46.16.385, placard, or identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves ~~((the disabled community or))~~ persons having disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

Sec. 3. RCW 46.16.385 and 2004 c 222 s 1 are each amended to read as follows:

(1) The department shall design and issue ~~((disabled parking emblem))~~ versions of special license plates including the international symbol of access described in RCW 70.92.120 for plates issued under (a) RCW 46.16.301; (b) RCW 46.16.305,

except those plates issued under RCW 46.16.305 (1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW 73.04.115; or (g) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997. The ~~((disabled parking emblem))~~ version of the special plate ~~((must display))~~ including the ~~((universal))~~ international symbol of access ~~((that))~~ may be used in lieu of the parking placard issued to persons who qualify for special parking privileges under RCW 46.16.381. The department may not charge an additional fee for the issuance of the special ~~((disabled parking emblem))~~ license plate including the international symbol of access, except the regular motor vehicle registration fee, the fee associated with the particular special plate, and any other fees and taxes required to be paid upon registration of a motor vehicle. The ~~((emblem))~~ international symbol of access must be incorporated into the design of the special license plate in a manner to be determined by the department, and under existing vehicular licensing procedures and existing laws.

(2) Persons who qualify for special parking privileges under RCW 46.16.381, and who have applied and paid the appropriate fee for any of the special license plates listed in subsection (1) of this section, are entitled to receive from the department a special ~~((disabled parking emblem))~~ license plate including the international symbol of access. The special ~~((disabled parking emblem))~~ license plate including the international symbol of access may be used for one vehicle registered in the ~~((disabled person's))~~ name of the person with the disability. Persons who have been issued the parking privileges or who are using a vehicle displaying the special ~~((disabled parking emblem))~~ license plate including the international symbol of access may park in places reserved for ~~((mobility disabled))~~ persons with physical disabilities.

(3) ~~((The))~~ Special ~~((disabled parking emblem))~~ license plates including the international symbol of access must be administered in the same manner as ~~((the))~~ plates issued under RCW 46.16.381.

(4) The department shall adopt rules to implement this section.

Sec. 4. RCW 46.16.390 and 1991 c 339 s 22 are each amended to read as follows:

A special license plate or card issued by another state or country that indicates an occupant of the vehicle ~~((is disabled))~~ has disabilities, entitles the vehicle on or in which it is displayed and being used to transport the ~~((disabled))~~ person with disabilities to lawfully park in a parking place reserved for ~~((physically disabled))~~ persons with physical disabilities pursuant to chapter 70.92 RCW or authority implemental thereof.

Sec. 5. RCW 46.55.113 and 2003 c 178 s 1 and 2003 c 177 s 1 are each reenacted and amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, ~~((card))~~ placard, or decal indicating that the vehicle is being used to transport a ~~((disabled))~~ person with disabilities under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to

the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(a)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

Sec. 6. RCW 73.04.110 and 2004 c 223 s 6 and 2004 c 125 s 1 are each reenacted and amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.007 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

- (1) Has lost the use of both hands or one foot;
 - (2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;
 - (3) Has become blind in both eyes as the result of military service; or
 - (4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;
- is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a (~~disabled~~) veteran with disabilities or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of ten dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Stevens to Substitute House Bill No. 1711.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

In line 1 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 46.61.581, 46.16.381, 46.16.385, and 46.16.390; and reenacting and amending RCW 46.55.113 and 73.04.110."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1711, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1711, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1711, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Finkbeiner, Honeyford and Parlette - 3

SUBSTITUTE HOUSE BILL NO. 1711, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1758, by House Committee on Appropriations (originally sponsored by Representatives Kessler, Nixon, Haigh, Chandler, Clements, Schindler, Hunt, Hunter, Hinkle, Takko, B. Sullivan, Miloscia, Buck and Shabro)

Revising public disclosure law.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.270 and 1987 c 403 s 4 are each amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(~~((§))~~) (9) or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 2. RCW 42.17.300 and 1995 c 397 s 14 and 1995 c 341 s 2 are each reenacted and amended to read as follows:

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

(1) Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and annually every year thereafter.

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications.

Sec. 4. RCW 42.17.348 and 1992 c 139 s 9 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining the provisions of the public records subdivision of this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule an advisory model rule for state and local agencies, as defined in RCW 42.17.020, addressing the following subjects:

(a) Providing fullest assistance to requestors;

- (b) Fulfilling large requests in the most efficient manner;
- (c) Fulfilling requests for electronic records; and
- (d) Any other issues pertaining to public disclosure as determined by the attorney general.
- (3) The attorney general, in his or her discretion, may from time to time revise the model rule.

Sec. 5. RCW 42.17.340 and 1992 c 139 s 8 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not less than five dollars and not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

(5) For actions under this section against counties, the venue provisions of RCW 36.01.050 apply.

(6) Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis."

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen and others to the committee striking amendment be adopted.

On page 4, after line 22 of the amendment, insert the following:

"Sec. 6. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW ((~~29.01.110~~)) 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ((~~29.24~~)) 29A.20 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW ((~~29.01.090~~)) 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(11) "Commission" means the agency established under RCW 42.17.350.

(12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, (vii) yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(20) "Final report" means the report described as a final report in RCW 42.17.080(2).

(21) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

(22) "Gift," is as defined in RCW 42.52.010.

(23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any

state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(34) "Primary" for the purposes of RCW 42.17.640 means the procedure for nominating a candidate to state office under chapter ~~((29.18 or 29.21))~~ 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter ~~((29.18 or 29.21))~~ 29A.52 RCW.

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For state legislative offices, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW ~~((29.82.015))~~ 29A.56.120 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires."

Senators Rasmussen, McCaslin and Roach spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Kastama yield to a question? I'm just looking at an email I have here, Senator, and it says, 'the email message including any attachment is for the sole use of the intended recipient and may contain confidential proprietary and are privilege information protected by law.' Now, in the, if Senator Rasmussen's amendment did not pass, would this email that I received from this constituent still be confidential or would it be open to a legal inquiry if there's some legal issue involved?"

Senator Kastama: "I'm not an attorney Senator Jacobsen, so I would be the subject to whether in fact of an attorney-client privilege. I think that would be taken into account. Also, let me just clarify that currently the Chief Clerk of the House and Secretary of the Senate, this is what a public record means. It means a legislative record, all budget and financial records, personal leave, travel and pay roll records. Records of legislative sessions, reports submitted to the legislature and any other records designated a public record by any official action of the Senate or of the House. If this passes, that will be the definition that we will all go under here in the Senate. Currently, everything to my knowledge is a public record that you would have, so I don't know if this answers specifically, because that may have been an attorney-client relationship. If it was not, I would say that again an attorney could add to this. It may in fact be a public record."

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen and others on page 4, after line 22 to the committee striking amendment to Second Substitute House Bill No. 1758.

The motion by Senator Rasmussen carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment to the committee striking amendment by Senators Hargrove and Brandland be adopted.

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 1. It is and has been the intent of the legislature that information regarding sex offenders be shared between state agencies and with local law enforcement, and that public disclosure of sex offender information that is accurate, relevant, and necessary to protect the public be managed by and controlled through the community notification statute, RCW 4.24.550. The legislature finds that law enforcement has been, and continues to be, the most reliable means of ensuring that the information released protects the public, protects the confidentiality of victims, protects ongoing criminal investigations, and complies with the confidentiality provisions of other federal and state laws. The legislature further finds that the criminal records privacy act and other statutes reference RCW 4.24.550 as the disclosure provision for sex offender information.

The legislature finds that to accomplish its penological duties, the department of corrections must receive and use protected information to appropriately confine, supervise, treat, and assess the risk of offenders. To further this intent, the legislature has authorized the end of sentence review committee to access and consider information that otherwise may be confidential for the specific reason of determining if the offender should be referred for civil commitment as a sexually violent predator under chapter 71.09 RCW. The legislature further finds that it is appropriate for the department to share information, beyond what is publicly disclosable, with law enforcement agencies for the appropriate supervision of offenders in the community or for the investigation of criminal acts. The legislature does not intend that law enforcement bulletins or notes, comments, and assessments of the end of sentence review committee to assess the risk, or plan the transition of sex offenders to the community, be available for public inspection through public disclosure due to the risk that providing the information in such a manner would pose to the state's community notification program and the risk that the information would unnecessarily traumatize the victims of the offenders' previous offenses."

On page 2, after line 17 of the amendment, insert the following:

"Sec. 3. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed

under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from

public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sp. sess.

(hhh) Records or documents obtained, maintained, or used by an agency with jurisdiction over the release of sex offenders for the purpose of fulfilling the responsibility of the end of sentence review committee, and the requirements under RCW 72.09.345, 71.09.025, and 9.95.420 are disclosable only under the community notification provisions of RCW 4.24.550.

(iii) Law enforcement bulletins created by the end of sentence review committee or a correctional authority to be provided to law enforcement agencies for the purpose of meeting the requirements of RCW 4.24.550.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 4. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division

of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in

connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Records or documents obtained, maintained, or used by an agency with jurisdiction over the release of sex offenders for the purpose of fulfilling the responsibility of the end of sentence review committee, and the requirements under RCW 72.09.345, 71.09.025, and 9.95.420 are disclosable only under the community notification provisions of RCW 4.24.550.

(hhh) Law enforcement bulletins created by the end of sentence review committee or a correctional authority to be provided to law enforcement agencies for the purpose of meeting the requirements of RCW 4.24.550.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, after line 22 of the amendment, insert the following:

"Sec. 6. RCW 72.09.345 and 1997 c 364 s 4 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for public agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. The committee shall assess, on a case-by-case basis, the public risk posed by sex offenders who are: (a) Preparing for their release from confinement for sex offenses committed on or after July 1, 1984; and (b) accepted from another state under a reciprocal agreement under the interstate compact authorized in chapter 72.74 RCW.

(3) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

(4) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of community placement or community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

(5) The committee shall classify as risk level I those sex offenders whose risk assessments indicate a low risk of reoffense within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large.

(6) The committee shall issue to appropriate law enforcement agencies ~~((, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices))~~ a law enforcement bulletin. The law enforcement bulletin shall, at a minimum, ~~((describe the))~~ provide a narrative description, identity, and criminal history behavior of the offender and shall include the ~~((department's))~~ committee's risk level classification for the offender ~~((For sex offenders classified as either risk level II or III, the narrative notices shall also include))~~ and the reasons underlying the classification. Law enforcement bulletins are not a public record under RCW 42.17.310. Law enforcement bulletins are subject to inspection upon request but not available for copying.

(7) The committee shall provide the law enforcement agency a narrative notice for their use in making public notifications under RCW 4.24.550 regarding the offenders in subsection (6) of this section. The narrative notice must describe the identity of the offender, the general relationship between the offender and the victim or victims, and the criminal history of the offender. The notices must include the committee's risk level classification for the offender and the reasons underlying the classification. These notices are a public record.

NEW SECTION. Sec. 7. Section 3 of this act expires June 30, 2005.

NEW SECTION. Sec. 8. (1) Sections 1, 3, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2005."

Senators Hargrove, Brandland and Kastama spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Johnson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Brandland on page 1, after line 2 to the committee striking amendment to Second Substitute House Bill No. 1758.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment as amended by the Committee on Government Operations & Elections to Second Substitute House Bill No. 1758.

The motion by Senator Kastama carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objections, the following title amendments were adopted.

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.17.270, 42.17.348, and 42.17.340; reenacting and amending RCW 42.17.300; and adding a new section to chapter 42.17 RCW."

On page 4, line 24 of the title amendment, after "42.17.348," strike "and 42.17.340" and insert "42.17.340, and 42.17.020"

On page 4, line 24 of the title amendment, after "insert;" strike the remainder of the title amendment and insert "amending RCW 42.17.270, 42.17.348, 42.17.340, and 72.09.345; reenacting and amending RCW 42.17.300, 42.17.310, and 42.17.310; adding a new section to chapter 42.17 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 1758, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1758, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1758, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Carrell, Johnson, Roach and Sheldon - 4

Excused: Senators Finkbeiner, Honeyford and Parlette - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1758, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Weinstein, Senators Pridemore and Kline were excused.

SECOND READING

HOUSE BILL NO. 1915, by Representatives McIntire, Conway, Clements, McCoy, Williams and Chase

Authorizing the governor to enter into cigarette tax contracts with additional tribes.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1915.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1915 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Finkbeiner, Honeyford, Kline, Parlette and Pridemore - 5

HOUSE BILL NO. 1915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1856, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Wood, McCoy, Kessler, Campbell and Chase)

Requiring industrial insurance fund audits.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 3, line 24, after "department" insert "of labor and industries"

Senator Kohl-Welles spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1856.

The motion by Senator Kohl-Welles carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1856, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1856, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1856, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Finkbeiner, Honeyford and Parlette - 3

SUBSTITUTE HOUSE BILL NO. 1856, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:33 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, April 12, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SECOND DAY, APRIL 11, 2005

2005 REGULAR SESSION

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 12, 2005

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Finkbeiner, Johnson, Mulliken, Oke, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Adam Buchholz and Manuel Rubalcava, presented the Colors. Father Ken Haydock, Pastor of the Holy Rosary Parish offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 9, 2005

SGA 9321 VALORIA LOVELAND, reappointed April 5, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Agriculture. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

At 9:36 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:11 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 12, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
JOHN BATISTE, appointed February 14, 2005, for the term ending at the governor's pleasure, as Chief of the Washington State Patrol.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointments report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1116, by House Committee on Transportation (originally sponsored by Representatives Wallace, Ericksen, Linville, Kristiansen, Grant, Serben, Walsh, Sells and Strow)

Authorizing a "Ski & Ride Washington" license plate.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the "Ski & Ride Washington" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.

(2) The department shall issue a special license plate displaying a symbol or artwork, approved by the special license plate review board and the legislature, recognizing the Washington snowsports industry, that may be used in lieu of regular or personalized license plates for vehicles required to display vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Ski & Ride Washington license plates" means license plates issued under section 1 of this act that display a symbol or artwork recognizing the efforts of the Washington snowsports industry in this state.

Sec. 3. RCW 46.16.313 and 2004 c 221 s 3, 2004 c 48 s 3, and 2004 c 35 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall

credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Ski & Ride Washington" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Ski & Ride Washington" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Ski & Ride Washington" account established under section 4 of this act.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Ski & Ride Washington" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Ski & Ride Washington" license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Ski & Ride Washington" account established under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

(1) The "Ski & Ride Washington" account is created in the custody of the state treasurer. Upon the department's determination that the state had been reimbursed for the cost of implementing the "Ski Washington" special license plate, all receipts, except as provided in RCW 46.16.313 (12) and (13), from "Ski & Ride Washington" license plates must be deposited into the account. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the account must be disbursed subject to the following conditions and limitations:

(a) Under the requirements of RCW 46.16.765, the department must contract with a qualified nonprofit organization for the purpose of promoting winter snowsports (i.e. skiing and snowboarding) and related programs such as ski and ride safety programs, underprivileged youth "ski and ride" programs, and active, healthy lifestyle programs.

(b) The qualified nonprofit organization must meet all requirements set out in RCW 46.16.765."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1116.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "plate;" strike the remainder of the title and insert "reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1116, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Hewitt, Senators Swecker, Esser, Johnson, Zarelli, Mulliken, Finkbeiner and Oke were excused.

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1116, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1116, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 42

Excused: Senators Fairley, Finkbeiner, Johnson, Mulliken, Oke, Swecker and Zarelli - 7

SUBSTITUTE HOUSE BILL NO. 1116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2061, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Moeller and Dickerson)

Requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2061.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 42

Excused: Senators Fairley, Finkbeiner, Johnson, Mulliken, Oke, Swecker and Zarelli - 7

SUBSTITUTE HOUSE BILL NO. 2061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1847, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, McDermott, Jarrett, Miloscia, Nixon, Green, Wallace and Hunt)

Changing administrative oversight of the code reviser's office. Revised for 1st Substitute: Changing the membership of the statute law committee.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 1.08.001 and 1967 ex.s. c 124 s 1 are each amended to read as follows:

There is created a permanent statute law committee consisting of ~~((twelve lawyer))~~ eleven members as follows: ~~((A lawyer member of the legislature, ex officio, designated by the speaker of the house of representatives with the concurrence of the president of the senate; the chairman of the senate judiciary committee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; the chairman of the house judiciary committee, ex officio, or a member thereof who belongs to the same political party as the chairman, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; five lawyers))~~

(1) The secretary of the senate, ex officio;

(2) Two members of the senate, one from each of the two largest caucuses in the senate, appointed by the president of the senate;

(3) The chief clerk of the house of representatives, ex officio;

(4) Two members of the house of representatives, one from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(5) The staff director of the nonpartisan professional committee staff of the senate, ex officio;

(6) The staff director of the nonpartisan professional committee staff of the house of representatives, ex officio;

(7) A lawyer admitted to practice in this state, ~~((designated))~~ appointed by the board of governors of the Washington State Bar Association;

(8) A judge of the supreme court or a lawyer who has been admitted to practice in this state, ~~((recommended))~~ appointed by the chief justice of the supreme court; and

(9) A lawyer staff member ~~((at large))~~ of the governor's office or a state agency, appointed by the governor.

All such ~~((designations or))~~ initial appointments~~((s))~~ shall ~~((except as provided in RCW 1.08.003,))~~ be made ~~((as above provided prior to April 1, 1959))~~ within thirty days of the effective date of this act.

Sec. 2. RCW 1.08.003 and 1959 c 95 s 2 are each amended to read as follows:

The term~~((s))~~ of the member~~((s designated))~~ of the committee appointed by the State Bar Association, shall be for ~~((six))~~ two years. ~~((The term of the member recommended by the chief justice shall be at the pleasure of the supreme court. The term of the governor's appointee shall be four years. The term of the senate and house judiciary committee members shall be two years, from April 1st following the adjournment of the regular session of the legislature in each odd-numbered year starting in 1955 and to and including the thirty first day of March in the succeeding odd-numbered year.))~~

The term of any ex officio member~~((, other than senate and house judiciary committee members shall))~~ expires upon expiration of tenure of the position by virtue of which he or she is a member of the committee. The remaining members of the committee shall serve at the pleasure of the appointing authority. Vacancies shall be filled by designation, appointment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term.

~~((Of the members to be designated by the Washington State Bar Association, the term of one member shall expire March 31, 1959, the terms of two members shall expire March 31, 1961, the terms of two members shall expire March 31, 1963, and the term of one member shall expire March 31, 1965: PROVIDED, That this 1959 amendment shall not affect the present terms of present members.))~~

Sec. 3. RCW 1.08.007 and 1953 c 257 s 3 are each amended to read as follows:

~~((The committee shall meet at the call of the senate judiciary chairman as soon as feasible after April 1, 1953.))~~ The committee shall from time to time elect a chairman from among its members~~((s))~~ and adopt rules to govern its procedures. Four members of the committee shall constitute a quorum for the transaction of any business but no proceeding of the committee shall be valid unless carried by the vote of a majority of the members present. The code reviser or a member of his or her staff shall act as secretary of the committee.

Sec. 4. RCW 1.08.011 and 1951 c 157 s 5 are each amended to read as follows:

The committee shall~~((, as soon as practicable after April 1, 1951,))~~ employ on behalf of the state~~((s))~~ and from time to time fix the compensation of a competent code reviser, with power to terminate any such employment at any time~~((, subject to contract rights))~~. The committee shall also employ on behalf of the state and fix the compensation of such additional legal and clerical assistance to the code reviser as may reasonably be required under this chapter. The committee shall have general supervision and control over the functions and performance of the code reviser.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1847.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 1.08.001, 1.08.003, 1.08.007, and 1.08.011; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1847, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1847, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1847, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 42

Voting nay: Senator Roach - 1

Excused: Senators Finkbeiner, Johnson, Mulliken, Oke, Swecker and Zarelli - 6

SUBSTITUTE HOUSE BILL NO. 1847, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1124, by Representatives Eickmeyer, Buck, Blake, Upthegrove, B. Sullivan, Chase and Dunshee

Authorizing the use of signs, banners, or decorations over highways under limited circumstances.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be adopted.
On page 4, after line 26, strike section 3.

Senator Haugen spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to House Bill No. 1124.

The motion by Senator Haugen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1124, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1124, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1124, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 42

Absent: Senator Deccio - 1

Excused: Senators Finkbeiner, Johnson, Mulliken, Oke, Swecker and Zarelli - 6

HOUSE BILL NO. 1124, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015, by House Committee on Appropriations (originally sponsored by Representatives Kagi, O'Brien, Hinkle, Fromhold, Darneille, Upthegrove, Tom, Kenney and Dickerson)

Changing provisions relating to judicially supervised substance abuse treatment. Revised for 2nd Substitute: Revising the special drug offender sentencing alternative.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.660 and 2002 c 290 s 20 and 2002 c 175 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; ~~((and))~~

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(e) The standard sentence range for the current offense is greater than one year; and

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If ((the standard sentence range is greater than one year and)) the sentencing court determines that the offender is eligible for this alternative ((and that)), the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative((, the judge may)).

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence ~~((that must include))~~ consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections(-);

~~((The court shall also impose:~~

~~((a))) (b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;~~

~~((b))) (c) Crime-related prohibitions including a condition not to use illegal controlled substances;~~

~~((c))) (d) A requirement to submit to urinalysis or other testing to monitor that status; and~~

~~((d))) (e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.~~

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court ~~((shall))~~ may impose ~~((three or more))~~ any of the following conditions:

~~((i))) (a) Devote time to a specific employment or training;~~

~~((ii))) (b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;~~

~~((iii))) (c) Report as directed to a community corrections officer;~~

~~((iv))) (d) Pay all court-ordered legal financial obligations;~~

~~((v))) (e) Perform community restitution work;~~

~~((vi))) (f) Stay out of areas designated by the sentencing court;~~

~~((vii))) (g) Such other conditions as the court may require such as affirmative conditions.~~

~~((3))) (8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.~~

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If ~~(the)~~ an offender ~~((violates any of the sentence conditions in subsection (2) of this section or))~~ sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a ~~((violation))~~ hearing shall be held by the department unless waived by the offender~~(-~~

~~(a) If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.~~

~~(b))~~, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

~~((4) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.~~

~~(5)) (10) An offender ~~((who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and))~~ sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement. ~~((An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing court. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned release time.))~~~~

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

NEW SECTION. Sec. 2. This act applies to sentences imposed on or after the effective date of this act.

NEW SECTION. Sec. 3. This act takes effect October 1, 2005."

Senator Kline spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute House Bill No. 2015 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1065, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Ericksen, McCoy, Haigh, Miloscia, Simpson, Upthegrove, Kessler, Appleton, Williams, Curtis, Conway, Nixon, P. Sullivan, Kenney, Hinkle, Wallace, Jarrett, Dunn, Linville, Morris, Wood, Hunter, Sells, Clibborn, Morrell, Campbell, B. Sullivan and Chase)

Authorizing the armed forces license plate collection.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the armed forces license plate collection has been reviewed and approved by the special license plate review board.

(2) The department shall issue a special license plate collection, approved by the special license plate review board and the legislature, recognizing the contribution of veterans, active duty military personnel, reservists, and members of the Washington national guard. The collection includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and Washington national guard.

(3) Armed forces special license plates may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

(4) Upon request, the department must make available to the purchaser, at no additional cost, a decal indicating the purchaser's military status. The department must work with the department of veterans affairs to establish a list of the decals to be made available. The list of available decals must include, but is not limited to, "veteran," "disabled veteran," "reservist," "retiree," or "active duty." The department may specify where the decal may be placed on the license plate. Decals are required to be made available only for standard six-inch by twelve-inch license plates.

(5) Armed forces license plates and decals are available only to veterans as defined in RCW 41.04.007, active duty military personnel, reservists, members of the Washington national guard, and the spouses of deceased veterans. Upon initial application, any purchaser requesting an armed forces license plate and decal will be required to show proof of eligibility by providing: A DD-214 or discharge papers if a veteran; a military identification or retired military identification card; or a declaration of fact attesting to the purchaser's eligibility as required under this section.

(6) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in subsection (4) of this section.

(7) Armed forces license plates are not available free of charge to disabled veterans, former prisoners of war, or spouses of deceased former prisoners of war under the privileges defined in RCW 73.04.110 and 73.04.115.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

(1) "Armed forces license plate collection" means the collection of six separate license plate designs issued under section 1 of this act. Each license plate design displays a symbol representing one of the five branches of the armed forces, and one representing the Washington national guard.

(2) Armed forces license plates are not available free of charge to disabled veterans, former prisoners of war, or spouses of deceased former prisoners of war under the privileges defined in RCW 73.04.110 and 73.04.115.

Sec. 3. RCW 46.16.313 and 2004 c 221 s 3, 2004 c 48 s 3, and 2004 c 35 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of an armed forces license plate shall pay an initial fee of forty dollars. The department shall retain an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the armed forces special license plate collection. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the veterans stewardship account established under section 4 of this act.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of an armed forces license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the armed forces special license plate collection. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the veterans stewardship account established in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.60A RCW to read as follows:

(1) The veterans stewardship account is created in the custody of the state treasurer. Disbursements of funds must be on the authorization of the director or the director's designee, and only for the purposes stated in subsection (4) of this section. In

order to maintain an effective expenditure and revenue control, funds are subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of the funds.

(2) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, including funds generated by the issuance of the armed forces license plate collection under chapter 46.16 RCW.

(3) All receipts, except as provided in RCW 46.16.313(12) (a) and (b), from the sale of armed forces license plates must be deposited into the veterans stewardship account.

(4) All moneys deposited into the veterans stewardship account must be used by the department for activities that benefit veterans, including but not limited to, providing programs and services for homeless veterans; establishing memorials honoring veterans; and maintaining a future state veterans' cemetery. Funds from the account may not be used to supplant existing funds received by the department.

Sec. 5. RCW 73.04.115 and 1990 c 250 s 91 are each amended to read as follows:

(1) The department shall issue to the surviving spouse of any deceased former prisoner of war described in RCW 73.04.110(2), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

(2) The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

(3) For purposes of this section, the term "special license plates" does not include any plate from the armed forces license plate collection established in section 1 of this act.

Sec. 6. RCW 73.04.110 and 2004 c 223 s 6 and 2004 c 125 s 1 are each reenacted and amended to read as follows:

(1) Any person who is a veteran as defined in RCW 41.04.007 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

~~((1))~~ (a) Has lost the use of both hands or one foot;

~~((2))~~ (b) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;

~~((3))~~ (c) Has become blind in both eyes as the result of military service; or

~~((4))~~ (d) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year; is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of ten dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection ~~((4))~~ (1)(d) of this section.

(2) Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

(3) For the purposes of this section, (a): "Blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW; and (b) "special license plates" does not include any plate from the armed forces license plate collection established in section 1 of this act.

Any unauthorized use of a special plate is a gross misdemeanor.

Sec. 7. RCW 41.04.007 and 2002 c 292 s 2 are each amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of section 1 of this act, RCW 72.36.030, 41.04.010, 73.04.090, 73.04.110, 73.08.010, 73.08.060, 73.08.070, or 73.08.080 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1065.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "collection;" strike the remainder of the title and insert "amending RCW 73.04.115 and 41.04.007; reenacting and amending RCW 46.16.313 and 73.04.110; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1065, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1065, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1065, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 47

Excused: Senators Oke and Zarelli - 2

SUBSTITUTE HOUSE BILL NO. 1065, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1168, by House Committee on Appropriations (originally sponsored by Representatives Appleton, O'Brien, Cody, Campbell, Moeller, P. Sullivan, Chase, Flannigan, McCoy, Sells, Simpson, Darneille, Hasegawa, McIntire, Murray, McDermott, Morrell, Green, Schual-Berke, Kagi, Kessler, Dickerson, Kenney, Hankins, Conway, Lantz, Ormsby, Wallace and Upthegrove)

Authorizing the state board of pharmacy to regulate nonresident Canadian pharmacies.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Keiser be adopted.

On page 4, after line 4, insert:

"NEW SECTION. Sec 4. A new section is added to chapter 18.64 RCW to read as follows:

(1) By September 1, 2005, the board of pharmacy shall, in consultation with the department and the health care authority, submit a waiver request to the federal food and drug administration that authorizes the importation of prescription drugs from Canada.

(2) Upon approval of the federal waiver allowing for the importation of prescription drugs from Canada, the board, in consultation with the department and the health care authority, shall license Canadian pharmacies that provide services to Washington residents under RCW 18.64.350 and RCW 18.64.360. "

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Keiser on page 4, after line 4 to Second Substitute House Bill No. 1168.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1168, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1168, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1168, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 33

Voting nay: Senators Benson, Carrell, Deccio, Delvin, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Pflug, Schoesler, Sheldon and Swecker - 14

Excused: Senators Oke and Zarelli - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1168, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION

8672

By Senators Fraser, Prentice, Spanel, Kohl-Welles, Fairley, Rockefeller, Morton, Eide, Hargrove, Stevens, Regala, Franklin, Shin, Haugen, McAuliffe, Weinstein, Rasmussen, Esser, Johnson, Deccio, Sheldon, Kline, Jacobsen, Keiser, Kastama, Doumit and Honeyford

WHEREAS, Olympia has been the capital of the State of Washington (and previously the Territory of Washington) since 1853; and

WHEREAS, In 1928, after having served in several temporary buildings, Washington State lawmakers, the Governor, other state officials, and employees moved to the new Legislative Building; and

WHEREAS, The Legislative Building, designed by the architectural firm of Wilder and White in New York, is on the National Register of Historic Places, has the fourth-largest masonry dome in the world, is acclaimed as one of the "Ten Great Domes of the World," and is among the most beautiful capitol buildings in the nation; and

WHEREAS, The beautiful and inspiring Legislative Building has always provided an impressive sense of history and serves as a prominent symbol of our deeply held democratic values; and

WHEREAS, The 6.8-magnitude Nisqually Earthquake, which occurred at 10:54 a.m. on Wednesday, February 28, 2001, in the middle of the legislative session and the business day, caused millions of dollars in damage to the Legislative Building, forcing immediate evacuation, major repairs, and expedition of major planned renovations; and

WHEREAS, The rehabilitation and repair project was massive in scope, costing \$120 million raised mostly from sale of timber on state trust lands, which were provided to the state at statehood for capitol building purposes; and

WHEREAS, The project required 400,000 pounds of marble and Italian stone; 10,000 bags of plaster; 300 miles of new wiring, conduit, pipe, and cable; 140 tons of new ductwork; 60 tons of steel rebar - carried by hand up the Dome's 266 spiral stairs; and the removal of 3,300 tons of dirt; and

WHEREAS, The project was masterfully implemented by skilled architects, artisans, and engineers, who preserved the historic values with creative, one-of-a-kind solutions such that many of the most exacting, artful, masterful, and labor-intensive repairs are those least noticeable; and

WHEREAS, The project was exceptionally well-managed as a "labor of love" by the Department of General Administration, the contractors, and approximately 2,100 employees, such that Phase I earthquake repairs were completed on time and under budget, an exemplary safety record of only 60 hours of time loss injuries during the 820,000 total hours worked, and 85 percent of construction waste was recycled - some for Habitat for Humanity homes; and

WHEREAS, All citizens of the state, present and future, will benefit from improved safety, infrastructure, earthquake protection, modern communication, access, healthier air quality, energy conservation, and new public spaces for visitors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate give high praise and thanks to the approximately 2,100 people whose vision, creativity, dedication, and meticulous, skilled, and expeditious work makes this historic project a proud success for the people of the State of Washington, including the following:

The Washington State Department of General Administration, with special appreciation to the Project Management Team, the Architect of Record, and SRG Partnership of Seattle;

Other architects and engineers: Einhorn/Yaffee/Prescott of Albany, New York; Barnett (Bud) Schorr of Seattle; Swenson Say Faget of Seattle; Wiss, Janney, Elstner Associates of Seattle; and Artifacts Inc. of Tacoma;

M.A. Mortenson Company of Bellevue, the general contractor;

Other contractors: EC Company of Auburn, McKinstry Company of Seattle, Pioneer Masonry Restoration Company of Seattle, D.L. Henricksen of Tacoma, Western Tile and Masonry of Seattle, and Master Millwork of Tacoma; and

Wilkeson Quarry in Pierce County; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to all of the companies and agencies involved in the restoration project.

Senators Fraser, Prentice, Spanel, Hewitt, Jacobsen, McAuliffe, Deccio, Eide, Kohl-Welles, Esser and Kline spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "Before the President makes a couple of introductions, I would like to also provide some little corrections. The earthquake did not create the need for the renovation. The renovation, actually started, process many years earlier. I had the great privilege of working with some outstanding Directors of General Administration, including Marsha Tadano Long and Rob Fukai, who are no longer there, but they were absolutely incredible. Two other people I would like to mention. We had the privilege of getting advice and guidance from two wonderful people who were the sons of Wilder and White, I know Leavitt White was the son of Mr. White. I believe that Norm Johnson was the son of Mr. Wilder or maybe it was the person in charge of the construction project. I believe it was originally. The earthquake, though, did not create the need for the renovation. The renovation was there, but it did provide us the opportunity to make it a much safer place and, Senator Kohl-Welles, I am perfectly comfortable that we can stand anything that Mother Nature can throw at us and you'll be well protected because of the great work that the people have done."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Legislative Building Renovation Project who were seated in the gallery.

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Kenney, Kessler, Rodne, Linville, Hankins, Grant, Takko, Newhouse, Williams, Flannigan, Sells, Ormsby, Chase and Serben)

Providing accommodations to dependent persons who are victims and witnesses.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that it is important that dependent persons who are witnesses and victims of crime cooperate with law enforcement and prosecutorial agencies and that their assistance contributes to state and local enforcement efforts and the general effectiveness of the criminal justice system. The legislature finds that the state has an interest in making it possible for courts to adequately and fairly conduct cases involving dependent persons who are victims of crimes. Therefore, it is the intent of the legislature, by means of this chapter, to insure that all dependent persons who are victims and witnesses of crime are treated with sensitivity, courtesy, and special care and that their rights be protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded to other victims, witnesses, and criminal defendants.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Dependent person" has the same meaning as that term is defined in RCW 9A.42.010.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution or defense in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness, whether or not an action or proceeding has been commenced.

(5) "Family member" means a person who is not accused of a crime and who is an adult child, adult sibling, spouse, parent, or legal guardian of the dependent person.

(6) "Advocate" means any person not accused of a crime, including a family member, approved by the witness or victim, in consultation with his or her guardian if applicable, who provides support to a dependent person during any legal proceeding.

(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a dependent person, including pretrial hearings, trial, sentencing, or appellate proceedings.

(8) "Identifying information" means the dependent person's name, address, location, and photograph, and in cases in which the dependent person is a relative of the alleged perpetrator, identification of the relationship between the dependent person and the alleged perpetrator.

(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

NEW SECTION. Sec. 3. (1) In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that dependent persons who are victims or witnesses are afforded the rights enumerated in this section. The enumeration of rights under this chapter shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Dependent persons who are victims or witnesses in the criminal justice system have the following rights, which apply to any criminal court or juvenile court proceeding:

(a) To have explained in language easily understood by the dependent person, all legal proceedings and police investigations in which the dependent person may be involved.

(b) With respect to a dependent person who is a victim of a sex or violent crime, to have a crime victim advocate from a crime victim/witness program, or any other advocate of the victim's choosing, present at any prosecutorial or defense interviews with the dependent person. This subsection applies unless it creates undue hardship and if the presence of the crime victim advocate or other advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate or other advocate is to provide emotional support to the dependent person and to promote the dependent person's feelings of security and safety.

(c) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the dependent person prior to and during any court proceedings.

(d) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the dependent person to cooperate with prosecution and the potential effect of the proceedings on the dependent person.

(e) To allow an advocate to provide information to the court concerning the dependent person's ability to understand the nature of the proceedings.

(f) To be provided information or appropriate referrals to social service agencies to assist the dependent person with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the dependent person is involved.

(g) To allow an advocate to be present in court while the dependent person testifies in order to provide emotional support to the dependent person.

(h) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the dependent person testifies in order to promote the dependent person's feelings of security and safety.

(i) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as victim advocates or prosecutorial staff trained in the interviewing of the dependent person.

(j) With respect to a dependent person who is a victim of a violent or sex crime, to receive either directly or through the dependent person's legal guardian, if applicable, at the time of reporting the crime to law enforcement officials, a written statement of the rights of dependent persons as provided in this chapter. The statement may be paraphrased to make it more easily understood. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

(2) Any party may request a preliminary hearing for the purpose of establishing accommodations for the dependent person consistent with, but not limited to, the rights enumerated in this section.

NEW SECTION. Sec. 4. (1) The prosecutor or defense may file a motion with the court at any time prior to commencement of the trial for an order authorizing the taking of a video tape deposition for the purpose of preserving the direct testimony of the moving party's witness if that witness is a dependent person.

(2) The court may grant the motion if the moving party shows that it is likely that the dependent person will be unavailable to testify at a subsequent trial. The court's finding shall be based upon, at a minimum, recommendations from the dependent person's physician or any other person having direct contact with the dependent person and whose recommendations are based on specific behavioral indicators exhibited by the dependent person.

(3) The moving party shall provide reasonable written notice to the other party of the motion and order, if granted, pursuant to superior court criminal rules for depositions.

(4) Both parties shall have an opportunity to be present at the deposition and the nonmoving party shall have the opportunity to cross-examine the dependent person.

(5) Under circumstances permitted by the rules of evidence, the deposition may be introduced as evidence in a subsequent proceeding if the dependent person is unavailable at trial and both the prosecutor and the defendant had notice of and an opportunity to participate in the taking of the deposition.

NEW SECTION. Sec. 5. (1) The failure to provide notice to a dependent person of the rights enumerated in this chapter or the failure to provide the rights enumerated shall not result in civil liability so long as the failure was in good faith.

(2) Nothing in this chapter shall be construed to limit a party's ability to bring an action, including an action for damages, based on rights conferred by other state or federal law.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Mulliken, Senators Brandland, Hewitt, Finkbeiner and Johnson were excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 2126.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "witnesses;" strike the remainder of the title and insert "and adding a new chapter to Title 7 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2126, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, McCaslin and Esser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2126, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2126, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 45

Absent: Senators Brown and Swecker - 2

Excused: Senators Oke and Zarelli - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Madam President, I noticed a certain lethargic feeling around the floor in this early afternoon session. Given the fact that we are, shall we say, 'the house of lords' we tend to be the elder body in this legislature. Also, given the fact that accordingly to our task mistress – I mean – the floor leader, we are going to be here until 9 p.m. I just want to remember to notify my fellow members that the smoking lamp is lit, so to speak. That the espresso machine is turned on and those of you who need to vote more liberal – uh, I, I mean – to vote more awakenly, we have the wherewithal over on our side. You're all welcome."

PERSONAL PRIVILEGE

Senator McCaslin: "The body doesn't know this, but the last time that fine gentleman got up and raise that cup about coming in and having a shot of that – this is the truth – he fell asleep. Honest, the Lord knows I'm telling the truth. He was snoozing like a baby back there. So whatever he's got in that stuff, don't take it."

SECOND READING

HOUSE BILL NO. 1599, by Representatives Takko, Wallace and Woods

Revising the definition of "county engineer."

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Hewitt, Senator Swecker was excused.

On motion of Senator Regala, Senators Brown and Thibaudeau were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1599.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1599 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 44

Excused: Senators Brown, Oke, Swecker, Thibaudeau and Zarelli - 5

HOUSE BILL NO. 1599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Owen assumed the chair.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 2015 which had been deferred earlier in the day.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell, Rasmussen, Johnson and Stevens to the striking amendment be adopted.

On page 1, line 23 of the amendment, after "sentence;" strike "and"

On page 1, line 25 of the amendment, after "year" insert "; and"

(f) The offender has not received a drug offender sentencing alternative more than once before the current offense"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell the amendment by Senator Carrell, Rasmussen, Johnson and Stevens to the striking amendment by Senators Kline and Hargrove to Engrossed Second Substitute House Bill No. 2015 was withdrawn.

MOTION

Senator Kline moved that the following amendment to the striking amendment by Senator Kline be adopted.

On page 1, line 23 of the amendment, after "sentence;" strike "and"

On page 1, line 25 of the amendment, after "year" insert "; and"

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense"

Senators Kline, Johnson and Carrell spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 1, line 23 to the striking amendment to Engrossed Second Substitute House Bill No. 2015.

The motion by Senator Kline carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Hargrove as amended to Engrossed Second Substitute House Bill No. 2015.

The motion by Senator Kline carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.660; creating a new section; and providing an effective date."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Second Substitute House Bill No. 2015, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senator Doumit was excused.

On motion of Senator Pflug, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2015, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2015, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator McCaslin - 1

Excused: Senators Oke and Swecker - 2

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1447, by Representatives Moeller, Jarrett, Morrell, Nixon, Fromhold, Kessler, Lantz, Upthegrove, Appleton, Green, Lovick, Dunshee, Buri, P. Sullivan, Ericks, Pettigrew, Schual-Berke, Simpson, Ormsby, Tom, Sells, Dickerson, McDermott, Wood, Santos, Hasegawa and Kilmer

Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1447.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1447 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Stevens, Weinstein and Zarelli - 38

Voting nay: Senators Carrell, Hargrove, Hewitt, Honeyford, Parlette, Prentice, Schoesler, Sheldon and Thibaudeau - 9

Excused: Senators Oke and Swecker - 2

HOUSE BILL NO. 1447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402, by House Committee on Criminal Justice & Corrections (originally sponsored by Representative O'Brien)

Regulating supervision of offenders who travel or transfer to or from another state.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The department may supervise nonfelony offenders transferred to Washington pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision, and shall supervise these offenders according to the provisions of this chapter.

(2) The department shall process applications for interstate transfer of felony and nonfelony offenders pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision, and may charge offenders a reasonable fee for processing the application.

Sec. 2. RCW 9.95.204 and 1996 c 298 s 1 are each amended to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.

(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

(8)(a) If a misdemeanor probationer requests permission to travel or transfer to another state, the assigned probation officer employed or contracted for by the county shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(i) Notify the department of corrections of the probationer's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(v) Resume supervision if the probationer returns to this state before the term of probation expires.

(b) The probationer shall receive credit for time served while being supervised by another state.

Sec. 3. RCW 9.95.214 and 1996 c 298 s 4 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections or a county probation department, the department

or county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant. The department or county probation department shall suspend such assessment while the defendant is being supervised by another state pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision.

NEW SECTION. Sec. 4. A new section is added to chapter 3.66 RCW to read as follows:

(1) If a person placed on probation for one year or more for a misdemeanor or gross misdemeanor by a district court requests permission to travel or transfer to another state, the assigned probation officer shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(a) Notify the department of corrections of the probationer's request;

(b) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(c) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(d) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(e) Resume supervision if the probationer returns to this state before the term of probation expires.

(2) The probationer shall receive credit for time served while being supervised by another state.

(3) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(4) The state of Washington, the department of corrections and its employees, and any county and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

Sec. 5. RCW 35.20.255 and 2001 c 94 s 3 are each amended to read as follows:

(1) Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than five years from the date of conviction for a defendant to be sentenced under RCW 46.61.5055 and two years from the date of conviction for all other offenses. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence.

(2)(a) If a defendant whose sentence has been deferred requests permission to travel or transfer to another state, the director of probation services or a designee thereof shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the director or designee shall:

(i) Notify the department of corrections of the defendant's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the defendant of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the defendant while another state supervises the defendant pursuant to the compact;

(v) Resume supervision if the defendant returns to this state before the period of deferral expires.

(b) The defendant shall receive credit for time served while being supervised by another state.

(c) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(d) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

NEW SECTION. Sec. 6. A new section is added to chapter 3.50 RCW to read as follows:

(1) If a person placed on probation for one year or more for a misdemeanor or gross misdemeanor by a municipal court requests permission to travel or transfer to another state, the assigned probation officer shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(a) Notify the department of corrections of the probationer's request;

(b) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(c) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(d) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

- (e) Resume supervision if the probationer returns to this state before the term of probation expires.
- (2) The probationer shall receive credit for time served while being supervised by another state.
- (3) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.
- (4) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

Sec. 7. RCW 10.64.120 and 1996 c 298 s 6 are each amended to read as follows:

(1) Every judge of a court of limited jurisdiction shall have the authority to levy upon a person a monthly assessment not to exceed one hundred dollars for services provided whenever the person is referred by the court to the misdemeanor probation department for evaluation or supervision services. The assessment may also be made by a judge in superior court when such misdemeanor or gross misdemeanor cases are heard in the superior court.

(2) For the purposes of this section the office of the administrator for the courts shall define a probation department and adopt rules for the qualifications of probation officers based on occupational and educational requirements developed by an oversight committee. This oversight committee shall include a representative from the district and municipal court judges association, the misdemeanor corrections association, the office of the administrator for the courts, and associations of cities and counties. The oversight committee shall consider qualifications that provide the training and education necessary to (a) conduct presentencing and postsentencing background investigations, including sentencing recommendations to the court regarding jail terms, alternatives to incarceration, and conditions of release; and (b) provide ongoing supervision and assessment of offenders' needs and the risk they pose to the community.

(3) It shall be the responsibility of the probation services office to implement local procedures approved by the court of limited jurisdiction to ensure collection and payment of such fees into the general fund of the city or county treasury.

(4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.

(5) Assessments and fees levied upon a probationer under this section must be suspended while the probationer is being supervised by another state under RCW 9.94A.745, the interstate compact for adult offender supervision.

NEW SECTION. Sec. 8. This act applies to offenders sentenced before, on, or after the effective date of this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Mulliken, Senator Hewitt was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1402.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 9.95.204, 9.95.214, 35.20.255, and 10.64.120; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 3.50 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1402, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1402, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1402, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Hewitt, Oke, Rockefeller and Swecker - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1719, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Cox, Hunt, Simpson and Williams)

Regarding school district bidding requirements.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Pridemore spoke in favor of passage of the bill.

Senator Schmidt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1719.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1719 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Carrell, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Schmidt and Stevens - 10

Absent: Senator Finkbeiner - 1

Excused: Senators Hewitt, Oke and Swecker - 3

SUBSTITUTE HOUSE BILL NO. 1719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, by House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn)

Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. Revised for 1st Substitute: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. (REVISED FOR ENGROSSED: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.)

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Berkey be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts.

Sec. 2. RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons ~~((therefore))~~ therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

~~((b))~~ (d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsection (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsection (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). ~~Only those counties and cities in compliance with the schedules in this section ((shall have the requisite authority to)) and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is deemed to be making substantial progress towards compliance.~~ Only those counties and cities in compliance with the schedules in this section ~~((shall))~~ may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section.

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section.

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations that protect critical areas is deemed to be making substantial progress towards compliance.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Berkey spoke in favor of adoption of the striking amendment.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken to the striking amendment be adopted.

On page 5, line 10 of the amendment, after "section for" insert "comprehensive land use plans and for"

On page 5, line 14 of the amendment, after "section for" insert "comprehensive land use plans and for"

On page 5, line 22 of the amendment, after "section for" insert "comprehensive land use plans and for"

On page 5, line 27 of the amendment, after "section for" insert "comprehensive land use plans and for"

On page 5, line 32 of the amendment, after "section for" insert "comprehensive land use plans and for"

Senators Mulliken, Kastama, Sheldon and Morton spoke in favor of adoption of the amendment to the striking amendment.

Senators Pridemore and Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 5, line 10 to the striking amendment to Engrossed Substitute House Bill No. 2171.

The motion by Senator Mulliken carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Berkey as amended to Engrossed Substitute House Bill No. 2171.

The motion by Senator Kastama carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "36.70A.130;" strike the remainder of the title and insert "amending RCW 36.70A.130; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2171, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Mulliken spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senators Haugen and Brown were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2171, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2171, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Esser, Franklin, Hargrove, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Weinstein and Zarelli - 29

Voting nay: Senators Eide, Fairley, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Pridemore, Regala, Rockefeller, Spanel and Thibaudeau - 14
Absent: Senator Finkbeiner - 1
Excused: Senators Brown, Haugen, Hewitt, Oke and Swecker - 5
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Transportation (originally sponsored by Representatives Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Holmquist and Sells)

Providing funding for watchable wildlife activities by creating the "Wild On Washington" license plates.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the Wild On Washington license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.

(2) The department shall issue a special license plate displaying a symbol or artwork, approved by the special license plate review board and the legislature, referred to as "Wild On Washington license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

For the purposes of RCW 46.16.313 and section 1 of this act, the term "Wild On Washington license plates" means license plates issued under section 1 of this act that display a symbol or artwork symbolizing wildlife viewing in Washington state.

Sec. 3. RCW 46.16.313 and 2004 c 221 s 3, 2004 c 48 s 3, and 2004 c 35 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the

county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a Wild On Washington license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Wild On Washington license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall

credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Wild On Washington license plates must be dedicated to the department of fish and wildlife's watchable wildlife activities defined in RCW 77.32.560(2).

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a Wild On Washington license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Wild On Washington license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Wild On Washington license plates must be dedicated to the department of fish and wildlife's watchable wildlife activities defined in RCW 77.32.560(2).

Sec. 4. RCW 77.12.170 and 2004 c 248 s 4 are each amended to read as follows:

- (1) There is established in the state treasury the state wildlife (~~fund~~) account which consists of moneys received from:
- (a) Rentals or concessions of the department;
 - (b) The sale of real or personal property held for department purposes;
 - (c) The sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;
 - (d) Fees for informational materials published by the department;
 - (e) Fees for personalized vehicle and Wild On Washington license plates as provided in chapter 46.16 RCW;
 - (f) Articles or wildlife sold by the director under this title;
 - (g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320;
 - (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;
 - (i) The sale of personal property seized by the department for fish, shellfish, or wildlife violations;
 - (j) The department's share of revenues from auctions and raffles authorized by the commission; and
 - (k) The sale of watchable wildlife decals under RCW 77.32.560.
- (2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife (~~fund~~) account."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1216.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1216, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1216, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1216, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Finkbeiner - 1

Excused: Senators Brown, Haugen, Hewitt, Oke and Swecker - 5
SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mulliken, Senator Finkbeiner was excused.

SECOND READING

HOUSE BILL NO. 1143, by Representatives Green, Nixon, Haigh, McDermott, Hunt and Morrell

Regarding penalties for violations of the public disclosure act.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1143 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1113, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Wallace, Jarrett, Fromhold, Armstrong, Moeller, Lovick, Morrell, Kilmer, Dickerson, Appleton, Wood, Ormsby, Sells and Chase)

Regulating traffic signal preemption devices.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Shin and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1113.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1113 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Finkbeiner, Haugen; Hewitt, Oke and Swecker - 6

SUBSTITUTE HOUSE BILL NO. 1113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1259, by Representatives Wallace and Woods

Making technical corrections to chapter 46.87 RCW.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1259.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1259 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Finkbeiner, Haugen, Hewitt, Oke and Swecker - 6

HOUSE BILL NO. 1259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1296, by Representatives Lovick, Flannigan, Williams, Priest and Serben

Granting the municipal courts jurisdiction for antiharassment protection orders.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senators Kohl-Welles and Doumit were excused.

On motion of Senator Mulliken, Senators Honeyford and Parlette were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1296.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1296 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken,

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brown, Finkbeiner, Haugen, Hewitt, Honeyford, Oke, Parlette and Swecker - 8

HOUSE BILL NO. 1296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1486, by House Committee on Health Care (originally sponsored by Representatives Conway, Wood and Sells)

Requiring applicants for state purchased health care benefits or uncompensated hospital care to identify the employer of the proposed beneficiary of the benefits or care. Revised for 1st Substitute: Concerning health care services.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services and the employment security department, shall prepare a report on the employment status of basic health plan enrollees under this chapter. The report shall include the following composite information:

- (a) The number of employees by employer;
- (b) The employee size of the employer;
- (c) The number of employees by industry type;
- (d) The number of hours worked by employees;
- (e) The number of employees with multiple employers;
- (f) The number of employees who chose the basic health plan instead of insurance coverage offered by their employer, and why they did so; and
- (g) The number of employees referred to the basic health plan by their employer and the number referred by others, including public agencies, relatives, or friends.

(2) The report shall be structured so as to identify seasonal variations that may impact the composite information in the report.

(3) The report shall be delivered electronically to appropriate committees of the senate and house of representatives annually, commencing no later than November 15, 2005.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority and the employment security department, shall prepare a report on the employment status of recipients of medical assistance under this chapter. The report shall include the following composite information:

- (a) The number of employees by employer;
- (b) The employee size of the employer;
- (c) The number of employees by industry type;
- (d) The number of hours worked by employees;
- (e) The number of employees with multiple employers;
- (f) The number of employees who chose receipt of medical assistance instead of insurance coverage offered by their employer, and why they did so; and
- (g) The number of employees referred to medical assistance by their employer and the number referred by others, including public agencies, relatives, or friends.

(2) The report shall be structured so as to identify seasonal variations that may impact the composite information in the report.

(3) The report shall be delivered electronically to appropriate committees of the senate and house of representatives annually, commencing no later than November 15, 2005."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1486.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1486, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Doumit were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1486, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1486, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 40

Excused: Senators Brown, Doumit, Finkbeiner, Haugen, Honeyford, Kohl-Welles, Oke, Parlette and Swecker - 9

SUBSTITUTE HOUSE BILL NO. 1486, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1337, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Pearson and Darneille)

Regulating storage of sex offender records.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1337 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brown, Doumit, Haugen, Honeyford, Kohl-Welles, Oke, Parlette and Swecker - 8
SUBSTITUTE HOUSE BILL NO. 1337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1600, by Representatives Takko, Wallace and Woods

Revising county road project reporting.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1600.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1600 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Deccio and Hewitt - 2

Excused: Senators Brown, Doumit, Honeyford, Kohl-Welles, Oke, Parlette and Swecker - 7

HOUSE BILL NO. 1600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller, Hasegawa, Appleton, Hunt, Ericks, Chase, Curtis, Lovick, McCune and Cody)

Specifying procedures for transfer of juvenile proceedings.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senators Deccio and Hewitt were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1661.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1661 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Benton and Rockefeller - 2

Excused: Senators Brown, Doumit, Honeyford, Kohl-Welles, Oke, Parlette and Swecker - 7

SUBSTITUTE HOUSE BILL NO. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Rockefeller was excused.

On motion of Senator Mulliken, Senator Benton was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1917, by Representatives Conway, Wood and Chase

Improving stability in industrial insurance premium rates.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed House Bill No. 1917 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1917.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1917 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senator Pflug - 1

Excused: Senators Benton, Doumit, Honeyford, Kohl-Welles, Oke, Parlette and Swecker - 7

ENGROSSED HOUSE BILL NO. 1917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1208, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representative O'Brien)

Concerning forfeited property.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1208 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Benton and Carrell - 2

Excused: Senators Doumit, Honeyford, Kohl-Welles, Oke and Parlette - 5

SUBSTITUTE HOUSE BILL NO. 1208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2254, by Representative Cody

Clarifying protections provided to quality improvement activities.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 2254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2254.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2254 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Doumit, Honeyford, Kohl-Welles, Oke and Parlette - 5

ENGROSSED HOUSE BILL NO. 2254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Transportation (originally sponsored by Representatives Murray, Woods, Wallace, Jarrett, Ericksen, Morris, B. Sullivan, Chase, Schual-Berke, Rodne and Dickerson)

Enacting the Transportation Innovative Partnerships Act.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be not adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that the public-private initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From the effective date of this act, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that the commission shall be responsible for receiving, reviewing, and approving proposals; rule making; and for contract execution. The department shall be responsible for evaluating proposals and negotiating contracts.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter.

(1) "Authority" means the transportation commission.

(2) "Commission" means the transportation commission.

(3) "Department" means the department of transportation.

(4) "Eligible project" means any project eligible for development under section 5 of this act.

(5) "Private sector partner" and "private partner" means a person, entity, or organization that is not the federal government, a state, or a political subdivision of a state.

(6) "Public funds" means all moneys derived from taxes, fees, charges, tolls, etc.

(7) "Public sector partner" and "public partner" means any federal or state unit of government, bistate transportation organization, or any other political subdivision of any state.

(8) "Transportation innovative partnership program" or "program" means the program as outlined in section 4 of this act.

(9) "Transportation project" means a project, whether capital or operating, where the state's primary purpose for the project is to preserve or facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.

(10) "Unit of government" means any department or agency of the federal government, any state or agency, office, or department of a state, any city, county, district, commission, authority, entity, port, or other public corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity created under chapter 39.34 RCW or this chapter.

PART I POWERS AND DUTIES OF TRANSPORTATION COMMISSION

NEW SECTION. Sec. 3. TRANSPORTATION COMMISSION POWERS AND RESPONSIBILITIES. In addition to the powers it now possesses, the commission shall:

(1) Be designated as the transportation innovative partnership program authority with the authority to:

(a) Adopt rules necessary to carry out this chapter;

(b) Enter into contracts or agreements authorized in this chapter; and

(c) Organize itself in ways necessary to support the purposes of this chapter;

(2) Be responsible for the day-to-day processes of the transportation innovative partnership program;

(3) Adopt rules to govern the program, which rules must include the following:

- (a) The types of projects allowed; however, all allowed projects must be included in the Washington transportation plan or identified by the authority as being a priority need for the state;
- (b) The types of contracts allowed, with consideration given to the best practices available;
- (c) The composition of the team responsible for the evaluation of proposals to include:
 - (i) Washington state department of transportation staff;
 - (ii) An independent representative of a consulting or contracting field with no interests in the project that is prohibited from becoming a project manager for the project and bidding on any part of the project;
 - (iii) An observer from the state auditor's office or the joint legislative audit and review committee;
 - (iv) A person appointed by the commission, if the secretary of transportation is a cabinet member, or appointed by the governor if the secretary of transportation is not a cabinet member; and
 - (v) A financial expert;
- (d) Minimum standards and criteria required of all proposals;
- (e) Procedures for the proper solicitation, acceptance, review, and evaluation of projects;
- (f) Criteria to be considered in the evaluation and selection of proposals that includes:
 - (i) Comparison with the department's internal ability to complete the project; and
 - (ii) Factors such as, but not limited to: priority, cost, risk sharing, scheduling, and management conditions;
- (g) The protection of confidential proprietary information while still meeting the need for public disclosure that is consistent with section 19 of this act;
- (h) Protection for local contractors to participate in subcontracting opportunities;
- (i) Specifying that maintenance issues must be resolved in a manner consistent with the personnel system reform act, chapter 41.80 RCW;
- (j) Specifying that provisions regarding patrolling and law enforcement on a public facility are subject to approval by the Washington state patrol;
- (4) Adopt guidelines to address security and performance issues.

All rules and guidelines established under this section must be submitted to the chairs and ranking members of both transportation committees in October 2005 for review and then be submitted to the full legislature in the 2006 session.

PART II TRANSPORTATION INNOVATIVE PARTNERSHIPS PROGRAM

NEW SECTION. **Sec. 4. PURPOSE OF TRANSPORTATION INNOVATIVE PARTNERSHIPS.** The Transportation Innovative Partnerships Act is created for the planning, acquisition, design, financing, management, development, construction, reconstruction, replacement, improvement, maintenance, preservation, repair, and operation of transportation projects. The goals of this chapter are to:

- (1) Reduce the cost of transportation project delivery;
- (2) Recover transportation investment costs;
- (3) Develop an expedited project delivery process;
- (4) Encourage business investment in public infrastructure;
- (5) Use any fund source outside the state treasury, where financially advantageous and in the public interest;
- (6) Maximize innovation;
- (7) Develop partnerships between and among private entities and the public sector for the advancement of public purposes on mutually beneficial terms;
- (8) Create synergies between and among public sector entities to develop projects that serve both transportation and other important public purposes; and
- (9) Access specialized construction management and project management services and techniques available in the private sector.

NEW SECTION. **Sec. 5. ELIGIBLE PROJECTS.** Projects eligible for development under this chapter include:

- (1) Transportation projects, whether capital or operating, where the state's primary purpose for the project is to facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.; and
- (2) Facilities, structures, operations, properties, vehicles, vessels, or the like that are developed concurrently with an eligible transportation project and that are capable of (a) providing revenues to support financing of an eligible transportation project, or (b) that are public projects that advance public purposes unrelated to transportation.

NEW SECTION. Sec. 6. ELIGIBLE TYPES OF FINANCING. (1) Subject to the limitations in this section, the department may, in connection with the evaluation of eligible projects, consider any financing mechanisms identified under subsections (3) through (5) of this section or any other lawful source, either integrated as part of a project proposal or as a separate, stand-alone proposal to finance a project. Financing may be considered for all or part of a proposed project. A project may be financed in whole or in part with:

- (a) The proceeds of grant anticipation revenue bonds authorized by 23 U.S.C. Sec. 122 and applicable state law. Legislative authorization and appropriation is required in order to use this source of financing;
- (b) Grants, loans, loan guarantees, lines of credit, revolving lines of credit, or other financing arrangements available under the Transportation Infrastructure Finance and Innovation Act under 23 U.S.C. Sec. 181 et seq., or any other applicable federal law;
- (c) Infrastructure loans or assistance from the state infrastructure bank established by RCW 82.44.195;
- (d) Federal, state, or local revenues, subject to appropriation by the applicable legislative authority;
- (e) User fees, tolls, fares, lease proceeds, rents, gross or net receipts from sales, proceeds from the sale of development rights, franchise fees, or any other lawful form of consideration.

(2) As security for the payment of financing described in this section, the revenues from the project may be pledged, but no such pledge of revenues constitutes in any manner or to any extent a general obligation of the state. Any financing described in this section may be structured on a senior, parity, or subordinate basis to any other financing.

(3) For any transportation project developed under this chapter that is owned, leased, used, or operated by the state, as a public facility, if indebtedness is issued, it must be issued by the state treasurer for the transportation project.

(4) For other public projects defined in section 5(2) of this act that are developed in conjunction with a transportation project, financing necessary to develop, construct, or operate the public project must be approved by the state finance committee or by the governing board of a public benefit corporation as provided in the federal Internal Revenue Code section 63-20;

(5) For projects that are developed in conjunction with a transportation project but are not themselves a public facility or public project, any lawful means of financing may be used.

NEW SECTION. Sec. 7. USE OF FEDERAL FUNDS AND SIMILAR SOURCES OF REVENUE. The department may accept from the United States or any of its agencies such funds as are available to this state or to any other unit of government for carrying out the purposes of this chapter, whether the funds are made available by grant, loan, or other financing arrangement. The department may enter into such agreements and other arrangements with the United States or any of its agencies as may be necessary, proper, and convenient for carrying out the purposes of this chapter, subject to section 8 of this act.

NEW SECTION. Sec. 8. OTHER SOURCES OF VALUABLE CONSIDERATION AUTHORIZED. The department may accept from any source any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other valuable thing made to the state of Washington, the department, or a local government for carrying out the purposes of this chapter.

Any eligible project may be financed in whole or in part by contribution of any funds or property made by any private entity or public sector partner that is a party to any agreement entered into under this chapter.

NEW SECTION. Sec. 9. REVIEW, EVALUATION, AND SELECTION OF POTENTIAL PROJECTS. (1) Subject to subsection (2) of this section, the commission may:

- (a) Solicit concepts or proposals for eligible projects from private entities and units of government;
- (b) On or after July 1, 2007, accept unsolicited concepts or proposals for eligible projects from private entities and units of government, subject to section 17 of this act;
- (c) Direct the department to evaluate projects for inclusion in the transportation innovative partnerships program that are already programmed or identified for traditional development by the state;
- (d) Direct the department to evaluate the concepts or proposals received under this section; and
- (e) Select potential projects based on the concepts or proposals. The evaluation under this subsection must include consultation with any appropriate unit of government.

(2) Before undertaking any of the activities contained in subsection (1) of this section, the commission must have:

- (a) Completed the tolling feasibility study; and
- (b) Adopted rules specifying procedures for the proper solicitation, acceptance, review, and evaluation of projects, which procedures must include:
 - (i) Comparison with the department's internal ability to complete the project; and
 - (ii) Factors such as priority, cost, risk sharing, scheduling, and management conditions.

NEW SECTION. Sec. 10. ADMINISTRATIVE FEE AUTHORIZED. The department may charge a reasonable administrative fee for the evaluation of an unsolicited project proposal. The amount of the fee will be established in rules of the commission.

NEW SECTION. Sec. 11. AUTHORIZATION TO SPEND FUNDS FOR EVALUATION AND NEGOTIATION OF PROPOSALS. The department may spend, out of any funds identified for the purpose, such moneys as may be necessary for the evaluation of concepts or proposals for eligible projects and for negotiating agreements for eligible projects authorized by this chapter. The department may employ engineers, consultants, or other experts the department determines are needed for the purposes of doing the evaluation and negotiation. Expenses incurred by the department under this section before the issuance of transportation project bonds or other financing must be paid by the department and charged to the appropriate project. The department shall keep records and accounts showing each amount so charged.

Unless otherwise provided in the omnibus transportation budget the funds spent by the department under this section in connection with the project must be repaid from the proceeds of the bonds or other financing upon the sale of transportation project bonds or upon obtaining other financing for an eligible project, as allowed by law or contract.

NEW SECTION. Sec. 12. CONSULTATION WITH EXPERTS AUTHORIZED. The commission and department may consult with legal, financial, and other experts inside and outside the public sector in the evaluation, negotiation, and development of projects under this chapter, consistent with RCW 43.10.040 where applicable.

NEW SECTION. Sec. 13. ENVIRONMENTAL, ENGINEERING, AND TECHNICAL STUDIES CONTRACTED. Notwithstanding any other provision of law, and in the absence of any direct federal funding or direction, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies and engineering and technical studies.

NEW SECTION. Sec. 14. TERMS OF PARTNERSHIP AGREEMENTS. (1) The following provisions must be included in any agreement to which the state is a party:

(a) For any project that proposes terms for stand-alone maintenance or asset management services for a public facility, those services must be provided in a manner consistent with any collective bargaining agreements, the personnel system reform act (chapter 41.80 RCW), and civil service laws that are in effect for the public facility;

(b) Transportation projects that are selected for development under this chapter must be identified in the Washington transportation plan or be identified by the authority as being a priority need for the state;

(c) If there is a tolling component to the project, then it must be specified that tolling technology used in the project must be consistent with tolling technology standards adopted by the department for transportation-related projects;

(d) Provisions for bonding, financial guarantees, deposits, or the posting of other security to secure the payment of laborers, subcontractors, and suppliers who perform work or provide materials as part of the project;

(e) All projects must be financed in a manner consistent with section 6 of this act. This chapter is null and void if this subsection or section 6 of this act fails to become law or is held invalid by a court of final jurisdiction.

(2) Agreements between the state and private sector partners entered into under this section must specifically include the following contractual elements:

(a) The point in the project at which public and private sector partners will enter the project and which partners will assume responsibility for specific project elements;

(b) How the partners will share management of the risks of the project;

(c) How the partners will share the costs of development of the project;

(d) How the partners will allocate financial responsibility for cost overruns;

(e) The penalties for nonperformance;

(f) The incentives for performance;

(g) The accounting and auditing standards to be used to evaluate work on the project;

(h) For any project that reverts to public ownership, the responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable government standards upon reversion of the facility to the state; and

(i) Provisions for patrolling and law enforcement on transportation projects that are public facilities.

NEW SECTION. Sec. 15. PUBLIC INVOLVEMENT AND PARTICIPATION PLAN. (1) Before final approval, agreements entered into under this chapter must include a process that provides for public involvement and participation with respect to the development of the projects. This plan must be submitted along with the proposed agreement, and both must be approved under section 16 of this act before the state may enter a binding agreement.

(2) All workshops, forums, open houses, meetings, public hearings, or similar public gatherings must be administered and attended by representatives of the state and any other public entities that are party to an agreement authorized by this chapter.

NEW SECTION. Sec. 16. PROCESS FOR FINAL APPROVAL AND EXECUTION OF CONTRACTS. (1) Before approving an agreement under subsection (2) of this section, the commission must:

(a) Prepare a financial analysis that fully discloses all project costs, direct and indirect, including costs of any financing;

(b) Publish notice and make available the contents of the agreement, with the exception of patent information, at least twenty days before the public hearing required in (c) of this subsection; and

(c) Hold a public hearing on the proposed agreement, with proper notice provided at least twenty days before the hearing. The public hearing must be held within the boundaries of the county seat of the county containing the project.

(2) The commission must allow at least twenty days from the public hearing on the proposed agreement required under subsection (1)(c) of this section before approving and executing any agreements authorized under this chapter.

NEW SECTION. Sec. 17. UNSOLICITED PROJECT PROPOSALS. Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria specified and can be rejected by the commission at any point in the process;

(2) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(3) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(4) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, 2007.

NEW SECTION. Sec. 18. ADVISORY COMMITTEES REQUIRED FOR LARGE PROJECTS. For projects with costs, including financing costs, of three hundred million dollars or greater, advisory committees are required.

(1) The commission must establish an advisory committee to advise with respect to eligible projects. An advisory committee must consist of not fewer than five and not more than nine members, as determined by the public partners. Members must be appointed by the commission, or for projects with joint public sector participation, in a manner agreed to by the state and any participating unit of government. In making appointments to the committee, the commission shall consider persons or organizations offering a diversity of viewpoints on the project.

(2) An advisory committee shall review concepts or proposals for eligible projects and submit comments to the public sector partners.

(3) An advisory committee shall meet as necessary at times and places fixed by the state, but not less than twice per year. The state shall provide personnel services to assist the advisory committee within the limits of available funds. An advisory committee may adopt rules to govern its proceedings and may select officers.

(4) An advisory committee must be dissolved once the project has been fully constructed and debt issued to pay for the project has been fully retired.

NEW SECTION. Sec. 19. CONFIDENTIAL INFORMATION. A proposer shall identify those portions of a proposal that the proposer considers to be confidential, proprietary information, or trade secrets and provide any justification as to why these materials, upon request, should not be disclosed by the authority. Patent information will be covered until the patent expires. Other information such as originality of design, fiscal information, or records of negotiation may only be protected under this section until an agreement is reached. Disclosure must occur before final agreement and execution of the contract. Projects under federal jurisdiction or using federal funds must conform to federal regulations under the Freedom of Information Act.

NEW SECTION. Sec. 20. APPLICATION OF PREVAILING WAGE LAW. If public funds are used to pay any costs of construction of a public facility that is part of an eligible project, chapter 39.12 RCW applies to the entire public portion of the project.

NEW SECTION. Sec. 21. JOINT AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES. The state may, either separately or in combination with any other public sector partner, enter into working agreements, coordination agreements, or similar implementation agreements, including the formation of bistate transportation organizations, to carry out the joint implementation of a transportation project selected under this chapter. The state may enter into agreements with other units of government or Canadian provinces for transborder transportation projects.

NEW SECTION. **Sec. 22. EMINENT DOMAIN.** The state may exercise the power of eminent domain to acquire property, rights of way, or other rights in property for projects that are necessary to implement an eligible project developed under this chapter, regardless of whether the property will be owned in fee simple by the state.

PART III GENERAL PROVISIONS

NEW SECTION. **Sec. 23. CREATION OF TRANSPORTATION INNOVATIVE PARTNERSHIP ACCOUNT.** (1) The transportation innovative partnership account is established in the custody of the state treasurer separate and distinct from the state general fund. Interest earned by the transportation innovative partnership account must be credited to the account. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The following moneys must be deposited into the transportation innovative partnership account:

- (a) Proceeds from bonds or other financing instruments issued under section 25 of this act;
- (b) Revenues received from any transportation project developed under this chapter or developed under the general powers granted to the department; and
- (c) Any other moneys that are by donation, grant, contract, law, or other means transferred, allocated, or appropriated to the account.

(3) Moneys in the transportation innovative partnership account may only be expended upon evidence of approval by the Washington state legislature, either upon appropriation of supporting state funds or by other statutory direction.

(4) The state treasurer shall serve as a fiduciary for the purpose of carrying out this chapter and implementing all or portions of any transportation project financed under this chapter.

(5) Moneys in the transportation innovative partnership account that were derived from revenue subject to Article II, section 40 (Amendment 18) of the Washington state Constitution, may be used only for purposes authorized by that provision of the state Constitution.

(6) The state treasurer shall establish separate subaccounts within the transportation innovative partnership account for each transportation project that is initiated under this chapter or under the general powers granted to the department. Except as provided in subsection (5) of this section, the state may pledge moneys in the transportation innovative partnership account to secure revenue bonds or any other debt obligations relating to the project for which the account is established.

NEW SECTION. **Sec. 24. USE OF TRANSPORTATION INNOVATIVE PARTNERSHIP ACCOUNT.** (1) The state may use moneys in the transportation innovative partnership subaccount to ensure the repayment of loan guarantees or extensions of credit made to or on behalf of private entities engaged in the planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, preservation, management, repair, or operation of any eligible project that is related to a subaccount established under this chapter.

(2) The lien of a pledge made under this section is subordinate to the lien of a pledge securing bonds payable from moneys in the motor vehicle fund established in RCW 46.68.070, or the transportation innovative partnership account established in section 23 of this act.

NEW SECTION. **Sec. 25. AUTHORITY TO ISSUE REVENUE BONDS AND OTHER OBLIGATIONS.** (1) In addition to any authority the commission or department has to issue and sell bonds and other similar obligations, this section establishes continuing authority for the issuance and sale of bonds and other similar obligations in a manner consistent with this section. To finance a project in whole or in part, the commission may request that the state treasurer issue revenue bonds on behalf of the public sector partner. The bonds must be secured by a pledge of, and a lien on, and be payable only from moneys in the transportation innovative partnership account established in section 23 of this act, and any other revenues specifically pledged to repayment of the bonds. Such a pledge by the public partner creates a lien that is valid and binding from the time the pledge is made. Revenue bonds issued under this section are not general obligations of the state or local government and are not secured by or payable from any funds or assets of the state other than the moneys and revenues specifically pledged to the repayment of such revenue bonds.

(2) Moneys received from the issuance of revenue bonds or other debt obligations, including any investment earnings thereon, may be spent:

- (a) For the purpose of financing the costs of the project for which the bonds are issued;
- (b) To pay the costs and other administrative expenses of the bonds;
- (c) To pay the costs of credit enhancement or to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds; and
- (d) To reimburse the public sector partners for any costs related to carrying out the projects authorized under this chapter.

PART IV
ALTERNATIVE CONTRACTING AND INNOVATIVE PROJECT MANAGEMENT

NEW SECTION. Sec. 26. STUDY OF ALTERNATIVE CONTRACTING AND PROJECT MANAGEMENT AUTHORITIES. The department shall conduct a study of:

- (1) The contracting powers and project management authorities it currently possesses; those same powers and authorities authorized under this chapter; and those powers and authorities employed by other states or the private sector;
- (2) Methods of encouraging competition for the development of transportation projects; and
- (3) Any additional procedures that may be necessary or desirable for negotiating contracts in situations of a single qualified bidder, in either solicited or unsolicited proposals.

The department must submit its report, along with any recommended legislative changes, to the commission by November 1, 2005, and to the governor and the legislature for consideration in the 2006 legislative session.

PART V
CONSTRUCTION

NEW SECTION. Sec. 27. CONFORMITY WITH FEDERAL LAWS. Notwithstanding any provision of this chapter, applicable federal laws, rules, and regulations govern in any situation that involves federal funds if the federal laws, rules, or regulations:

- (1) Conflict with any provision of this chapter;
- (2) Require procedures that are additional to or different from those provided in this chapter; or
- (3) Require contract provisions not authorized in this chapter.

If no federal funds are provided, state laws, rules, and regulations will govern.

NEW SECTION. Sec. 28. Captions used in this chapter are not part of the law.

NEW SECTION. Sec. 29. Sections 1 through 28 of this act constitute a new chapter in Title 47 RCW."

In line 1 of the title, after "partnerships;" strike the remainder of the title and insert "and adding a new chapter to Title 47 RCW."

The President declared the question before the Senate to be the motion by Senator Haugen to not adopt the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1541.

The motion by Senator Haugen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that the public-private initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From the effective date of this act, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department; rule making; and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter.

(1) "Authority" means the transportation commission.

(2) "Commission" means the transportation commission.

(3) "Department" means the department of transportation.

- (4) "Eligible project" means any project eligible for development under section 5 of this act.
- (5) "Eligible public works project" means only a project that meets the criteria of either section 6 (3) or (4) of this act.
- (6) "Private sector partner" and "private partner" means a person, entity, or organization that is not the federal government, a state, or a political subdivision of a state.
- (7) "Public funds" means all moneys derived from taxes, fees, charges, tolls, etc.
- (8) "Public sector partner" and "public partner" means any federal or state unit of government, bistate transportation organization, or any other political subdivision of any state.
- (9) "Transportation innovative partnership program" or "program" means the program as outlined in section 4 of this act.
- (10) "Transportation project" means a project, whether capital or operating, where the state's primary purpose for the project is to preserve or facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.
- (11) "Unit of government" means any department or agency of the federal government, any state or agency, office, or department of a state, any city, county, district, commission, authority, entity, port, or other public corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity created under chapter 39.34 RCW or this chapter.

PART I POWERS AND DUTIES OF TRANSPORTATION COMMISSION

NEW SECTION. **Sec. 3. TRANSPORTATION COMMISSION POWERS AND RESPONSIBILITIES.** In addition to the powers it now possesses, the commission shall:

- (1) Approve or review contracts or agreements authorized in this chapter;
- (2) Adopt rules to carry out this chapter and govern the program, which at a minimum must address the following issues:
 - (a) The types of projects allowed; however, all allowed projects must be included in the Washington transportation plan or identified by the authority as being a priority need for the state;
 - (b) The types of contracts allowed, with consideration given to the best practices available;
 - (c) The composition of the team responsible for the evaluation of proposals to include:
 - (i) Washington state department of transportation staff;
 - (ii) An independent representative of a consulting or contracting field with no interests in the project that is prohibited from becoming a project manager for the project and bidding on any part of the project;
 - (iii) An observer from the state auditor's office or the joint legislative audit and review committee;
 - (iv) A person appointed by the commission, if the secretary of transportation is a cabinet member, or appointed by the governor if the secretary of transportation is not a cabinet member; and
 - (v) A financial expert;
 - (d) Minimum standards and criteria required of all proposals;
 - (e) Procedures for the proper solicitation, acceptance, review, and evaluation of projects;
 - (f) Criteria to be considered in the evaluation and selection of proposals that includes:
 - (i) Comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and
 - (ii) Factors such as, but not limited to: priority, cost, risk sharing, scheduling, and management conditions;
 - (g) The protection of confidential proprietary information while still meeting the need for public disclosure that is consistent with section 19 of this act;
 - (h) Protection for local contractors to participate in subcontracting opportunities;
 - (i) Specifying that maintenance issues must be resolved in a manner consistent with the personnel system reform act, chapter 41.80 RCW;
 - (j) Specifying that provisions regarding patrolling and law enforcement on a public facility are subject to approval by the Washington state patrol;
- (3) Adopt guidelines to address security and performance issues.

All rules and guidelines established under this section must be submitted to the chairs and ranking members of both transportation committees in October 2005 for review and then be submitted to the full legislature in the 2006 session.

PART II TRANSPORTATION INNOVATIVE PARTNERSHIPS PROGRAM

NEW SECTION. **Sec. 4. PURPOSE OF TRANSPORTATION INNOVATIVE PARTNERSHIPS.** The Transportation Innovative Partnerships Act is created for the planning, acquisition, design, financing, management, development, construction, reconstruction, replacement, improvement, maintenance, preservation, repair, and operation of transportation projects. The goals of this chapter are to:

- (1) Reduce the cost of transportation project delivery;

- (2) Recover transportation investment costs;
- (3) Develop an expedited project delivery process;
- (4) Encourage business investment in public infrastructure;
- (5) Use any fund source outside the state treasury, where financially advantageous and in the public interest;
- (6) Maximize innovation;
- (7) Develop partnerships between and among private entities and the public sector for the advancement of public purposes on mutually beneficial terms;
- (8) Create synergies between and among public sector entities to develop projects that serve both transportation and other important public purposes; and
- (9) Access specialized construction management and project management services and techniques available in the private sector.

NEW SECTION. Sec. 5. ELIGIBLE PROJECTS. Projects eligible for development under this chapter include:

- (1) Transportation projects, whether capital or operating, where the state's primary purpose for the project is to facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.; and
- (2) Facilities, structures, operations, properties, vehicles, vessels, or the like that are developed concurrently with an eligible transportation project and that are capable of (a) providing revenues to support financing of an eligible transportation project, or (b) that are public projects that advance public purposes unrelated to transportation.

NEW SECTION. Sec. 6. ELIGIBLE TYPES OF FINANCING. (1) Subject to the limitations in this section, the department may, in connection with the evaluation of eligible projects, consider any financing mechanisms identified under subsections (3) through (5) of this section or any other lawful source, either integrated as part of a project proposal or as a separate, stand-alone proposal to finance a project. Financing may be considered for all or part of a proposed project. A project may be financed in whole or in part with:

- (a) The proceeds of grant anticipation revenue bonds authorized by 23 U.S.C. Sec. 122 and applicable state law. Legislative authorization and appropriation is required in order to use this source of financing;
- (b) Grants, loans, loan guarantees, lines of credit, revolving lines of credit, or other financing arrangements available under the Transportation Infrastructure Finance and Innovation Act under 23 U.S.C. Sec. 181 et seq., or any other applicable federal law;
- (c) Infrastructure loans or assistance from the state infrastructure bank established by RCW 82.44.195;
- (d) Federal, state, or local revenues, subject to appropriation by the applicable legislative authority;
- (e) User fees, tolls, fares, lease proceeds, rents, gross or net receipts from sales, proceeds from the sale of development rights, franchise fees, or any other lawful form of consideration.

(2) As security for the payment of financing described in this section, the revenues from the project may be pledged, but no such pledge of revenues constitutes in any manner or to any extent a general obligation of the state. Any financing described in this section may be structured on a senior, parity, or subordinate basis to any other financing.

(3) For any transportation project developed under this chapter that is owned, leased, used, or operated by the state, as a public facility, if indebtedness is issued, it must be issued by the state treasurer for the transportation project.

(4) For other public projects defined in section 5(2) of this act that are developed in conjunction with a transportation project, financing necessary to develop, construct, or operate the public project must be approved by the state finance committee or by the governing board of a public benefit corporation as provided in the federal Internal Revenue Code section 63-20;

(5) For projects that are developed in conjunction with a transportation project but are not themselves a public facility or public project, any lawful means of financing may be used.

NEW SECTION. Sec. 7. USE OF FEDERAL FUNDS AND SIMILAR SOURCES OF REVENUE. The department may accept from the United States or any of its agencies such funds as are available to this state or to any other unit of government for carrying out the purposes of this chapter, whether the funds are made available by grant, loan, or other financing arrangement. The department may enter into such agreements and other arrangements with the United States or any of its agencies as may be necessary, proper, and convenient for carrying out the purposes of this chapter, subject to section 8 of this act.

NEW SECTION. Sec. 8. OTHER SOURCES OF VALUABLE CONSIDERATION AUTHORIZED. The department may accept from any source any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other valuable thing made to the state of Washington, the department, or a local government for carrying out the purposes of this chapter.

Any eligible project may be financed in whole or in part by contribution of any funds or property made by any private entity or public sector partner that is a party to any agreement entered into under this chapter.

NEW SECTION. Sec. 9. REVIEW, EVALUATION, AND SELECTION OF POTENTIAL PROJECTS. (1) Subject to subsection (2) of this section, the commission may:

- (a) Solicit concepts or proposals for eligible projects from private entities and units of government;
- (b) On or after January 1, 2007, accept unsolicited concepts or proposals for eligible projects from private entities and units of government, subject to section 17 of this act;
- (c) Direct the department to evaluate projects for inclusion in the transportation innovative partnerships program that are already programmed or identified for traditional development by the state;
- (d) Direct the department to evaluate the concepts or proposals received under this section; and

(e) Select potential projects based on the concepts or proposals. The evaluation under this subsection must include consultation with any appropriate unit of government.

(2) Before undertaking any of the activities contained in subsection (1) of this section, the commission must have:

(a) Completed the tolling feasibility study; and

(b) Adopted rules specifying procedures for the proper solicitation, acceptance, review, and evaluation of projects, which procedures must include:

(i) A comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and

(ii) Factors such as priority, cost, risk sharing, scheduling, and management conditions.

NEW SECTION. Sec. 10. ADMINISTRATIVE FEE AUTHORIZED. The department may charge a reasonable administrative fee for the evaluation of an unsolicited project proposal. The amount of the fee will be established in rules of the commission.

NEW SECTION. Sec. 11. AUTHORIZATION TO SPEND FUNDS FOR EVALUATION AND NEGOTIATION OF PROPOSALS. The department may spend, out of any funds identified for the purpose, such moneys as may be necessary for the evaluation of concepts or proposals for eligible projects and for negotiating agreements for eligible projects authorized by this chapter. The department may employ engineers, consultants, or other experts the department determines are needed for the purposes of doing the evaluation and negotiation. Expenses incurred by the department under this section before the issuance of transportation project bonds or other financing must be paid by the department and charged to the appropriate project. The department shall keep records and accounts showing each amount so charged.

Unless otherwise provided in the omnibus transportation budget the funds spent by the department under this section in connection with the project must be repaid from the proceeds of the bonds or other financing upon the sale of transportation project bonds or upon obtaining other financing for an eligible project, as allowed by law or contract.

NEW SECTION. Sec. 12. CONSULTATION WITH EXPERTS AUTHORIZED. The commission and department may consult with legal, financial, and other experts inside and outside the public sector in the evaluation, negotiation, and development of projects under this chapter, consistent with RCW 43.10.040 where applicable.

NEW SECTION. Sec. 13. ENVIRONMENTAL, ENGINEERING, AND TECHNICAL STUDIES CONTRACTED. Notwithstanding any other provision of law, and in the absence of any direct federal funding or direction, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies and engineering and technical studies.

NEW SECTION. Sec. 14. TERMS OF PARTNERSHIP AGREEMENTS. (1) The following provisions must be included in any agreement to which the state is a party:

(a) For any project that proposes terms for stand-alone maintenance or asset management services for a public facility, those services must be provided in a manner consistent with any collective bargaining agreements, the personnel system reform act (chapter 41.80 RCW), and civil service laws that are in effect for the public facility;

(b) Transportation projects that are selected for development under this chapter must be identified in the Washington transportation plan or be identified by the authority as being a priority need for the state;

(c) If there is a tolling component to the project, then it must be specified that tolling technology used in the project must be consistent with tolling technology standards adopted by the department for transportation-related projects;

(d) Provisions for bonding, financial guarantees, deposits, or the posting of other security to secure the payment of laborers, subcontractors, and suppliers who perform work or provide materials as part of the project;

(e) All projects must be financed in a manner consistent with section 6 of this act. This chapter is null and void if this subsection or section 6 of this act fails to become law or is held invalid by a court of final jurisdiction.

(2) Agreements between the state and private sector partners entered into under this section must specifically include the following contractual elements:

(a) The point in the project at which public and private sector partners will enter the project and which partners will assume responsibility for specific project elements;

(b) How the partners will share management of the risks of the project;

(c) How the partners will share the costs of development of the project;

(d) How the partners will allocate financial responsibility for cost overruns;

(e) The penalties for nonperformance;

(f) The incentives for performance;

(g) The accounting and auditing standards to be used to evaluate work on the project;

(h) For any project that reverts to public ownership, the responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable government standards upon reversion of the facility to the state; and

(i) Provisions for patrolling and law enforcement on transportation projects that are public facilities.

NEW SECTION. Sec. 15. PUBLIC INVOLVEMENT AND PARTICIPATION PLAN. (1) Before final approval, agreements entered into under this chapter must include a process that provides for public involvement and participation with respect to the development of the projects. This plan must be submitted along with the proposed agreement, and both must be approved under section 16 of this act before the state may enter a binding agreement.

(2) All workshops, forums, open houses, meetings, public hearings, or similar public gatherings must be administered and attended by representatives of the state and any other public entities that are party to an agreement authorized by this chapter.

NEW SECTION. Sec. 16. PROCESS FOR FINAL APPROVAL AND EXECUTION OF CONTRACTS. (1) Before approving an agreement under subsection (2) of this section, the commission, with the technical assistance of the department, must:

(a) Prepare a financial analysis that fully discloses all project costs, direct and indirect, including costs of any financing;
(b) Publish notice and make available the contents of the agreement, with the exception of patent information, at least twenty days before the public hearing required in (c) of this subsection; and

(c) Hold a public hearing on the proposed agreement, with proper notice provided at least twenty days before the hearing. The public hearing must be held within the boundaries of the county seat of the county containing the project.

(2) The commission must allow at least twenty days from the public hearing on the proposed agreement required under subsection (1)(c) of this section before approving and executing any agreements authorized under this chapter.

NEW SECTION. Sec. 17. UNSOLICITED PROJECT PROPOSALS. Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before January 1, 2007.

NEW SECTION. Sec. 18. ADVISORY COMMITTEES REQUIRED FOR LARGE PROJECTS. For projects with costs, including financing costs, of three hundred million dollars or greater, advisory committees are required.

(1) The commission must establish an advisory committee to advise with respect to eligible projects. An advisory committee must consist of not fewer than five and not more than nine members, as determined by the public partners. Members must be appointed by the commission, or for projects with joint public sector participation, in a manner agreed to by the commission and any participating unit of government. In making appointments to the committee, the commission shall consider persons or organizations offering a diversity of viewpoints on the project.

(2) An advisory committee shall review concepts or proposals for eligible projects and submit comments to the public sector partners.

(3) An advisory committee shall meet as necessary at times and places fixed by the department, but not less than twice per year. The state shall provide personnel services to assist the advisory committee within the limits of available funds. An advisory committee may adopt rules to govern its proceedings and may select officers.

(4) An advisory committee must be dissolved once the project has been fully constructed and debt issued to pay for the project has been fully retired.

NEW SECTION. Sec. 19. CONFIDENTIAL INFORMATION. A proposer shall identify those portions of a proposal that the proposer considers to be confidential, proprietary information, or trade secrets and provide any justification as to why these materials, upon request, should not be disclosed by the authority. Patent information will be covered until the patent expires. Other information such as originality of design or records of negotiation may only be protected under this section until an agreement is reached. Disclosure must occur before final agreement and execution of the contract. Projects under federal jurisdiction or using federal funds must conform to federal regulations under the Freedom of Information Act.

NEW SECTION. Sec. 20. APPLICATION OF PREVAILING WAGE LAW. If public funds are used to pay any costs of construction of a public facility that is part of an eligible project, chapter 39.12 RCW applies to the entire eligible public works project.

NEW SECTION. Sec. 21. JOINT AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES. The state may, either separately or in combination with any other public sector partner, enter into working agreements, coordination agreements, or similar implementation agreements, including the formation of bistate transportation organizations, to carry out the joint implementation of a transportation project selected under this chapter. The state may enter into agreements with other units of government or Canadian provinces for transborder transportation projects.

NEW SECTION. Sec. 22. EMINENT DOMAIN. The state may exercise the power of eminent domain to acquire property, rights of way, or other rights in property for projects that are necessary to implement an eligible project developed under this chapter, regardless of whether the property will be owned in fee simple by the state.

**PART III
GENERAL PROVISIONS**

NEW SECTION. Sec. 23. CREATION OF TRANSPORTATION INNOVATIVE PARTNERSHIP ACCOUNT. (1)

The transportation innovative partnership account is established in the custody of the state treasurer separate and distinct from the state general fund. Interest earned by the transportation innovative partnership account must be credited to the account. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The following moneys must be deposited into the transportation innovative partnership account:

- (a) Proceeds from bonds or other financing instruments issued under section 25 of this act;
- (b) Revenues received from any transportation project developed under this chapter or developed under the general powers granted to the department; and
- (c) Any other moneys that are by donation, grant, contract, law, or other means transferred, allocated, or appropriated to the account.

(3) Moneys in the transportation innovative partnership account may only be expended upon evidence of approval by the Washington state legislature, either upon appropriation of supporting state funds or by other statutory direction.

(4) The state treasurer shall serve as a fiduciary for the purpose of carrying out this chapter and implementing all or portions of any transportation project financed under this chapter.

(5) Moneys in the transportation innovative partnership account that were derived from revenue subject to Article II, section 40 (Amendment 18) of the Washington state Constitution, may be used only for purposes authorized by that provision of the state Constitution.

(6) The state treasurer shall establish separate subaccounts within the transportation innovative partnership account for each transportation project that is initiated under this chapter or under the general powers granted to the department. Except as provided in subsection (5) of this section, the state may pledge moneys in the transportation innovative partnership account to secure revenue bonds or any other debt obligations relating to the project for which the account is established.

NEW SECTION. Sec. 24. USE OF TRANSPORTATION INNOVATIVE PARTNERSHIP ACCOUNT. (1) The

state may use moneys in the transportation innovative partnership subaccount to ensure the repayment of loan guarantees or extensions of credit made to or on behalf of private entities engaged in the planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, preservation, management, repair, or operation of any eligible project that is related to a subaccount established under this chapter.

(2) The lien of a pledge made under this section is subordinate to the lien of a pledge securing bonds payable from moneys in the motor vehicle fund established in RCW 46.68.070, or the transportation innovative partnership account established in section 23 of this act.

NEW SECTION. Sec. 25. AUTHORITY TO ISSUE REVENUE BONDS AND OTHER OBLIGATIONS. (1) In

addition to any authority the commission or department has to issue and sell bonds and other similar obligations, this section establishes continuing authority for the issuance and sale of bonds and other similar obligations in a manner consistent with this section. To finance a project in whole or in part, the commission may request that the state treasurer issue revenue bonds on behalf of the public sector partner. The bonds must be secured by a pledge of, and a lien on, and be payable only from moneys in the transportation innovative partnership account established in section 23 of this act, and any other revenues specifically pledged to repayment of the bonds. Such a pledge by the public partner creates a lien that is valid and binding from the time the pledge is made. Revenue bonds issued under this section are not general obligations of the state or local government and are not secured by or payable from any funds or assets of the state other than the moneys and revenues specifically pledged to the repayment of such revenue bonds.

(2) Moneys received from the issuance of revenue bonds or other debt obligations, including any investment earnings thereon, may be spent:

- (a) For the purpose of financing the costs of the project for which the bonds are issued;
- (b) To pay the costs and other administrative expenses of the bonds;
- (c) To pay the costs of credit enhancement or to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds; and
- (d) To reimburse the public sector partners for any costs related to carrying out the projects authorized under this chapter.

**PART IV
ALTERNATIVE CONTRACTING AND INNOVATIVE PROJECT MANAGEMENT**

NEW SECTION. Sec. 26. STUDY OF ALTERNATIVE CONTRACTING AND PROJECT MANAGEMENT AUTHORITIES. The department shall conduct a study of:

- (1) The contracting powers and project management authorities it currently possesses; those same powers and authorities authorized under this chapter; and those powers and authorities employed by other states or the private sector;
- (2) Methods of encouraging competition for the development of transportation projects; and
- (3) Any additional procedures that may be necessary or desirable for negotiating contracts in situations of a single qualified bidder, in either solicited or unsolicited proposals.

The department must submit its report, along with any recommended legislative changes, to the commission by November 1, 2005, and to the governor and the legislature for consideration in the 2006 legislative session.

PART V CONSTRUCTION

NEW SECTION. Sec. 27. CONFORMITY WITH FEDERAL LAWS. Notwithstanding any provision of this chapter, applicable federal laws, rules, and regulations govern in any situation that involves federal funds if the federal laws, rules, or regulations:

- (1) Conflict with any provision of this chapter;
- (2) Require procedures that are additional to or different from those provided in this chapter; or
- (3) Require contract provisions not authorized in this chapter. If no federal funds are provided, state laws, rates, and rules will govern.

NEW SECTION. Sec. 28. Captions used in this chapter are not part of the law.

NEW SECTION. Sec. 29. Sections 1 through 28 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 30. A new section is added to chapter 47.04 RCW to read as follows:

The department of transportation may impose and collect latecomer fees on behalf of another entity for infrastructure improvement projects initially funded partially or entirely by private sources. However, there must be an agreement in place between the department of transportation and the entity, before the imposition and collection of any such fees, that specifies (1) the collection process, (2) the maximum amount that may be collected, and (3) the period of time during which the collection may occur."

Senator Haugen spoke in favor of adoption of the striking amendment.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker to the striking amendment be adopted.

On page 4, at the beginning of line 12, strike all material through "session." on line 15 and insert the following:

"Preliminary rules and guidelines developed under this section must be submitted to the chairs and ranking members of both transportation committees by November 30, 2005 for review and comment. All final rules and guidelines must be submitted to the full legislature during the 2006 session for review."

Senator Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 4, line 12 to the striking amendment to Substitute House Bill No. 1541.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Esser moved that the following amendment to the striking amendment by Senator Esser be adopted.

On page 10, after line 21, insert the following:

"(b) Submit the project analysis and contents of the agreement, with the exception of patent information, to the legislature. The legislature must specifically approve the project before the commission may publish notice;"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Esser and Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 10, line 21 to the striking amendment to Substitute House Bill No. 1541.

Senator Esser demanded a division.

The motion by Senator Esser failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Stevens moved that the following amendment to the striking amendment by Senator Stevens be adopted.

On page 13, line 1, after "agreements" insert "with other states"

On page 13, line 4, after "chapter." strike all material through line 6

Senator Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Swecker: "We did have an amendment number 548. Is that....."

REPLY BY THE PRESIDENT

President Owen: "That was adopted."

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 13, line 1 to the striking amendment to Substitute House Bill No. 1541.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Swecker as amended to Substitute House Bill No. 1541.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "partnerships;" strike the remainder of the title and insert "adding a new section to chapter 47.04 RCW; and adding a new chapter to Title 47 RCW."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1541, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1541, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1541, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Benson, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Johnson, McCaslin, Morton, Pflug, Roach, Schoesler and Stevens - 13

Excused: Senators Honeyford, Oke and Parlette - 3

SUBSTITUTE HOUSE BILL NO. 1541, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1141, by Representatives Conway, Tom, Wood, Buri, Miloscia, Condotta, Armstrong and Kenney

Changing the expiration date of the Washington real estate research account.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Hewitt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kline, Pridemore and Fairley were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1141.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1141 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting ye: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Fairley, Honeyford, Kline, Oke and Parlette - 5

HOUSE BILL NO. 1141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1158, by House Committee on Local Government (originally sponsored by Representatives Takko and Alexander)

Modifying county treasurer administrative provisions.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 1.12.070 and 1967 c 222 s 1 are each amended to read as follows:

Except as otherwise specifically provided by law hereafter:

(1) Any report, claim, tax return, statement or other document required to be filed with, or any payment made to the state or to any political subdivision thereof, which is (a) transmitted through the United States mail or private third-party delivery service, shall be deemed filed and received by the state or political subdivision on the date shown by the post office or private third-party delivery service cancellation mark or shipping date stamped or affixed upon the envelope or other appropriate wrapper containing it; or (b) mailed via United States mail or sent by a private third-party delivery service but not received by the state or political subdivision, or where received and the cancellation mark or shipping date is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited with a private third-party delivery service or in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within ten days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

(2)(a) If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the addressee, and the date of registration, certification or certificate shall be deemed the postmarked date.

(b) If any report, claim, tax return, statement, remittance, or other document is sent via private third-party delivery service, a record authenticated by the private third-party delivery service shall be considered competent evidence that the report,

claim, tax return, statement, remittance, or other document was delivered to the addressee, and the date of deposit with the private third-party delivery service shall be deemed the shipping date.

(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day.

Sec. 2. RCW 36.29.010 and 2002 c 168 s 4 are each amended to read as follows:

The county treasurer:

(1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor and electronic funds transfer under RCW 39.58.750 as attested by the county auditor;

(2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;

(3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;

(4) Shall endorse, before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." When there are funds to redeem outstanding warrants, the county treasurer shall give notice:

(a) By publication in a legal newspaper published or circulated in the county; or

(b) By posting at three public places in the county if there is no such newspaper; or

(c) By notification to the financial institution holding the warrant;

(5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;

(6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;

(7) Shall account for and pay all bonded indebtedness for the county and all special districts for which the county treasurer acts as treasurer;

(8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and

(9) May provide certain collection services for county departments.

The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.

Money received by all entities for whom the county treasurer serves as treasurer must be deposited within twenty-four hours in an account designated by the county treasurer unless a waiver is granted by the county treasurer in accordance with RCW 43.09.240.

Sec. 3. RCW 63.29.020 and 2004 c 168 s 14 are each amended to read as follows:

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than three years after it became payable or distributable is presumed abandoned.

(2) Property, with the exception of unredeemed Washington state lottery tickets and unrepresented winning parimutuel tickets, is payable and distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) This chapter does not apply to claims drafts issued by insurance companies representing offers to settle claims unliquidated in amount or settled by subsequent drafts or other means.

(4) This chapter does not apply to property covered by chapter 63.26 RCW.

(5) This chapter does not apply to used clothing, umbrellas, bags, luggage, or other used personal effects if such property is disposed of by the holder as follows:

(a) In the case of personal effects of negligible value, the property is destroyed; or

(b) The property is donated to a bona fide charity.

(6) This chapter does not apply to a gift certificate subject to the prohibition against expiration dates under RCW 19.240.020 or to a gift certificate subject to RCW 19.240.030 through 19.240.060. However, this chapter applies to gift certificates presumed abandoned under RCW 63.29.110.

(7) This chapter does not apply to excess proceeds held by counties, cities, towns, and other municipal or quasi-municipal corporations from foreclosures for delinquent property taxes, assessments, or other liens.

Sec. 4. RCW 63.29.190 and 1993 c 498 s 8 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170 shall pay or deliver to the department all abandoned property required to be reported at the time of filing the report.

(2) Counties, cities, towns, and other municipal and quasi-municipal corporations that hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, (~~excess proceeds from property tax and irrigation district foreclosures~~) and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership as provided in RCW 63.29.135. Counties, cities, towns, or other municipal or quasi-municipal corporations shall provide to the department a report of property it is holding pursuant to this section. The report shall identify the property and

owner in the manner provided in RCW 63.29.170 and the department shall publish the information as provided in RCW 63.29.180.

(3) The contents of a safe deposit box or other safekeeping repository presumed abandoned under RCW 63.29.160 and reported under RCW 63.29.170 shall be paid or delivered to the department within six months after the final date for filing the report required by RCW 63.29.170.

If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

Sec. 5. RCW 82.02.020 and 1997 c 452 s 21 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to ~~((judgments to the property owners of record at the time of the refund))~~ tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: **PROVIDED**, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: **PROVIDED FURTHER**, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. **Sec. 6.** A new section is added to chapter 84.56 RCW to read as follows:

Every person who offers a document to the auditor of the proper county for recording that results in any division, alteration, or adjustment of real property boundary lines, except as provided for in RCW 58.04.007(1) and 84.40.042(1)(c), shall present a certificate of payment from the proper officer who is in charge of the collection of taxes and assessments for the affected property or properties. All taxes and assessments, both current and delinquent must be paid. For purposes of this act, liability shall begin on January 1st. Taxes not yet levied and certified shall be collected as an advance tax under RCW 58.08.040.

Sec. 7. RCW 84.56.020 and 2004 c 161 s 6 are each amended to read as follows:

(1) The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid shall be assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent shall be assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(6) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed (~~for the period April 30, 2003, through April 30, 2005,~~) during any period of armed conflict on delinquent taxes imposed (~~for collection in 2003 or 2004 which are imposed~~) on the personal residences owned by active duty military personnel who (~~participated in the situation known as "Operation Enduring Freedom."~~) are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

(7) For purposes of this chapter, "interest" means both interest and penalties.

(8) All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

Sec. 8. RCW 84.56.310 and 1961 c 15 s 84.56.310 are each amended to read as follows:

Any person being the owner or having an interest in an estate or claim to real property against which taxes (~~shall have been unpaid~~) have not been paid may pay the same and satisfy the lien at any time before (~~execution of a deed to said~~) the filing of a certificate of delinquency against the real property. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate. After the filing of a certificate of delinquency, the redemption rights shall be controlled by RCW 84.64.060.

Sec. 9. RCW 84.69.020 and 2002 c 168 s 11 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

(16) Abated under RCW 84.70.010.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall (~~not include refund interest~~) be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 10. Section 7 of this act applies to all taxes levied for collection in 2005 and thereafter.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1158.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "changes;" strike the remainder of the title and insert "amending RCW 1.12.070, 36.29.010, 63.29.020, 63.29.190, 82.02.020, 84.56.020, 84.56.310, and 84.69.020; adding a new section to chapter 84.56 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1158, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1158, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1158, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Vote: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe,

McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Fairley, Honeyford, Kline, Oke and Parlette - 5

SUBSTITUTE HOUSE BILL NO. 1158, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1970, by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Springer, Miloscia, Upthegrove, Morrell, Haigh, O'Brien, Linville and Takko)

Improving government management, accountability, and performance.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Citizens demand and deserve accountability of public programs and activities. Public programs must continuously improve accountability and performance reporting in order to increase public trust.

(2) Washington state government agencies must continuously improve their management and performance so citizens receive maximum value for their tax dollars.

(3) The application of best practices in performance management has improved results and accountability in many Washington state agencies and other jurisdictions.

(4) All Washington state agencies must develop a performance-based culture that can better demonstrate accountability and achievement.

NEW SECTION. Sec. 2. A new section is added to chapter 43.17 RCW to read as follows:

As used in sections 3 and 4 of this act:

(1) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education, and all offices of executive branch state government-elected officials, except agricultural commissions under Title 15 RCW.

(2) "Quality management, accountability, and performance system" means a nationally recognized integrated, interdisciplinary system of measures, tools, and reports used to improve the performance of a work unit or organization.

NEW SECTION. Sec. 3. A new section is added to chapter 43.17 RCW to read as follows:

(1) Each state agency shall, within available funds, develop and implement a quality management, accountability, and performance system to improve the public services it provides.

(2) Each agency shall ensure that managers and staff at all levels, including those who directly deliver services, are engaged in the system and shall provide managers and staff with the training necessary for successful implementation.

(3) Each agency shall, within available funds, ensure that its quality management, accountability, and performance system:

(a) Uses strategic business planning to establish goals, objectives, and activities consistent with the priorities of government, as provided in statute;

(b) Engages stakeholders and customers in establishing service requirements and improving service delivery systems;

(c) Includes clear, relevant, and easy-to-understand measures for each activity;

(d) Gathers, monitors, and analyzes activity data;

(e) Uses the data to evaluate the effectiveness of programs to manage process performance, improve efficiency, and reduce costs;

(f) Establishes performance goals and expectations for employees that reflect the organization's objectives; and provides for regular assessments of employee performance;

(g) Uses activity measures to report progress toward agency objectives to the agency director at least quarterly;

(h) Where performance is not meeting intended objectives, holds regular problem-solving sessions to develop and implement a plan for addressing gaps; and

(i) Allocates resources based on strategies to improve performance.

(4) Each agency shall conduct a yearly assessment of its quality management, accountability, and performance system.

(5) State agencies whose chief executives are appointed by the governor shall report to the governor on agency performance at least quarterly. The reports shall be included on the agencies', the governor's, and the office of financial management's web sites.

(6) The governor shall report annually to citizens on the performance of state agency programs. The governor's report shall include:

(a) Progress made toward the priorities of government as a result of agency activities; and

(b) Improvements in agency quality management systems, fiscal efficiency, process efficiency, asset management, personnel management, statutory and regulatory compliance, and management of technology systems.

(7) Each state agency shall integrate efforts made under this section with other management, accountability, and performance systems undertaken under executive order or other authority.

NEW SECTION. Sec. 4. A new section is added to chapter 43.17 RCW to read as follows:

Starting no later than 2008, and at least once every three years thereafter, each agency shall apply to the Washington state quality award, or similar organization, for an independent assessment of its quality management, accountability, and performance system. The assessment shall evaluate the effectiveness of all elements of its management, accountability, and performance system, including: Leadership, strategic planning, customer focus, analysis and information, employee performance management, and process improvement. The purpose of the assessment is to recognize best practice and identify improvement opportunities.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Second Substitute House Bill No. 1970.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "performance;" strike the remainder of the title and insert "adding new sections to chapter 43.17 RCW; and creating new sections."

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 1970, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1970, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1970, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Fairley, Kline and Oke - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1970, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 5463,
SUBSTITUTE SENATE BILL NO. 5552,
SENATE BILL NO. 5582,
SUBSTITUTE SENATE BILL NO. 5644,
SENATE BILL NO. 5926,
SUBSTITUTE SENATE BILL NO. 5953,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5463,
SUBSTITUTE SENATE BILL NO. 5552
SENATE BILL NO. 5582,
SUBSTITUTE SENATE BILL NO. 5644,
SENATE BILL NO. 5926,
SUBSTITUTE SENATE BILL NO. 5953.

MOTION

At 4:51 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 6:30 p.m.

EVENING SESSION

The Senate was called to order at 6:32 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1338, by Representatives O'Brien, Pearson, Darneille, Simpson and Ormsby

Adding kidnapping to the statewide registered sex offender web site.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Hewitt, Senators Zarelli, McCaslin and Deccio were excused.

On motion of Senator Mulliken, Senators Parlette, Pflug, Stevens and Roach were excused.

On motion of Senator Regala, Senators Brown and Doumit were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1338.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1338 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Absent: Senator Haugen - 1

Excused: Senators Deccio, McCaslin, Oke and Zarelli - 4

HOUSE BILL NO. 1338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1386, by Representatives Takko, Haler, Haigh, Ericks, Hankins, McCoy and Chase

Increasing the surcharge for the preservation of historical documents.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.22.170 and 1993 c 37 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, a surcharge of ~~((two))~~ five dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. ~~((Fifty percent))~~ One dollar of the surcharge shall be deposited in the county general fund to be used at the discretion of the county commissioners to promote historical preservation or historical programs, which may include preservation of historic documents.

(b) A surcharge of two dollars per instrument shall be charged by the county auditor for each document presented for recording by the employment security department, which will be in addition to any other charge authorized by law.

(2) Of the remaining revenue generated through ~~((this))~~ the surcharges under subsection (1) of this section: (a) Fifty percent shall be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in RCW 36.22.190. The county treasurer shall place the funds received in a special account titled the auditor's centennial document preservation and modernization account to be used solely for ongoing preservation of historical documents of all county offices and departments and shall not be added to the county current expense fund~~((-))~~; and

(b) Fifty percent ~~((of the revenue generated by this surcharge))~~ shall be retained by the county and deposited in the auditor's operation and maintenance fund for ongoing preservation of historical documents of all county offices and departments.

(3) The centennial document preservation and modernization account is hereby created in the custody of the state treasurer and shall be classified as a treasury trust account. State distributions from the centennial document preservation and modernization account shall be made without appropriation."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1386.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "documents;" strike the remainder of the title and insert "and amending RCW 36.22.170."

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1386, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Fraser, Pridemore and Shin spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTIONS

On motion of Senator Thibaudeau, Senator Prentice was excused.

On motion of Senator Hewitt, Senators Honeyford and Parlette were excused.

POINT OF ORDER

Senator Benton: "A couple of previous speakers that have pointed out, I think, a flaw in this bill and that is the \$1.00 is at the discretion. I would ask the president for a ruling under Initiative 601 since \$1.00 of this bill can be used for the general fund of the county. Wouldn't this bill be considered a general tax increase and, as such, wouldn't it require a two-thirds vote of the legislature to pass this measure?"

Senator Benton spoke on the point of order.

Senator Kastama spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1386 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1533, by Representatives Appleton, Bailey, Cody, Morrell, Skinner, Hinkle, Curtis and Campbell

Revising provisions for inspection of hospitals.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.41.120 and 2004 c 261 s 4 are each amended to read as follows:

The department shall make or cause to be made (~~at least yearly~~) an inspection of all hospitals on average at least every eighteen months. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the department.

No hospital licensed pursuant to the provisions of this chapter shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

To avoid unnecessary duplication in inspections, the department shall coordinate with the department of social and health services, the office of the state fire marshal, and local agencies when inspecting facilities over which each agency has jurisdiction, the facilities including but not necessarily being limited to hospitals with both acute care and skilled nursing or psychiatric nursing functions. The department shall notify the office of the state fire marshal and the relevant local agency at least four weeks prior to any inspection conducted under this section and invite their attendance at the inspection, and shall provide a copy of its inspection report to each agency upon completion.

Sec. 2. RCW 70.41.122 and 1999 c 41 s 1 are each amended to read as follows:

~~((Notwithstanding RCW 70.41.120, a hospital accredited))~~ Surveys conducted by the joint commission on the accreditation of health care organizations or the American osteopathic association ~~((is not subject to the annual inspection provided for))~~ on hospitals accredited by those bodies shall be deemed equivalent to a department survey for purposes of meeting the requirements for the survey specified in RCW 70.41.120 if:(

~~(1))~~ the department determines that the applicable survey standards of the joint commission on the accreditation of health care organizations or the American osteopathic association are substantially equivalent to its own:(

~~(2) It has been inspected by the joint commission on the accreditation of health care organizations or the American osteopathic association within the previous twelve months; and~~

~~(3) The department receives directly from the joint commission on the accreditation of health care organizations, the American osteopathic association, or the hospital itself copies of the survey reports prepared by the joint commission on the accreditation of health care organizations or the American osteopathic association demonstrating that the hospital meets applicable standards).~~

(1) Hospitals so surveyed shall provide to the department within thirty days of learning the result of a survey documentary evidence that the hospital has been certified as a result of a survey and the date of the survey.

(2) Hospitals shall make available to department surveyors the written reports of such surveys during department surveys, upon request."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland and Deccio to the committee striking amendment be adopted.

On page 1, line 7 of the amendment, after "months." insert "However, the department may delay an inspection to twenty-four months if the hospital has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigations during that same time period. The department may at anytime make an unannounced inspection of a licensed hospital to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter."

Senators Brandland and Benson spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser, Prentice and Thibaudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Deccio on page 1, line 7 to the committee striking amendment to House Bill No. 1533.

The motion by Senator Brandland failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 1533.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "hospitals;" strike the remainder of the title and insert "and amending RCW 70.41.120 and 70.41.122."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1533, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1533, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1533, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Honeyford, McCaslin, Oke and Parlette - 5

HOUSE BILL NO. 1533, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 1386 which had been deferred on third reading earlier in the day.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Benton that House Bill 1386 takes a two-thirds vote on final passage under statutes enacted by Initiative Number 601 because it imposes a tax, the President finds and rules as follows:

The underlying measure authorizes a surcharge to be imposed at the county level, and no portion of this surcharge is paid to the state. Because this is a local fee, passage by this body is not an action which raises state revenue. For this reason, Senator Benton's point is not well-taken and only a simple majority vote of this body is needed for final passage of this measure."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1386, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 16; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Benton, Brandland, Carrell, Esser, Finkbeiner, Hewitt, Johnson, Morton, Mulliken, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senators Deccio, Honeyford, McCaslin, Oke and Parlette - 5

HOUSE BILL NO. 1386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2282, by Representatives Sommers, O'Brien, Haler and Skinner

Addressing the costs of transporting offender property.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2282.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2282 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Honeyford, McCaslin, Oke and Parlette - 5

HOUSE BILL NO. 2282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2058, by Representatives Quall, Talcott, P. Sullivan, Anderson, Appleton, O'Brien, Lovick, Darneille, Haigh, Holmquist and Ericks

Regarding notice requirements for school employees convicted of sexual offenses.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Honeyford, McCaslin, Oke and Parlette - 5

HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

April 25, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRIS LIU, appointed April 25, 2005, for the term ending at the governor's pleasure, as a Director of the Lottery Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 22, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EVA SANTOS, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Personnel.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

At 7:21 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 8:13 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5207,
SENATE BILL NO. 5267,
SUBSTITUTE SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5317,
ENGROSSED SENATE BILL NO. 5332,
SENATE BILL NO. 5354,
SENATE BILL NO. 5453,
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SUBSTITUTE SENATE BILL NO. 5497,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5136,
SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5146,
SECOND SUBSTITUTE SENATE BILL NO. 5154,
SUBSTITUTE SENATE BILL NO. 5161,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,
SENATE BILL NO. 5175,
SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5180,
SENATE BILL NO. 5181,
ENGROSSED SENATE BILL NO. 5194,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5002,
SENATE BILL NO. 5006,
SENATE BILL NO. 5044,
ENGROSSED SENATE BILL NO. 5045,
SENATE BILL NO. 5046,
SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5065,
ENGROSSED SENATE BILL NO. 5087,
SUBSTITUTE SENATE BILL NO. 5092,
SUBSTITUTE SENATE BILL NO. 5105,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5506,
SENATE BILL NO. 5563,
SUBSTITUTE SENATE BILL NO. 5584,
SENATE BILL NO. 5589,
SUBSTITUTE SENATE BILL NO. 5676,
SENATE BILL NO. 5701,
SUBSTITUTE SENATE BILL NO. 5709,
SENATE BILL NO. 5713,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5736,
SUBSTITUTE SENATE BILL NO. 5765,
SUBSTITUTE SENATE BILL NO. 5775,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5809,
SENATE BILL NO. 5831,
SUBSTITUTE SENATE BILL NO. 5832,
SENATE BILL NO. 5833,
SENATE BILL NO. 5857,
SUBSTITUTE SENATE BILL NO. 5862,
SENATE BILL NO. 5869,
ENGROSSED SENATE BILL NO. 5966,
SUBSTITUTE SENATE BILL NO. 5969,
SENATE BILL NO. 5974,
SENATE BILL NO. 5977,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1381, by House Committee on Transportation (originally sponsored by Representatives Clements, Kenney and Skinner)

Allowing vehicles with hydraulics to operate on public roadways.

The measure was read the second time.

MOTION

Senator Swecker moved that the following committee amendment by the Committee on Transportation be adopted. On page 1, line 9, after "hour" insert ", except when lawfully participating in a parade permitted by a local jurisdiction" Senator Swecker spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Substitute House Bill No. 1381.

The motion by Senator Swecker carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1381, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Honeyford and Parlette were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1381, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1381, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Benton and Hewitt - 2

Excused: Senators Deccio, Honeyford, McCaslin, Oke and Parlette - 5

SUBSTITUTE HOUSE BILL NO. 1381, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1546, by Representatives Clibborn, Bailey, Cody, Skinner, Chase, Campbell, McIntire and Dickerson

Regulating naturopathic physicians.

The measure was read the second time.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, House Bill No. 1546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1546.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1546 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 12; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Pflug, Prentice, Pridemore, Regala, Roach, Schmidt, Shin, Spanel, Stevens, Swecker and Thibaudeau - 31

Voting nay: Senators Benton, Delvin, Finkbeiner, Hewitt, Jacobsen, Morton, Rasmussen, Rockefeller, Schoesler, Sheldon, Weinstein and Zarelli - 12

Excused: Senators Deccio, Honeyford, McCaslin, Oke, Parlette and Poulsen - 6

HOUSE BILL NO. 1546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1749, by Representatives Green, Nixon, Hunt, Shabro, McDermott, Haigh, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville

Strengthening review and correction of county election procedures.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1749.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1749 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Honeyford, McCaslin, Oke, Parlette and Poulsen - 6

HOUSE BILL NO. 1749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2241, by Representatives Dunshee, Lovick and O'Brien

Authorizing limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.

The measure was read the second time.

MOTION

Senator Schmidt moved that the following amendment by Senators Schmidt and Stevens be adopted.

On page 2, line 2, strike "either failed or neglected to properly plan for population growth and the" and insert "had difficulty funding a"

On page 2, line 5, after "lack of" strike "planning,"

On page 2, line 6, after "nonconforming" insert "ball"

On page 2, line 9, after "these" insert "ball"

On page 7, line 20, strike "The" and insert "Until June 30, 2006, the"

On page 7, line 34, after "uses" insert ", and accessory uses that support, promote or sustain agricultural operations and production"

On page 8, line 1, after "(2)" strike everything through "land." on line 4 and insert the following:

"Property owners of lands eligible for designation as recreational land must notify the county in writing of their intent to seek such a designation no fewer than ninety days before the property is to be designated as recreational land."

On page 8, beginning on line 10, strike all material through "2006." on line 19 and insert the following:

"(4) Playing fields and supporting facilities for sports played on grass playing fields must comply with applicable permitting requirements and development regulations.

(5) The designation of recreational land shall not substantially interfere with the long-term commercial use of other agricultural lands designated under RCW 36.70A.170(1)(b), and shall not preclude reversion to agricultural uses."

On page 8, line 22, after "with" strike "sections 2 through 4 of"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 5 of the title, after "section;"; strike "providing an expiration date;"

Senator Schmidt spoke in favor of adoption of the amendment.

Senators Kastama and Berkey spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schmidt and Stevens on page 2, line 2 to Engrossed House Bill No. 2241.

The motion by Senator Schmidt failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed House Bill No. 2241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Schmidt, Pridemore and Shin spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

MOTION

On motion of Senator Esser, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2241.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2241 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug,

Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Finkbeiner, Hewitt, Honeyford, Mulliken and Parlette - 5

Excused: Senators Deccio, McCaslin; Oke and Roach -4

ENGROSSED HOUSE BILL NO. 2241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1987, by House Committee on Education (originally sponsored by Representatives Priest, Ormsby, Curtis and Anderson)

Regarding alternative assessments.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

By January 15, 2006, the office of the superintendent of public instruction, as part of any feasibility study of options for the alternative assessments under RCW 28A.655.061(11), shall review the course requirements and assessments in one or more representative career and technical programs that lead to industry certification to determine the alignment of the courses and assessments with the essential academic learning requirements measured in the high school Washington assessment of student learning. The purpose of the review is to determine if the certifications can be used as evidence that a student has met the standards measured by the Washington assessment of student learning. The review also shall evaluate the statewide availability and use of the certifications. As part of the review, the superintendent shall make a determination of the extent to which the certifications are equivalent in rigor to the reading, writing, mathematics, or science Washington assessments of student learning, and whether they should be used as alternative assessments. The superintendent also shall develop a process for reviewing additional industry certification programs after the initial review."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment to the committee striking amendment by Senators McAuliffe and Schmidt be adopted.

On page 1, line 22, after "review."" insert the following:

"Sec. 2. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, ~~((and if approved by the legislature pursuant to subsection (11) of this section,))~~ one or more objective alternative assessments for a student to demonstrate achievement of state academic standards, and any appeals process. The objective alternative assessments for each content area shall be ~~((comparable))~~ equivalent in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are ~~((authorized))~~ implemented pursuant to subsection (11) of this section, a student may use the

objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment. A student may combine content area results from the Washington assessment of student learning and any subsequent retakes of the assessment and results from any alternative assessments to demonstrate achievement of state academic standards.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments (, which may include an appeals process,) for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be ((comparable)) equivalent in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the ((legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution)) superintendent of public instruction shall provide to the education committees of the legislature an opportunity to review any and all options developed and planned for implementation by January 15th of the school year before the school year planned for implementation.

(b) The office of the superintendent of public instruction shall pilot two or more alternative assessments in the 2005-06 school year, with the goal of implementing at least one alternative assessment in the 2006-07 school year. The superintendent of public instruction shall direct school districts to make available for student use any alternative assessments reviewed by the education committees of the legislature and deemed adequate by the superintendent of public instruction for implementation. The implementation shall begin with options that are complete and, to the extent funds are appropriated, the office of the superintendent of public instruction shall continue to develop, pilot, and implement additional alternative assessments. In its development and implementation of alternative assessments, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, employers, tribal representatives from federally recognized tribes of Washington state and tribes that have signed the Washington state centennial accord, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(12) ((By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations)) The office of the superintendent of public instruction shall develop appeals processes for use by students no later than the 2007-08 school year. The appeals processes shall be developed with criteria that can be consistently applied throughout the state.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who ~~((were not successful))~~ did not score the level of proficient or above on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was ~~((unsuccessful))~~ not proficient, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who ~~((were not successful))~~ did not score the level of proficient or above in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was ~~((unsuccessful))~~ not proficient, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(14) Beginning in the 2005-06 school year and every year thereafter, each public high school shall notify students and parents, in the primary language of parents to the extent practicable, of the options under the high school assessment system and any appeals processes for students to demonstrate achievement of the state academic standards.

(15) Beginning in the 2005-06 school year and every year thereafter, each public high school shall notify students and parents, in the primary language of parents to the extent practicable, of the different courses and programs in career and technical education and those offered through area skill centers that provide students the skills and knowledge in those content areas assessed by the high school assessment system and included in the certificate of academic achievement."

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 1, line 22 to the committee striking amendment to Substitute House Bill No. 1987.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Substitute House Bill No. 1987.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "assessments;" strike the remainder of the title and insert "and adding a new section to chapter 28A.655 RCW."

MOTION

On motion of Senator Schmidt, the rules were suspended, Substitute House Bill No. 1987, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1987, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1987, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1987, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1460, by House Committee on Transportation (originally sponsored by Representatives Green, Shabro, Flannigan, Talcott, Morrell and Lantz)

Regulating county contracts for marine vessels.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1460.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1460 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1607, by House Committee on Higher Education (originally sponsored by Representatives Strow, Kenney, Walsh, McCoy, Ormsby, Murray, Chase, Dickerson, Hasegawa, Roberts, Santos and Hudgins)

Including members of the Samish Indian Nation for purposes of resident tuition. Revised for 1st Substitute: Including members of the Samish Indian Nation for purposes of resident tuition. (REVISED FOR ENGROSSED: Including members of federally recognized Indian tribes as resident students for tuition purposes.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1607.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1607 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252, by House Committee on Education (originally sponsored by Representatives Quall, Curtis, Anderson, Talcott, Eickmeyer, Kirby, Haigh, DeBolt, Dunshee, McDonald, Morrell, Buri, Miloscia, Rodne, Lovick, O'Brien, Shabro, P. Sullivan, Wood, Sells, Chase, Ormsby and Kilmer)

Providing for family and consumer science education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective relationship skills are used in parenting, the workplace, schools, neighborhoods, and other relationships. The state has a compelling interest in encouraging its citizens in developing the parenting and communication skills vital for successful and fulfilling family relationships.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

Each school district board of directors is encouraged to adopt a family preservation education program curriculum and offer a family preservation unit in high school. The board of directors may adopt the model curriculum developed by the superintendent of public instruction or the board may develop its own curriculum with input from the community.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall develop a family preservation education program model curriculum that is available to each of the school district boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, domestic violence and dating violence, financial responsibility, and parenting responsibility."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Engrossed Substitute House Bill No. 1252.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1252, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1252, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1252, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1147, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, O'Brien, Skinner, Woods, Pearson, Simpson, Lovick, Tom and B. Sullivan)

Protecting communities from sex offenders through the establishment of community protection zones.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((9))~~ (10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((10))~~ (11) "Confinement" means total or partial confinement.

~~((11))~~ (12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((12))~~ (13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((13))~~ (14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((14))~~ (15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((15))~~ (16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((16))~~ (17) "Department" means the department of corrections.

~~((17))~~ (18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((18))~~ (19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((19))~~ (20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((20))~~ (21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((21))~~ (22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((22))~~ (23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((23))~~ (24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((24))~~ (25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((25))~~ (26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((26))~~ (27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((27))~~ (28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((28))~~ (29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((29))~~ (30) "Nonviolent offense" means an offense which is not a violent offense.

~~((30))~~ (31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((31))~~ (32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((32))~~ (33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and
(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((32))~~ (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((33))~~ (34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((34))~~ (35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((35))~~ (38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((36))~~ (39) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((37))~~ (40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((38))~~ (41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((39))~~ (42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((40))~~ (43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((41))~~ (44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((42))~~ (45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((43))~~ (46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((44))~~ (47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((45))~~ (48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((46))~~ (49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((47))~~ (50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((48))~~ (51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.712 and 2004 c 176 s 3 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030~~((32))~~ (33)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a)(i) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(ii) If the offense that caused the offender to be sentenced under this section was an offense listed in subsection (1)(a) of this section and the victim of the offense was under eighteen years of age at the time of the offense, the court shall, as a condition of community custody, prohibit the offender from residing in a community protection zone.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 3. RCW 72.09.340 and 1996 c 215 s 3 are each amended to read as follows:

(1) In making all discretionary decisions regarding release plans for and supervision of sex offenders, the department shall set priorities and make decisions based on an assessment of public safety risks.

(2) The department shall, no later than September 1, 1996, implement a policy governing the department's evaluation and approval of release plans for sex offenders. The policy shall include, at a minimum, a formal process by which victims, witnesses, and other interested people may provide information and comments to the department on potential safety risks to specific individuals or classes of individuals posed by a specific sex offender. The department shall make all reasonable efforts to publicize the availability of this process through currently existing mechanisms and shall seek the assistance of courts, prosecutors, law enforcement, and victims' advocacy groups in doing so. Notice of an offender's proposed residence shall be provided to all people registered to receive notice of an offender's release under RCW 9.94A.612(2), except that in no case may this notification requirement be construed to require an extension of an offender's release date.

(3)(a) For any offender convicted of a felony sex offense against a minor victim after June 6, 1996, the department shall not approve a residence location if the proposed residence: ~~((a))~~ (i) Includes a minor victim or child of similar age or circumstance as a previous victim who the department determines may be put at substantial risk of harm by the offender's residence in the household; or ~~((b))~~ (ii) is within close proximity of the current residence of a minor victim, unless the whereabouts of the minor victim cannot be determined or unless such a restriction would impede family reunification efforts ordered by the court or directed by the department of social and health services. The department is further authorized to reject a residence location if the proposed residence is within close proximity to schools, child care centers, playgrounds, or other grounds or facilities where children of similar age or circumstance as a previous victim are present who the department determines may be put at substantial risk of harm by the sex offender's residence at that location.

(b) In addition, for any offender prohibited from living in a community protection zone under RCW 9.94A.712(6)(a)(ii), the department may not approve a residence location if the proposed residence is in a community protection zone.

(4) When the department requires supervised visitation as a term or condition of a sex offender's community placement under RCW 9.94A.700(6), the department shall, prior to approving a supervisor, consider the following:

(a) The relationships between the proposed supervisor, the offender, and the minor; (b) the proposed supervisor's acknowledgment and understanding of the offender's prior criminal conduct, general knowledge of the dynamics of child sexual abuse, and willingness and ability to protect the minor from the potential risks posed by contact with the offender; and (c) recommendations made by the department of social and health services about the best interests of the child.

NEW SECTION. Sec. 4. (1) The joint task force on sex offender management is established to examine issues of community safety and the management of sex offenders in the community and shall work in collaboration with the partnership for community safety. The task force shall be composed of one member of each of the two largest caucuses of the senate, appointed by the president of the senate; one member of each of the two largest caucuses of the house of representatives, appointed by the speaker of the house; the secretary of the department of corrections; the superintendent of public instruction; the secretary of the department of social and health services; the executive director of the Washington association of sheriffs and police chiefs; the executive director of the indeterminate sentence review board; the chair of the end of sentence review committee; the executive director of the criminal justice training commission; and a representative each of the broadcast media and the print media, appointed by the governor. The task force shall be chaired by one of the legislative members, selected by the task force members.

(2) The task force shall make recommendations to the governor and the legislature not later than December 1, 2005, on the following subjects:

(a) The effectiveness of community protection zones and other strategies to promote community safety, including recommendations on proactive and reactive approaches to sex offender residence locations and any statutory, constitutional, or practical limitations on the state's ability to address sex offender housing requirements;

(b) Standardization of the community sex offender notification process;

(c) Applicability of the public disclosure act to sex offender information sharing;

(d) The training needs of law enforcement, criminal justice staff, and school personnel to increase community safety in relationship to sex offender notification and management strategies; and

(e) The impact and advisability of prenotification of local government officials related to sex offender residence location.

NEW SECTION. Sec. 5. A new section is added to chapter 9.94A RCW to read as follows:

Law enforcement agencies and the department of corrections are immune from civil liability for damages from discretionary decisions made under this act if they make a good faith effort to comply with this act.

NEW SECTION. Sec. 6. This act expires July 1, 2006."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Regala and Stevens to the committee striking amendment be adopted.

On page 15, line 3 of the amendment, after "services;" insert "the attorney general;"

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Regala and Stevens on page 15, line 3 to the committee striking amendment to Substitute House Bill No. 1147.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Substitute House Bill No. 1147.

The motion by Senator Hargrove carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.712, and 72.09.340; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1147, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1147, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1147, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1147, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1092,
HOUSE BILL NO. 1138,
HOUSE BILL NO. 1232,
HOUSE BILL NO. 1356,
HOUSE BILL NO. 1409,
SUBSTITUTE HOUSE BILL NO. 1806,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1112,
HOUSE BILL NO. 1202,
HOUSE BILL NO. 1262,
HOUSE BILL NO. 1286,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
HOUSE BILL NO. 1407,
SECOND SUBSTITUTE HOUSE BILL NO. 1542,
HOUSE BILL NO. 1621,
HOUSE BILL NO. 1958,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1405,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1032,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1117,

HOUSE BILL NO. 1125,
HOUSE BILL NO. 1161,
SUBSTITUTE HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1491,
HOUSE BILL NO. 1625,
HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1747,
HOUSE BILL NO. 1832,
SUBSTITUTE HOUSE BILL NO. 1918,
SUBSTITUTE HOUSE BILL NO. 1945,
HOUSE BILL NO. 2028,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SECOND SUBSTITUTE SENATE BILL NO. 5056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SUBSTITUTE SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 6043,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 12, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SENATE JOINT MEMORIAL NO. 8014

and the same is/are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 8014.

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SUBSTITUTE SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 6043.

The President signed:

HOUSE BILL NO. 1032,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1117,
HOUSE BILL NO. 1125,
HOUSE BILL NO. 1161,
SUBSTITUTE HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1491,
HOUSE BILL NO. 1625,
HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1747,

HOUSE BILL NO. 1832,
SUBSTITUTE HOUSE BILL NO. 1918,
SUBSTITUTE HOUSE BILL NO. 1945,
HOUSE BILL NO. 2028.

The President signed:
HOUSE BILL NO. 1405.

The President signed:
HOUSE BILL NO. 1112,
HOUSE BILL NO. 1202,
HOUSE BILL NO. 1262,
HOUSE BILL NO. 1286,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
HOUSE BILL NO. 1407,
SECOND SUBSTITUTE HOUSE BILL NO. 1542,
HOUSE BILL NO. 1621,
HOUSE BILL NO. 1958.

The President signed:
HOUSE BILL NO. 1092,
HOUSE BILL NO. 1138,
HOUSE BILL NO. 1232,
HOUSE BILL NO. 1356,
HOUSE BILL NO. 1409,
SUBSTITUTE HOUSE BILL NO. 1806.

MOTION

At 9:19 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, April 13, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 12, 2005

2005 REGULAR SESSION

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 13, 2005

The Senate was called to order at 9:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brandland, Finkbeiner and Oke.

The Sergeant at Arms Color Guard consisting of Pages Sacha Haia and Dhavan Vengadasalam, presented the Colors. Pastor Calvin Bodeutsch of the Grace Bible Church offered the prayer.

MOTION

On motion of Senator Eide, Rule 46 be suspended for the purpose of allowing the Committee on Transportation to continue to meet during the session.

EDITOR'S NOTE: Senate Rule 46 prohibits committees from sitting during the daily session of the senate unless granted special leave.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 12, 2005

SHB 2292 Prime Sponsor, Committee on Judiciary: Addressing health care liability reform. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE STATE OFFICES

April 8, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Fish and Wildlife Migratory Waterfowl Art Committee.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Department of Fish and Wildlife Migratory Waterfowl Art Committee is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4405,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHCR 4405 By Representatives Hudgins, Conway, Clibborn, Wallace, Green, Appleton, Kenney, McCoy, Chase, Ormsby, Campbell, Simpson, Hasegawa, Sells, Wood and Santos

Creating a task force to study offshore outsourcing.

Referred to the Committee on LABOR, COMMERE, RESEARCH & DEVELOPMENT.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:01 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1406, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Buck, B. Sullivan, Orcutt, Takko, Kretz, Alexander, Grant, Shabro, Linville and Skinner)

Concerning specialized forest products.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Sheldon spoke in favor of passage of the bill.

MOTION

On motion of Senator Pflug, Senators Benton and Brandland were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1406.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1406 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Finkbeiner and Oke - 2

Excused: Senators Benton and Brandland - 2

SUBSTITUTE HOUSE BILL NO. 1406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed former Senator Betti Sheldon and introduced her guest Mr. Girish Sadhnani, an exchange student from India, sponsored by the Rotary Club of East Bremerton who were seated in the back of the chamber.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the parents of Senator Delvin, Mr. and Mrs. Wayne and Dorothy Delvin and his nephew Mr. Jason Allaway from Arizona who were seated in the gallery.

MOTION

On motion of Senator Hewitt, Senator Oke was excused.

SECOND READING

HOUSE BILL NO. 1598, by Representatives Wood, Wallace, Woods and Skinner

Adjusting population thresholds for membership on the county road administration board.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1598.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brandland and Oke - 2

HOUSE BILL NO. 1598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Boys & Girls Club Washington State Youth of the Year, Brian Byersdorf, member of the Redmond/Sammamish Boys & Girls Club who was seated at the rostrum. The President also introduced and the Senate recognized the twelve Boys & Girls Club Youth of the Year finalists from across the state, who were seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703, by House Committee on Finance (originally sponsored by Representatives Jarrett and Sells)

Exempting fare cards from the unclaimed property act. Revised for 1st Substitute: Modifying the application of the unclaimed property laws to certain public transportation fare cards.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 1703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Deccio spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1703.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1703 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Benson - 1

Excused: Senators Brandland, Haugen and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Mrs. Lynn Johnson, wife of Senator Johnson, and introduced her guests, Mr. and Mrs. Norm and Tovi Harris and Mr. J. Edward Gallant who were seated in the gallery.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING

HOUSE BILL NO. 1432, by Representatives Fromhold, Conway, Cox, Haigh, Campbell, Strow, Hunt, Ormsby, Moeller, Morrell, O'Brien, Chase and Hasegawa

Avoiding fragmentation in bargaining units for classified school employees.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1432.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1432 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senator Benson - 1

Absent: Senator Poulsen - 1

Excused: Senators Brandland, Haugen, Honeyford and Oke - 4

HOUSE BILL NO. 1432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1197, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach and Kirby)

Regulating insurance, generally.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1197 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Roach - 1

Excused: Senators Brandland, Honeyford and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 1944 which had been previously held on third reading on April 4, 2005.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1944 was returned to second reading for the purpose of amendment.

SECOND READING

HOUSE BILL NO. 1944, by Representatives Hunt and Williams

Allowing raffles conducted by state employees.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Parlette be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that state employees have raised funds for charitable purposes over the years using various means. One of the most successful means of raising funds for charity has been the use of raffles. The legislature finds that such raffles conducted by state employees for participation by state employees are already permitted under the gambling statutes and should be permitted under the state executive ethics statutes as well.

NEW SECTION. Sec. 2. A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting gifts, grants, or donations solely to support the charitable activities of state employees permitted under chapter 9.46 RCW, the state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) For purposes of this section, activities are deemed to be charitable if the activities are devoted to the purposes authorized under RCW 9.46.0209 for charitable and nonprofit organizations listed in that section, or are in support of the activities of those charitable or nonprofit organizations."

Senators Kohl-Welles and Parlette spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Parlette to House Bill No. 1944.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objections, the following title amendment was adopted.

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 42.52 RCW; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1944, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1944, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1944, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette,

Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Deccio, Finkbeiner, McCaslin and Morton - 4

Excused: Senators Brandland and Oke - 2

HOUSE BILL NO. 1944, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2225, by House Committee on Financial Institutions & Insurance (originally sponsored by Representative Kirby)

Allowing certain higher education endowment grant funds to be deposited outside the state.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2225 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Prentice - 1

Excused: Senators Brandland and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION

8678

By Senators Parlette, Finkbeiner, Esser, Roach, Schmidt, Swecker, Oke, Pflug, Deccio, Rasmussen, Kastama, Doumit, Johnson, Carrell, Zarelli, Rockefeller, Regala, Poulsen and Berkey

WHEREAS, Washington's apple industry is a major contributor to the economic health of the State and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 86th annual Washington State Apple Blossom Festival to take place from April 28 through May 8, 2004; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Pamela Alvarado has been selected to represent her community as a 2005 Apple Blossom Princess, in part for her extracurricular activities as an MEChA Activity Coordinator, as well as her activities within Eastmont High School as ASB Vice President; and

WHEREAS, Piper Gillin has been selected to represent her community as a 2005 Apple Blossom Princess, in part for her extracurricular activities as a member of the Chamber Singers Honor Choir, her activities within Wenatchee High School as a Varsity Cheerleader, as well as her scholastic accomplishments; and

WHEREAS, Anika Grubbs has been selected to represent her community as the 2005 Apple Blossom Queen, in part for her extracurricular activities as the Governor of Girls State, her activities within Eastmont High School as the President of Key Club, Foreign Language Club and FBLA, her involvement as a volunteer for the Wenatchee Valley Museum and Women's Resource Center, as well as her scholastic accomplishments;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Anika Grubbs, Princess Pamela Alvarado, Princess Piper Gillin, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Festival Court composed of Piper Gillin, Apple Blossom Princess; Pamela Alvarado, Apple Blossom Princess; and Anika Grubbs, Apple Blossom Queen who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Anita Grubbs, Apple Blossom Queen to address the Senate.

REMARKS BY QUEEN ANITA GRUBBS

Queen Grubbs: "Well, thank you so much for the privilege of speaking here today. We've received such a great welcome at the Capitol Building. It really is an honor for us to be here and we feel very fortunate to be able to see the new newly refurbished Legislative Building. It's very special and it's even more special for me because I hope to go into government some day. I'd like to go to law school then eventually run for public office and all of us, all the girls and I, really, really admire all of you for working so hard to better our state and all the people who live here, so thank you for all your tireless efforts. I know that this is a very busy time for all of you, so I thank you for allowing us to take the time to address you. We also would like to invite all of you to the Washington State Apple Blossom Festival. As Senator Parlette said, it is an amazing time in our valley. If you haven't been able to visit this festival you'll really enjoy if you come out this year. We have parades, we have food fairs and it's a great time for family and friends to come together but really it's a time to promote our apple industry. This not only benefits our community but it is really important to our state. It's a five billion dollar industry so it's very important that we promote it and that we encourage people to eat Washington apples. So, thank you, all of you, for having us here. We've had an amazing time and we look forward to meeting more of you today. Thank you and have a great afternoon."

MOTION

At 11:54 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1732, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, McCoy, Wood, Chase, Campbell and Santos)

Allowing additional industrial insurance benefits when social security benefits are reduced.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1732.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1732 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Doumit, Fraser, McCaslin and Schoesler - 4

Excused: Senators Brandland, Deccio and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1463, by House Committee on Health Care (originally sponsored by Representatives Green, Rodne, Cody and Moeller)

Requiring schools to provide information on meningococcal immunization.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.210.080 and 1990 c 33 s 192 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either ~~((4))~~ (a) full immunization, ~~((2))~~ (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or ~~((3))~~ (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vaccine at the beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTIONS

On motion of Senator Mulliken, Senators McCaslin and Schoesler were excused.

On motion of Senator Regala, Senators Fraser and Doumit were excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1463.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "immunization;" strike the remainder of the title and insert "amending RCW 28A.210.080; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1463, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1463, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1463, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1463, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1270, by Representatives Curtis, Simpson, Conway, Hinkle, Upthegrove, Morrell, Moeller, Green, O'Brien, P. Sullivan, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Serben and Strow

Suspending a retirement allowance upon reemployment.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.26.500 and 1998 c 341 s 604 are each amended to read as follows:

(1) ~~((No))~~ Except as provided under subsection (3) or (4) of this section, a retiree under the provisions of plan 2 shall not be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

(3) Except as provided under subsection (4) of this section, a member or retiree who becomes employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010 shall have the option to enter into membership in the corresponding retirement system for that position. A retiree who elects to enter into plan membership under the provisions of this subsection shall have his or her benefits suspended as provided in subsection (1) of this section. A retiree who does not elect to enter into plan membership under the provisions of this subsection shall continue to receive his or her benefits without interruption until the retiree has rendered service for more than one thousand five hundred hours in a calendar year.

(4) A member or retiree who is elected or appointed to the legislature pursuant to Article II of the state Constitution shall have the option to enter into membership in the public employees' retirement system as outlined in chapter 41.40 RCW. A retiree who elects to enter into public employees' retirement system membership under the provisions of this subsection shall have his or her benefits suspended as provided in subsection (1) of this section. A retiree who does not elect to enter into public employees' retirement system membership under the provisions of this subsection shall continue to receive his or her benefits without interruption for the duration of his or her legislative service.

(5) The legislature reserves the right to amend or appeal subsections (3) and (4) of this section in the future and no member or beneficiary has a contractual right to collect his or her monthly retirement allowance while working in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010

"**Sec. 2.** RCW 41.26.500 and 2004 c 242 s 54 are each amended to read as follows:

(1) ~~((No))~~ Except as provided under subsection (3) or (4) of this section, a retiree under the provisions of plan 2 shall not be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

(3) Except as provided under subsection (4) of this section, a member or retiree who becomes employed in an eligible position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or 41.37.010 shall have the option to enter into membership in the corresponding retirement system for that position. A retiree who elects to enter into plan membership under the provisions of this subsection shall have his or her benefits suspended as provided in subsection (1) of this section. A retiree who does not elect to enter into plan membership under the provisions of this subsection shall continue to receive his or her benefits without interruption until the retiree has rendered service for more than one thousand five hundred hours in a calendar year.

(4) A member or retiree who is elected or appointed to the legislature pursuant to Article II of the state Constitution shall have the option to enter into membership in the public employees' retirement system as outlined in chapter 41.40 RCW. A retiree who elects to enter into public employees' retirement system membership under the provisions of this subsection shall have his or her benefits suspended as provided in subsection (1) of this section. A retiree who does not elect to enter into public employees' retirement system membership under the provisions of this subsection shall continue to receive his or her benefits without interruption for the duration of his or her legislative service.

(5) The legislature reserves the right to amend or appeal subsections (3) and (4) of this section in the future and no member or beneficiary has a contractual right to collect his or her monthly retirement allowance while working in an eligible position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or 41.37.010.

"**Sec. 3.** RCW 41.04.270 and 2001 c 180 s 4 are each amended to read as follows:

(1) ~~((Notwithstanding any provision of))~~ Except as provided in chapter 2.10, 2.12, 41.26, 41.28, 41.32, 41.35, 41.40, or 43.43 RCW ((to the contrary)), on and after March 19, 1976, any member or former member who (a) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or (b) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or (c) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: PROVIDED, That (a) and (b) of this subsection shall not apply to persons who have

accumulated less than fifteen years service credit in any such system or to persons receiving a retirement allowance under RCW 41.26.430 or 41.26.470.

(2) Nothing in this section is intended to apply to any retirement system except those listed in RCW 41.50.030 and the city employee retirement systems for Seattle, Tacoma, and Spokane. Subsection (1)(b) of this section does not apply to a dual member as defined in RCW 41.54.010.

NEW SECTION. Sec. 4. Section 1 of this act expires July 1, 2006.

NEW SECTION. Sec. 5. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 6. Section 2 of this act takes effect July 1, 2006."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1270.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 1 of the title, after "ACT", strike everything through line 3 of the title and insert "Relating to suspending a retirement allowance upon reemployment; amending RCW 41.04.270, 41.26.500 and 41.26.500; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1270, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1270, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Oke - 1

HOUSE BILL NO. 1270, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1160, by Representatives Conway, Wood, Green, Hudgins, McCoy, Lovick, Darneille, Morrell, Chase, Cody, Kenney and Sells

Reducing workplace violence in state hospitals.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1160.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1160 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Deccio and Stevens - 2

Excused: Senator Oke - 1

HOUSE BILL NO. 1160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1496, by House Committee on Judiciary (originally sponsored by Representatives Simpson, Roach, P. Sullivan, Quall, McDermott, Santos, Appleton, McCoy, Hunt, Kenney, Kagi and Blake)

Authorizing the use of enrollment cards issued by federally recognized Indian tribes.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Parlette be adopted.

On page 1, beginning on line 6, strike everything through "requirement." on line 15.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Kohl-Welles and Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Parlette on page 1, line 6 to Substitute House Bill No. 1496.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 2 of the title, after "70.155.090;", strike "adding a new section to chapter 29A.08 RCW;"

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1496, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1496, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1496, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1496, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Health Care (originally sponsored by Representatives Ericks, Appleton, Simpson, Kilmer, Eickmeyer, Woods, Lovick, Santos and Linville)

Authorizing fire protection districts to establish or participate in health clinic services.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette, Pflug and Keiser be adopted.

On page 2, after line 2, insert the following:

"NEW SECTION. Sec. 2. The department of health shall conduct a study to evaluate the merits of allowing fire protection districts to establish or participate in the provision of health clinic services. (1) The study shall consider any relevant matters, including but not limited to: the scope of the services which might be provided, the interest among Washington's fire protection districts in providing these services, the need for having them do so, the impact on overall health expenditures of allowing health services to be provided this way, potential government liability, and patient health and safety issues.

(2) The secretary of health shall appoint an advisory group of affected parties, including local physicians and other health care providers, to assist in the study.

(3) The department shall report the results of the study and any recommendations to the legislature by October 1, 2005. At a minimum, the recommendations shall include: (a) the criteria and process which should be used to evaluate requests by fire protection districts to establish or participate in the provision of health clinic services; and (b) any other statutory or administrative changes needed to address the concerns identified."

Senators Parlette and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette, Pflug and Keiser on page 2, after line 2 to Substitute House Bill No. 1652.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Sheldon was excused.

MOTION

There being no objections, the following title amendment was adopted.

On page 1, line 2 of the title, after "services;" strike "and" and on line 3, after "52.02.020" insert "; and creating a new section"

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1652, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1652, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 40

Voting nay: Senators Benson, Benton, Carrell, Mulliken, Pflug, Stevens and Zarelli - 7

Excused: Senators Oke and Sheldon - 2

SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, by House Committee on Local Government (originally sponsored by Representatives Kessler, Haler, Clibborn, Jarrett, O'Brien, Hankins, Ericks, Grant, Buck, Chase and Kenney)

Authorizing local government funding of ambulance and emergency services. Revised for 1st Substitute: Modifying local emergency medical service funding provisions.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ambulance and emergency medical services are essential services and the availability of these services is vital to preserving and promoting the health, safety, and welfare of people in local communities throughout the state. All persons, businesses, and industries benefit from the availability of ambulance and emergency medical services, and survival rates can be increased when these services are available, adequately funded, and appropriately regulated. It is the legislature's intent to explicitly recognize local jurisdictions' ability and authority to collect utility service charges to fund ambulance and emergency medical service systems that are based, at least in some part, upon a charge for the availability of these services.

Sec. 2. RCW 35.21.766 and 2004 c 129 s 34 are each amended to read as follows:

(1) Whenever a regional fire protection service authority ((or the legislative authority of any city or town)) determines that the fire protection jurisdictions that are members of the authority ((or the city or town or a substantial portion of the city or town is)) are not adequately served by existing private ambulance service, the governing board of the authority may by resolution((, or the legislative authority of the city or town may by appropriate legislation,)) provide for the establishment of a system of ambulance service to be operated by the authority as a public utility ((of the city or town, or)) operated by contract after a call for bids.

(2) The legislative authority of any city or town may establish an ambulance service to be operated as a public utility. However, the legislative authority of the city or town shall not provide for the establishment of an ambulance service utility that would compete with any existing private ambulance service, unless the legislative authority of the city or town determines that the city or town, or a substantial portion of the city or town, is not adequately served by an existing private ambulance service. In determining the adequacy of existing ambulance service, the legislative authority of the city or town shall determine if the service is meeting relevant performance standards. Before making any adequacy determination, performance standards shall be established by the city or town through adoption of a resolution or ordinance by its legislative body, which shall first hold one or more public hearings on the subject of proposed performance standards, or any amendment thereto, after giving at least fourteen days' notice of the time and place by publication in a newspaper of general circulation in the city and individual written notice to any private ambulance company registered with the jurisdiction as operating an ambulance service in the city or town, and to the department of health. Performance standards adopted by any city or town shall be no less stringent than existing standards adopted by the department of health or any other agency with applicable jurisdiction, and may include, but not be limited to, standards regarding response times, equipment, personnel, training, communication, dispatch, reporting, and other relevant requirements and expectations.

(3) The city or town legislative authority is authorized to set and collect rates and charges in an amount sufficient to regulate, operate, and maintain an ambulance utility. Prior to setting such rates and charges, the legislative authority must determine, through a cost-of- service study, the total cost necessary to regulate, operate, and maintain the ambulance utility. Total costs shall not include capital cost for the construction, major renovation, or major repair of the physical plant. For purposes of establishing and setting rates and charges under this section, costs shall be reduced by any revenues collected and described in subsection (5)(a) through (c) of this section. Once the legislative authority determines the total costs, the legislative authority shall then identify that portion of the total costs that are attributable to the availability of the ambulance service and that portion of the total costs that are attributable to the demand placed on the ambulance utility.

(a) Availability costs are those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility's response criteria. Availability costs may include costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.

(b) Demand costs are those costs that are attributable to the burden placed on the ambulance service by individual calls for ambulance service. Demand costs shall include costs related to frequency of calls, distances from hospitals, and other factors identified in the cost-of-service study conducted to assess burdens imposed on the ambulance utility.

(c) Beginning on the effective date of this act, the rate attributable to costs for availability described under (a) of this subsection shall be uniformly applied across user classifications within the utility.

(d) Beginning on the effective date of this act, the rate attributable to costs for demand, described under (b) of this subsection, shall be established and billed to each utility user classification based on each user classification's burden on the ambulance utility.

(e) The fee charged by the utility shall reflect a combination of the availability cost and the demand cost.

(4) The combined rates charged shall reflect an exemption for persons who are medicaid eligible, and may reflect an exemption or reduction for designated classes consistent with Article VIII, section 7 of the state Constitution. The amounts of exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

(5) In each city or town operating an ambulance utility pursuant to this section:

(a) The legislative authority must continue to allocate at least fifty percent of the total amount of general fund revenues expended, as of May 6, 2004, toward the total costs necessary to regulate, operate, and maintain the ambulance utility.

However, cities or towns that operated an ambulance service as a public utility as of May 6, 2004, and commingled general fund dollars and ambulance service utility dollars, may reasonably estimate that portion of general fund dollars that were, as of that date, applied toward the operation of the ambulance service utility, and at least fifty percent of such estimated amount must then continue to be applied toward the total cost necessary to regulate, operate, and maintain the ambulance utility.

(b) The legislative authority must allocate available emergency medical service levy funds, in an amount proportionate to the percentage of the ambulance services costs to the total combined operating costs for emergency medical services and ambulance services, towards the total costs necessary to regulate, operate, and maintain the ambulance utility.

(c) The legislative authority must allocate all revenues received through direct billing to the individual user of the ambulance service to the demand-related costs under subsection (3)(b) of this section.

(d) The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

(e) Revenues generated by the rates and charges must be deposited in a separate fund or funds and be used only for the purpose of paying for the cost of regulating, maintaining, and operating the ambulance utility.

(6) Ambulance service rates charged pursuant to this section do not constitute taxes or charges under RCW 82.02.050 through 82.02.090, or RCW 35.21.768, or charges otherwise prohibited by law.

NEW SECTION. Sec. 3. The joint legislative audit and review committee shall study and review ambulance utilities established and operated by cities under this act. The committee shall examine, but not be limited to, the following factors: the number and operational status of utilities established under this act; whether the utility rate structures and user classifications used by cities were established in accordance with generally accepted utility rate-making practices; and rates charged by the utility to the user classifications. The committee shall provide a final report on this review by December, 2007.

NEW SECTION. Sec. 4. The sum of sixty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2006, from the general fund to the joint legislative audit and review committee for the purposes of the study required by section 3 of this act."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 35.21.766; creating new sections; and making an appropriation."

Senator Kastama spoke in favor of the motion to not adopt the committee striking amendment.

The President declared the question before the Senate to be the motion by Senator Kastama that the committee striking amendment by the Committee on Government Operations & Elections be not adopted.

The motion by Senator Kastama carried and the committee striking amendment by the Committee on Government Operations & Elections was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Hargrove be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ambulance and emergency medical services are essential services and the availability of these services is vital to preserving and promoting the health, safety, and welfare of people in local communities throughout the state. All persons, businesses, and industries benefit from the availability of ambulance and emergency medical services, and survival rates can be increased when these services are available, adequately funded, and appropriately regulated. It is the legislature's intent to explicitly recognize local jurisdictions' ability and authority to collect utility service charges to fund ambulance and emergency medical service systems that are based, at least in some part, upon a charge for the availability of these services.

Sec. 2. RCW 35.21.766 and 2004 c 129 s 34 are each amended to read as follows:

(1) Whenever a regional fire protection service authority (~~(or the legislative authority of any city or town)~~) determines that the fire protection jurisdictions that are members of the authority (~~(or the city or town or a substantial portion of the city or town is)~~) are not adequately served by existing private ambulance service, the governing board of the authority may by resolution (~~(, or the legislative authority of the city or town may by appropriate legislation,)~~) provide for the establishment of a system of ambulance service to be operated by the authority as a public utility (~~(of the city or town, or)~~) operated by contract after a call for bids.

(2) The legislative authority of any city or town may establish an ambulance service to be operated as a public utility. However, the legislative authority of the city or town shall not provide for the establishment of an ambulance service utility that would compete with any existing private ambulance service, unless the legislative authority of the city or town determines that the city or town, or a substantial portion of the city or town, is not adequately served by an existing private ambulance service. In determining the adequacy of existing ambulance service, the legislative authority of the city or town shall determine if the service is meeting relevant performance standards. Before making any adequacy determination, performance standards shall be established by the city or town through adoption of a resolution or ordinance by its legislative body, which shall first hold one or more public hearings on the subject of proposed performance standards, or any amendment thereto, after giving at least fourteen days' notice of the time and place by publication in a newspaper of general circulation in the city and individual written notice to any private ambulance company registered with the jurisdiction as operating an ambulance service in the city or town, and to the department of health. Performance standards adopted by any city or town shall be no less stringent than existing standards adopted by the department of health or any other agency with applicable jurisdiction, and may include, but not be limited to, standards regarding response times, equipment, personnel, training, communication, dispatch, reporting, and other relevant requirements and expectations.

(3) The city or town legislative authority is authorized to set and collect rates and charges in an amount sufficient to regulate, operate, and maintain an ambulance utility. Prior to setting such rates and charges, the legislative authority must determine, through a cost-of- service study, the total cost necessary to regulate, operate, and maintain the ambulance utility. Total costs shall not include capital cost for the construction, major renovation, or major repair of the physical plant. For purposes of establishing and setting rates and charges under this section, costs shall be reduced by any revenues collected and described in subsection (5)(a) through (c) of this section. Once the legislative authority determines the total costs, the legislative authority shall then identify that portion of the total costs that are attributable to the availability of the ambulance service and that portion of the total costs that are attributable to the demand placed on the ambulance utility.

(a) Availability costs are those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility's response criteria. Availability costs may include costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.

(b) Demand costs are those costs that are attributable to the burden placed on the ambulance service by individual calls for ambulance service. Demand costs shall include costs related to frequency of calls, distances from hospitals, and other factors identified in the cost-of-service study conducted to assess burdens imposed on the ambulance utility.

(c) Beginning on the effective date of this act, the rate attributable to costs for availability described under (a) of this subsection shall be uniformly applied across user classifications within the utility.

(d) Beginning on the effective date of this act, the rate attributable to costs for demand, described under (b) of this subsection, shall be established and billed to each utility user classification based on each user classification's burden on the ambulance utility.

(e) The fee charged by the utility shall reflect a combination of the availability cost and the demand cost.

(4)(a) Except as provided in (b) of this subsection, the combined rates charged shall reflect an exemption for persons who are medicaid eligible and who reside in a nursing facility, boarding home, adult family home, or receive in home services. The combined rates charged may reflect an exemption or reduction for designated classes consistent with Article VIII, section 7

of the state Constitution. The amounts of exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

(b) For cities with a population less than 2,500 that established an ambulance utility before May 6, 2004, the combined rates charged may reflect an exemption or reduction for persons who are medicaid eligible, and for designated classes consistent with Article VIII, section 7 of the state Constitution.

(5) In each city or town operating an ambulance utility pursuant to this section:

(a) The legislative authority must continue to allocate at least fifty percent of the total amount of general fund revenues expended, as of May 6, 2004, toward the total costs necessary to regulate, operate, and maintain the ambulance utility.

However, cities or towns that operated an ambulance service as a public utility as of May 6, 2004, and commingled general fund dollars and ambulance service utility dollars, may reasonably estimate that portion of general fund dollars that were, as of that date, applied toward the operation of the ambulance service utility, and at least fifty percent of such estimated amount must then continue to be applied toward the total cost necessary to regulate, operate, and maintain the ambulance utility.

(b) The legislative authority must allocate available emergency medical service levy funds, in an amount proportionate to the percentage of the ambulance services costs to the total combined operating costs for emergency medical services and ambulance services, towards the total costs necessary to regulate, operate, and maintain the ambulance utility.

(c) The legislative authority must allocate all revenues received through direct billing to the individual user of the ambulance service to the demand-related costs under subsection (3)(b) of this section.

(d) The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

(e) Revenues generated by the rates and charges must be deposited in a separate fund or funds and be used only for the purpose of paying for the cost of regulating, maintaining, and operating the ambulance utility.

(6) Ambulance service rates charged pursuant to this section do not constitute taxes or charges under RCW 82.02.050 through 82.02.090, or RCW 35.21.768, or charges otherwise prohibited by law.

NEW SECTION. Sec. 3. The joint legislative audit and review committee shall study and review ambulance utilities established and operated by cities under this act. The committee shall examine, but not be limited to, the following factors: the number and operational status of utilities established under this act; whether the utility rate structures and user classifications used by cities were established in accordance with generally accepted utility rate-making practices; and rates charged by the utility to the user classifications. The committee shall provide a final report on this review by December, 2007.

Senator Kastama spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Kastama yield to a question? Thank you Senator Kastama. How does this striking amendment differ from the bill that we passed out of the Senate?"

Senator Kastama: "Thank you very much for that question. I apologize for not bringing that up. It does two things. First of all, it makes sure that we're talking about Medicaid people who in fact reside in nursing home facilities and boarding homes and in assisted-living facilities. It also addresses the concern of the Senator from the twelfth district. She has an area that has less than twenty-five hundred people in it and this allows them to get reductions for Medicaid individuals within that area. The reason is is so many people live in that area in fact are on Medicaid that is gives them a clear exemption that make it inrefusable fee. Thank you."

Senator Roach spoke in favor of adoption of the striking amendment.

MOTIONS

On motion of Senator Mulliken, Senators Johnson and Parlette were excused.

On motion of Senator Regala, Senators Fairley and Keiser were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Hargrove to Engrossed Substitute House Bill No. 1635.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 35.21.766; and creating new sections."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1635, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Hargrove spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Would Senator Kastama yield to a question? Senator, with the measure before us now, is the non-compete language and the non-supplant language. Does that remain in the bill?"

Senator Kastama: "Yes, there is a, well, there is a process I believe we talked about non-compete language. There's a process that a local city has to go through to determine that in fact an ambulance services is not sufficient and this lays out an extensive due process that they must go through in stating the performance standards, etc., having public meetings and that is found actually in section two of the piece of legislation. Also it does have supplanting language in it which requires, in fact, they cannot get more than fifty percent of the funds from such a utility. Thank you."

Senator Pflug: "They cannot get more than fifty percent of their funds from the utility."

Senator Kastama: "Correct. That's in the bill."

Senator Pflug: "So, does it shift the financial burden to private pay then?"

Senator Kastama: "There is an ability to give a discount to people who are on Medicaid in this. What this does is it has a two part formula. It has it to those people who utilize this service but also a general fee that goes out for the general benefit of everyone. So, right now, the fee would go entirely on the people who utilize this service. This is a way of moderating that."

Senators Pflug and Mulliken spoke against passage of the bill.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 34

Voting nay: Senators Benson, Brandland, Carrell, Esser, Haugen, Hewitt, Mulliken, Pflug, Schoesler, Sheldon and Stevens - 11

Excused: Senators Johnson, Oke, Parlette and Poulsen - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1457, by Representatives Haigh, Bailey, Conway, McCoy and McDonald

Creating the military department capital account and rental and lease account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1457.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1457 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Pflug - 1

Excused: Senators Johnson, Oke, Parlette and Poulsen - 4

HOUSE BILL NO. 1457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Transportation (originally sponsored by Representatives B. Sullivan, Lovick, Eickmeyer, Upthegrove, Ericksen, Morrell, Dickerson, Sells and Ormsby)

Authorizing endangered wildlife license plates.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the Endangered Wildlife license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.

(2) The department shall issue a special license plate displaying a symbol or artwork, approved by the special license plate review board and the legislature, referred to as "Endangered Wildlife license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

For the purposes of RCW 46.16.313 and section 1 of this act, the term "Endangered Wildlife license plates" means license plates issued under section 1 of this act that display a symbol or artwork symbolizing endangered wildlife in Washington state.

Sec. 3. RCW 46.16.313 and 2004 c 221 s 3, 2004 c 48 s 3, and 2004 c 35 s 3 are each reenacted and amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be

remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a professional fire fighters and paramedics license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics license plates. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a professional fire fighters and paramedics license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the professional fire fighters and paramedics special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the Washington State Council of Fire Fighters benevolent fund established under RCW 46.16.30902.

(8) Effective with vehicle registrations due or to become due on November 1, 2004, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "Helping Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(9) Effective with annual renewals due or to become due on November 1, 2005, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "Helping Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the "Helping Kids Speak" special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the "Helping Kids Speak" account established under RCW 46.16.30904.

(10) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(11) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected

under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under RCW 46.16.30906.

(12)(a) Effective with vehicle registrations due or to become due on or after January 1, 2006, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of an Endangered Wildlife license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Endangered Wildlife license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Endangered Wildlife license plates must be used only for the department of fish and wildlife's endangered wildlife program activities.

(b) Effective with annual renewals due or to become due on or after January 1, 2007, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of an Endangered Wildlife license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. Under RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the Endangered Wildlife license plate. Upon determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the state wildlife account. Proceeds credited to the state wildlife account from the sale of the Endangered Wildlife license plates must be used only for the department of fish and wildlife's endangered wildlife program activities.

Sec. 4. RCW 77.12.170 and 2004 c 248 s 4 are each amended to read as follows:

- (1) There is established in the state treasury the state wildlife (~~fund~~) account which consists of moneys received from:
- (a) Rentals or concessions of the department;
 - (b) The sale of real or personal property held for department purposes;
 - (c) The sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;
 - (d) Fees for informational materials published by the department;
 - (e) Fees for personalized vehicle and Endangered Wildlife license plates as provided in chapter 46.16 RCW;
 - (f) Articles or wildlife sold by the director under this title;
 - (g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320;
 - (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;
 - (i) The sale of personal property seized by the department for fish, shellfish, or wildlife violations;
 - (j) The department's share of revenues from auctions and raffles authorized by the commission; and
 - (k) The sale of watchable wildlife decals under RCW 77.32.560.
- (2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife (~~fund~~) account."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1218.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 77.12.170; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW."

MOTION

On motion of Senator Stevens, Senator Benton was excused.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1218, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1218, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1218, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Benton, Oke and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1218, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Weinstein, Senator Keiser was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1050, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Hinkle, Kagi, Dunn, Quall, Clements, Morrell, McIntire, Schual-Berke, Haigh, Simpson, Linville, Santos and Chase)

Creating a foster care endowed scholarship program.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senators Finkbeiner, Swecker and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1050.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1050 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Deccio and McCaslin - 2

Excused: Senators Finkbeiner, Oke and Swecker - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2185, by Representatives Newhouse, Conway and Condotta

Establishing residence modifications standards.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.36 RCW to read as follows:

(1) The legislature finds that there is a need to clarify the process and standards under which the department provides residence modification assistance to workers who have sustained catastrophic injury.

(2) The director shall adopt rules that take effect no later than nine months after the effective date of this section to establish guidelines and processes for residence modification pursuant to RCW 51.36.020(7).

(3) In developing rules under this section, the director shall consult with interested persons, including persons with expertise in the rehabilitation of catastrophically disabled individuals and modifications for adaptive housing.

(4) These rules must address at least the following:

(a) The process for a catastrophically injured worker to access the residence modification benefits provided by RCW 51.36.020; and

(b) How the department may address the needs and preferences of the individual worker on a case-by-case basis taking into account information provided by the injured worker. For purposes of determining the needs and requirements of the worker under RCW 51.36.020, including whether a modification is medically necessary, the department must consider all available information regarding the medical condition and physical restrictions of the injured worker, including the opinion of the worker's attending health services provider.

(5) The rules should be based upon nationally accepted guidelines and publications addressing adaptive residential housing. The department must consider the guidelines established by the United States department of veterans affairs in their publication entitled "Handbook for Design: Specially Adapted Housing," and the recommendations published in "The Accessible Housing Design File" by Barrier Free Environments, Inc.

(6) In developing rules under this section, the director shall consult with other persons with an interest in improving standards for adaptive housing.

(7) The director shall report by December 2007 to the appropriate committees of the legislature on the rules adopted under this section."

Senators Kohl-Welles and Hewitt spoke in favor of adoption of the committee striking amendment.

MOTIONS

On motion of Senator Esser, Senators Deccio and McCaslin were excused.

On motion of Senator Rasmussen, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed House Bill No. 2185.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objections, the following title amendment was adopted.

On page 1, line 1 of the title, after "workers;" strike the remainder of the title and insert "and adding a new section to chapter 51.36 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2185, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Spanel, Senator Doumit was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2185, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2185, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Doumit, Oke, Prentice and Swecker - 5

ENGROSSED HOUSE BILL NO. 2185, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1699, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest and Tom)

Regulating agreements for the purchase and sale of real estate.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.04.005 and 1991 c 210 s 1 are each amended to read as follows:

(1)~~((a))~~) A provision in a written agreement for the purchase and sale of real estate which provides for liquidated damages or the forfeiture of an earnest money deposit to the seller as the seller's sole and exclusive remedy if ~~((the purchaser))~~ a party fails, without legal excuse, to complete the purchase, is valid and enforceable, regardless of whether the ~~((seller))~~ other party incurs any actual damages~~((, PROVIDED That:~~

~~(i) The total earnest money deposit to be forfeited does not exceed five percent of the purchase price; and~~

~~(ii) The agreement includes an express provision in substantially the following form: "In the event the purchaser fails, without legal excuse, to complete the purchase of the property, the earnest money deposit made by the purchaser shall be forfeited to the seller as the sole and exclusive remedy available to the seller for such failure."~~

~~(b) If the real estate which is the subject of the agreement is being purchased by the purchaser primarily for the purchaser's personal, family, or household purposes, then the agreement provision required by (a)(ii) of this subsection must be:~~

~~(i) In typeface no smaller than other text provisions of the agreement; and~~

~~(ii) Must be separately initialed or signed by the purchaser and seller.~~

~~(2) If an agreement for the purchase and sale of real estate does not satisfy the requirements of subsection (1) of this section, then the seller shall have all rights and remedies otherwise available at law or in equity as a result of the failure of the purchaser, without legal excuse, to complete the purchase.~~

~~(3) Nothing in subsection (1) of this section shall affect or limit the rights of any party to an agreement for the purchase and sale of real estate with respect to:~~

~~(a) Any cause of action arising from any other breach or default by either party under the agreement; or
(b) The recovery of attorneys' fees in any action commenced with respect to the agreement, if the agreement so provides.~~

~~(4))~~. However, the amount of liquidated damages or amount of earnest money to be forfeited under this subsection may not exceed five percent of the purchase price.

~~(2)~~ For purposes of this section((5));

~~(a) "Earnest money deposit" means any deposit, deposits, payment, or payments of a part of the purchase price for the property, made in the form of cash, check, promissory note, or other things of value for the purpose of binding the purchaser to the agreement and identified in the agreement as an earnest money deposit, and does not include other deposits or payments made by the purchaser; and~~

~~(b) "Liquidated damages" means an amount agreed by the parties as the amount of damages to be recovered for a breach of the agreement by the other and identified in the agreement as liquidated damages, and does not include other deposits or payments made by the purchaser.~~

~~(3) This section does not prohibit, or supersede the common law with respect to, liquidated damages or earnest money forfeiture provisions in excess of five percent of the purchase price. A liquidated damages or earnest money forfeiture provision not meeting the requirements of subsection (1) of this section shall be interpreted and enforced without regard to this statute.~~

NEW SECTION. Sec. 2. This act applies to all contracts executed after the effective date of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kline and McCaslin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1699.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "estate;" strike the remainder of the title and insert "amending RCW 64.04.005; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1699, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1699, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1699, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Doumit, Oke and Prentice - 3

SUBSTITUTE HOUSE BILL NO. 1699, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1185, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Haler, Morris, Tom, Green, Jarrett, Clibborn, Moeller, Upthegrove, Pettigrew, Chase, Flannigan, Cody, Newhouse, Wallace, Hasegawa, Quall, Linville, Simpson, B. Sullivan, Sells, Lantz, Schual-Berke, Appleton, Campbell, Darneille, Dickerson, Armstrong, Kenney, Condotta, Kagi, Ormsby, Hunt, McIntire, Haigh and Kilmer)

Prohibiting disclosure of personal wireless numbers.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to Title 19 RCW to read as follows:

(1) A radio communications service company, as defined in RCW 80.04.010, or any direct or indirect affiliate or agent of a provider, shall not include the phone number of any subscriber for inclusion in any directory of any form, nor shall it sell the contents of any directory data base, without first obtaining the express, opt-in consent of that subscriber. The subscriber's consent must be obtained either in writing or electronically, and a receipt must be provided to the subscriber. The consent shall be a separate document or located on a separate screen or web page that has the sole purpose of authorizing a radio communications service company to include the subscriber's phone number in a publicly available directory assistance data base. In obtaining the subscriber's consent, the provider shall unambiguously disclose that, by consenting, the subscriber agrees to have the subscriber's phone number sold or licensed as part of a list of subscribers and that the phone number may be included in a publicly available directory assistance data base. The provider must also disclose that by consenting to be included in the directory, the subscriber may incur additional charges for receiving unsolicited calls or text messages.

(2) A subscriber who provides express consent pursuant to subsection (1) of this section may revoke that consent at any time. A radio communications service company shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed sixty days.

(3) A subscriber shall not be charged for opting not to be listed in the directory.

(4) This section does not apply to the provision of telephone numbers, for the purposes indicated, to:

(a) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit corporation operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to (b) of this subsection shall be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records shall not be open to examination for any purpose not directly connected with the administration of the services specified in this subsection;

(b) A lawful process issued under state or federal law;

(c) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;

(d) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;

(e) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies; and

(f) A sales agent to provide the subscriber's cell phone numbers to the cellular provider for the limited purpose of billing and customer service.

(5) Every knowing violation of this section is punishable by a fine of up to five hundred dollars for each violation.

(6) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general may notify the company with a letter of warning that the section has been violated.

(7) A person aggrieved by a violation of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least five hundred dollars for each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

(8) No telecommunications company, nor any official or employee of a telecommunications company, shall be subject to criminal or civil liability for the release of customer information as authorized by this section."

PARLIAMENTARY INQUIRY

Senator Kline: "We have two amendments, one by the good Senator and one by myself. Both start on page 2, line 35, that is, they start at exactly the same place, would normally have the same sequence. These are competing amendments. In order to allow the body to make a choice between one and the other, should we have debate that focuses on each respectively so that a vote is a vote knowing which amendment is being rejected and which is being favored by each member?"

REMARKS BY THE PRESIDENT

President Owen: "Senator Kline, it would not be appropriate to bring up both amendments at the same time. However, you can reference the difference. I think that would be totally appropriate at the time of the debate on the specific amendment."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Schoesler and Weinstein to the committee striking amendment be adopted.

On page 2, line 30 of the amendment, strike "five hundred" and insert "fifty thousand"

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Schoesler and Weinstein on page 2, line 30 to the committee striking amendment to Substitute House Bill No. 1185.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Fairley moved that the following amendment by Senator Fairley to the committee striking amendment be adopted.

Beginning on page 2, line 35 of the amendment, after "(7)" strike all material through "(8)" on page 3, line 4

Senators Fairley, Benton and Berkey spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kline and Weinstein spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 2, line 35 to the committee striking amendment to Substitute House Bill No. 1185.

MOTION

A division was demanded.

The motion by Senator Fairley carried and the amendment to the committee striking amendment was adopted by a rising vote.

MOTION

Senator Kline moved that the following amendment by Senator Kline to the committee striking amendment be adopted.

Beginning on page 2, line 35 of the amendment, after "(7)" strike all material through "suit." on page 3, line 3 and insert "A person aggrieved by a violation of this section may bring a civil action in superior court or in the small claims division of district court. The civil action may be to enjoin future violations, to recover damages, or both. The court shall award damages of at least one thousand dollars and up to two thousand dollars for each individual violation of this section. If the aggrieved person prevails in a civil action for injunction in superior court under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and costs of the suit. The district court may award costs, but not attorneys' fees, to a successful plaintiff under this subsection."

Senators Kline, Fraser and Weinstein spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Benton spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 35 to the committee striking amendment to Substitute House Bill No. 1185.

MOTION

A division was demanded.

The motion by Senator Kline failed and the amendment to the committee striking amendment was not adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection as amended to Substitute House Bill No. 1185.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "adding a new section to Title 19 RCW; and prescribing penalties."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1185, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1185, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1185, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Doumit, Oke and Prentice - 3

SUBSTITUTE HOUSE BILL NO. 1185, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:21 p.m., on motion of Senator Eide, the Senate was declared to be at recess for fifteen minutes. The Senate was called to order at 3:36 p.m. by President Owen.

MOTION

At 3:37 p.m., on motion of Senator Spanel, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:46 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1247, by Representatives Morris and Schindler

Charging manufactured housing communities for water and sewer connections.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.91.040 and 1965 c 7 s 35.91.040 are each amended to read as follows:

~~((No))~~ (1) A person, firm, or corporation ~~((shall))~~ may not be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the municipality, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed. All amounts so received by the municipality shall be paid out by it under the terms of such contract within sixty days after the receipt thereof. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the governing body of the municipality may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right of way and dispose of unauthorized material so removed without any liability whatsoever.

(2) A tap or connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the municipality provides and maintains the tap-in connection.

Sec. 2. RCW 36.94.140 and 2003 c 394 s 4 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

- (a) The difference in cost of service to the various customers within or without the area;
- (b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
- (c) The different character of the service and facilities furnished various customers;
- (d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
- (e) Capital contributions made to the system or systems, including, but not limited to, assessments;
- (f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;
- (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and
- (h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

(6) A connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the system of water or sewerage provides and maintains the connection."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Finkbeiner, Senators Parlette and Honeyford were excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection to House Bill No. 1247.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "connections;" strike the remainder of the title and insert "and amending RCW 35.91.040 and 36.94.140."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1247, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1247, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1247, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brandland and Delvin - 2

Excused: Senators Honeyford, Oke and Parlette - 3

HOUSE BILL NO. 1247, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1534, by Representatives Green, Hinkle, Cody, Morrell, Schual-Berke, Skinner, Curtis, Clibborn, Campbell and Kagi

Identifying health care providers covered by the retired health care provider liability malpractice insurance program.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

Senator Pflug spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1534.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1534 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Brandland and Hargrove - 2

Excused: Senator Oke - 1

HOUSE BILL NO. 1534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2073, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller and Chase)

Revising juvenile sentencing alternatives.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.167 and 2003 c 378 s 4 are each amended to read as follows:

(1) When an offender is subject to a standard range (~~commitment of 15 to 65 weeks~~) disposition involving confinement by the department, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition (~~(of not more than 65 weeks)~~), suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if ~~((the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030))~~;

(a) The offender is ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(b) The offense for which the disposition is being considered is:

(i) An offense category A+, A, or A- offense, or an attempt, conspiracy, or solicitation to commit a class A+, A, or A- offense;

(ii) Manslaughter in the second degree (RCW 9A.32.070);

(iii) A sex offense as defined in RCW 9.94A.030; or

(iv) Any offense category B+ or B offense, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon.

(11) Subject to funds appropriated for this specific purpose, the costs incurred by the juvenile courts for the mental health and chemical dependency evaluations, treatment, and costs of supervision required under this act shall be paid by the department's juvenile rehabilitation administration."

Senators Regala and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2073.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "alternatives;" strike the remainder of the title and insert "and amending RCW 13.40.167."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2073, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2073, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2073, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brandland and Oke - 2

SUBSTITUTE HOUSE BILL NO. 2073, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1475, by House Committee on Transportation (originally sponsored by Representatives Schual-Berke, Jarrett, Murray, Kessler, Wood, Skinner, Hankins, Woods, Dunshee, Wallace, Dickerson, Uptegrove, Curtis, Lovick and Morrell)

Modifying child passenger restraint provisions.

The measure was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senator Benton be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 2003 c 353 s 5 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old (~~and/or~~) or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child (~~will~~) must be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The

visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(7) A person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct."

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the striking amendment by Senator Benton to Engrossed Substitute House Bill No. 1475 was withdrawn.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1475.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1475 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Deccio, Esser, Hargrove, Hewitt, McCaslin, Morton, Mulliken, Parlette, Roach, Schoesler, Stevens and Zarelli - 15

Excused: Senators Brandland and Oke - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1864, by Representatives Kilmer, Woods, Lantz, Appleton, Green and Hasegawa

Modifying citizen oversight of toll charges.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read as follows:

(1) A citizen advisory committee must be created for any project developed under this chapter that imposes toll charges for use of a transportation facility. The governor shall appoint nine members to the committee, all of whom must be permanent residents of the affected project area (~~(, as that term is used in RCW 47.46.030))~~ as defined for each project. Members of the committee shall serve without compensation.

(2) The citizen advisory committee shall serve in an advisory capacity to the commission on all matters related to the imposition of tolls (~~(, Members of the committee shall serve without compensation))~~ including, but not limited to, (a) the feasibility of providing discounts to frequent users, electronic transponder users, senior citizens, or students; (b) the tradeoff of lower tolls versus the early retirement of debt; and (c) a consideration of variable, or time of day pricing.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll rates, the commission shall give consideration to any recommendations of the citizen advisory committee.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.46 RCW to read as follows:

The Tacoma Narrows bridge citizen advisory committee is hereby created as directed under RCW 47.46.090. The advisory committee members shall be appointed proportionately, to the extent practicable, from those areas from which the majority of the trips originate on the bridge according to the latest traffic analysis by the department."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1864.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "oversight;" strike the remainder of the title and insert "amending RCW 47.46.090; and adding a new section to chapter 47.46 RCW."

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1864, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1864, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1864, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Finkbeiner and Hargrove - 2

Excused: Senators Brandland, Oke and Regala - 3

HOUSE BILL NO. 1864, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1002, by Representatives Fromhold, Moeller, Murray, Hunter and Jarrett

Restricting the use of compression brakes.

The measure was read the second time.

MOTION

Senator Swecker moved that the following committee amendment by the Committee on Transportation be adopted.

On page 4, after line 17, strike section 3.

Senator Swecker spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to House Bill No. 1002.

The motion by Senator Swecker carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1002, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1002, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1002, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Morton, Mulliken, Parlette, Schoesler, Sheldon and Stevens - 6

Excused: Senators Oke and Regala - 2

HOUSE BILL NO. 1002, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1999, by Representatives Nixon, Flannigan, McDonald and Wood

Clarifying civil liability for traffic infractions when vehicle title is transferred.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be adopted.

On page 2, after line 19, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 46.63 RCW to read as follows:

(1) In the event a traffic infraction is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(2) For the purpose of this section, a "traffic infraction based on a vehicle's identification" includes, but is not limited to, parking infractions, high-occupancy toll lane violations, and violations recorded by automated traffic safety cameras."

Senator Haugen spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to House Bill No. 1999.

The motion by Senator Haugen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1999, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1999, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1999, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Regala - 2

HOUSE BILL NO. 1999, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1995, by House Committee on Capital Budget (originally sponsored by Representatives Lantz, Skinner, Hunt, Moeller and Upthegrove)

Concerning historic public facilities.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 2, line 11, after "areas" insert "not including state-owned aquatic lands in these areas managed by the department of natural resources under RCW 79.90.450"

Senator Fraser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 1995.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1995, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1995, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1995, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Regala - 2

SUBSTITUTE HOUSE BILL NO. 1995, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5615, by Senators Franklin, Delvin, Kohl-Welles, Parlette, Roach, Brown, Schmidt, Berkey, McAuliffe and Oke

Receiving a disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5615 was substituted for Senate Bill No. 5615 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5615.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Oke and Regala - 2
SUBSTITUTE SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1110, by Representatives Eickmeyer, B. Sullivan, Hinkle, Haler and Newhouse

Modifying recertification standards for private applicators of pesticides.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee amendment by the Committee on Agriculture & Rural Economic Development be adopted.

On page 1, line 19, after "~~eight~~" strike "twelve" and insert "ten"

Senator Rasmussen spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Agriculture & Rural Economic Development to House Bill No. 1110.

The motion by Senator Rasmussen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1110, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1110, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1110, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Pridemore - 1

Excused: Senators Oke and Regala - 2

HOUSE BILL NO. 1110, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1237, by Representatives Newhouse, Cody, Clements, Bailey, Roach, Morrell, Lovick, Simpson, Murray, Chase, Kagi and Wallace

Describing specialized commercial vehicles used for patient transportation.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Haugen yield to a question? What's a banana cart? What's it got to do with transporting patients?"

Senator Haugen: "I knew that you were going to ask that. Remember we had pictures in committee that showed us that a banana cart was a type of stretcher that people who have to be either prone or in some kind of reclining position can ride on it. It's a little easier for them to be moved by."

MOTION

On motion of Senator Zarelli, Senator Esser was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1237.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1237 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Brandland - 1

Excused: Senators Esser, Oke and Regala - 3

HOUSE BILL NO. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Upthegrove, Conway, Hudgins, Morrell, Kenney, P. Sullivan, B. Sullivan, Dunn, McCoy, Wallace and Chase)

Allowing electronic payment of utility bills.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) By July 1, 2008, a city or town that provides electric, natural gas, water, or sewer services to retail customers must offer an electronic payment option that its customers may use for payment of bills for service provided through the utility. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a city or town that provides electric, natural gas, water, or sewer services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method

of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 2. A new section is added to chapter 35.67 RCW to read as follows:

(1) By July 1, 2008, a city or town that provides sewer services to retail customers must offer an electronic payment option that its customers may use for payment of bills for service provided through the utility. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a city or town that provides sewer services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 3. A new section is added to chapter 35.92 RCW to read as follows:

(1) By July 1, 2008, a city or town that provides electric, natural gas, water, or sewer services to retail customers must offer an electronic payment option that its customers may use for payment of bills for service provided through the utility. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a city or town that provides electric, natural gas, water, or sewer services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 4. A new section is added to chapter 36.94 RCW to read as follows:

(1) By July 1, 2008, a county that operates a sewerage or water system must offer an electronic payment option that its retail customers may use for payment of bills for service provided through the utility. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a county that operates a sewerage or water system with less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 5. A new section is added to chapter 54.16 RCW to read as follows:

(1) By July 1, 2008, a public utility district that provides electric, water, or sewer services to retail customers must offer an electronic payment option that its customers may use for payment of bills for service provided through the district. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a public utility district that provides electric, water, or sewer services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 6. A new section is added to chapter 57.08 RCW to read as follows:

(1) By July 1, 2008, a district that operates a sewer or water system must offer an electronic payment option that its retail customers may use for payment of bills for service provided through the district. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a district that operates a sewer or water system with less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 7. A new section is added to chapter 80.28 RCW to read as follows:

(1) By July 1, 2008, a gas company, electrical company, or water company that provides gas, electric, or water services to retail customers must offer an electronic payment option that its retail customers may use for payment of bills for service provided through the company. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a gas company, electrical company, or water company that provides gas, electric, or water services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 8. A new section is added to chapter 80.36 RCW to read as follows:

(1) By July 1, 2008, a telecommunications company that provides telecommunications services to retail customers must offer an electronic payment option that its retail customers may use for payment of bills for service provided through the company. Additional fees or costs charged to the customer may not exceed the actual cost of providing an electronic payment option.

(2) The requirement under this section to provide an electronic payment option by July 1, 2008, does not apply to a telecommunications company that provides telecommunications services to less than five thousand retail customer accounts.

(3) For the purposes of this section, "electronic payment option" means any payment system, other than a system using transactions originating by check, draft, or similar paper instrument, that is conducted by telephone, computer, or similar communications device. "Electronic payment option" includes on-line credit and debit card payment systems, on-line banking and money-transfer systems, and electronic fund transfers. "Electronic payment option" also includes an internet-based method of payment that allows a customer, at the time of payment, to access an internet web page and transmit text or data controlling the amount of the payment, the date of payment, and the account from which the payment will be made.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Rockefeller spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Substitute House Bill No. 1009.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "electronically;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 80.36 RCW; and declaring an emergency."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1009, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Poulsen spoke in favor of passage of the bill.

Senators Morton, Honeyford, Carrell, Sheldon, Schoesler and Stevens spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1009, as amended by the Senate.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1009 was deferred and the bill held its place on the third reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397, by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Morris, B. Sullivan, Anderson, Appleton, Wallace, P. Sullivan, Kenney, Campbell, Rodne,

Hunt, Priest, Springer, Tom, Lovick, Quall, Pettigrew, Kirby, Clibborn, Kilmer, Dunshee, Dickerson, Ericks, Green, Sells, Hasegawa, Upthegrove, Williams, Moeller, McIntire, Chase, Simpson, McDermott, Hudgins and Wood)

Changing vehicle emission standards provisions.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted.

On page 2, line 29 after "January 1, 2005" insert ", except as provided in this chapter"

On page 2, line 35, after "clean air act)." insert the following:

"Notwithstanding other provisions of this chapter, the department of ecology shall not adopt the zero emission vehicle program regulations contained in Title 13 section 1962 of the California Code of Regulations effective January 1, 2005."

Senators Hargrove, Poulsen and Pridemore spoke in favor of adoption of the amendment.

Senators Carrell and Morton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, line 29 to Engrossed Substitute House Bill No. 1397.

MOTION

A division was demanded.

The motion by Senator Hargrove carried and the amendment was adopted by a rising vote.

MOTION

Senator Doumit moved that the following amendment by Senator Doumit be adopted.

On page 2, line 30 after "2005." strike "By December 31, 2005,

On page 3, line 4 after "governor." strike everything through "later." on line and insert "The rules shall be effective only for those model years for which the state of Oregon has adopted the California motor vehicle emission standards."

Senators Doumit and Poulsen spoke in favor of adoption of the amendment.

Senator Morton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 2, line 30 to Engrossed Substitute House Bill No. 1397.

The motion by Senator Doumit carried and the amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Brown and Eide be adopted.

On page 4, after line 10 insert the following:

NEW SECTION. Sec. 4. Individual automobile manufacturers may certify independent automobile repair shops to perform warranty service on the manufacturers' vehicles. Upon certification of the independent automobile repair shops, the manufacturers shall compensate the repair shops at the same rate as franchised dealers for covered warranty repair services.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Hargrove and Eide spoke in favor of adoption of the amendment.

Senator Morton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Brown and Eide on page 4, after line 10 to Engrossed Substitute House Bill No. 1397.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted.

On page 7, line 19 strike everything after "(1)" through "ecology" on line 20 and insert the following:

"(a) Is consistent with the vehicle emission standards as adopted by the department of ecology; (b) is consistent with the carbon dioxide equivalent emission standards as adopted by the department of ecology; and (c) has a California certification

label for (i) all emission standards, and (ii) carbon dioxide equivalent emission standards necessary to meet fleet average requirements"

Senators Hargrove, Franklin and Poulsen spoke in favor of adoption of the amendment.

Senators Carrell, Kline, Benson and Morton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 7, line 19 to Engrossed Substitute House Bill No. 1397.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1397, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Pridemore, Brown spoke in favor of passage of the bill.

Senators Stevens, Mulliken spoke against passage of the bill.

POINT OF ORDER

Senator Honeyford: "Mr. President, I rise to ask the President of the Senate for a ruling on this measure, Engrossed Substitute House Bill No. 1397. I rise for this point of order because I'm concerned this bill with its general reference to California's Title 13 may not be a lawful delegation of legislative authority. According to our State Supreme Court, legislation of delegation of rule-making authority must satisfy certain due process standards. The people of this state must not be left to guess which vague standards do and do not apply. What authority our state agencies have and have not been given and what it would take to comply. The bill violates due process precisely because primary reference to Title 13 is so vague. It's void for vagueness. Further, our Supreme Court has said that the legislature must provide adequate procedural safeguards. To quote, 'to control arbitrary administrative action and any administrative abuse of discretionary power.' If, as our Supreme Court's *Barry* case [*Barry and Barry, Inc. v. State Department of Motor Vehicles*, 81 Wn.2d 155 (1972). Ed.] indicates, it is improper to delegate authority to one of our own agencies without clear sideboards, it must be even more of a problem to delegate such vague authority to California and the bureaucrats of its Air Resource Board. Even worse, the bill provides no oversight mechanism for this legislative, this legislature's review of future rule-making. It provides no opportunity to prevent abuses of discretion within the California process. This bill does not provide sufficient due process and again is void for vagueness and it lacks adequate procedural safeguards. For this reason the bill seems to be unconstitutional."

Senator Hargrove spoke against the point of order.

PARLIAMENTARY INQUIRY

Senator Brown: "Thank you Mr. President. I'm sorry but I did not quite understand the issue that Senator Honeyford was raising. What he was asking the President? How he was asking the President to rule? I just wasn't clear on what specific thing he was asking you to rule on. Perhaps if that can restated, it would be easier to respond."

RESPONSE BY THE PRESIDENT

President Owen: "The President only allows one response on either side and that response has been made. I would ask for – it would appear to be that Senator Honeyford has that written and I would be happy to provide that to you as we examine it."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. My question is, whether not the bill would require a two-thirds vote and whether or not it's properly before us? This is a separate point of order, Mr. President. Separate from the last one. If I may continue? Thank you, Mr. President. Referencing the constitution of the State of Washington clearly says that in article two, section 1 that legislative powers, where vested, the legislative authority of the State of Washington shall be vested in the legislature consisting of the Senate and House of Representatives which shall be called the Legislature of the State of Washington, but the people reserve to themselves the power to oppose bills, laws, etc. Furthermore, in Senate Rules, it states that amendments to the state constitution may be proposed in either branch of the legislature only by joint resolution, this is under Rule Fourteen, Mr. President. The measure before us is an Engrossed Substitute House Bill not a house or senate joint memorial and I submit to the President since it enacts laws passed in the State of California rather than in the State of Washington and submits the citizens of the State of Washington to future laws that may be passed by the State of California, that it is in fact a change to the Washington State Constitution and therefore should be before this body in the form of a joint resolution rather than in the form of a house or

senate bill and as such would then require a two-thirds vote for approval to be put to the people of the State of Washington for their vote and I would ask that you rule on that Mr. President."

POINT OF ORDER

Senator Kline: "In the event that you feel that you need responsive argument regarding the constitutionality, I recognize the President does not rule on constitutionality. We have a legal argument to the effect that if it is unconstitutional as a bill, regular house bill that some how that would change if it were a resolution, if you feel you need further argument."

REPLY BY THE PRESIDENT

President Owen: "You have the option to make one if you want. I have pretty good legal advisors up here."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the points of inquiry raised by Senator Honeyford and Senator Benton that House Bill 1397 is not properly before us for various legal, constitutional, and format reasons, the President finds and rules as follows:

The President begins by reminding the body that he does not make legal or constitutional interpretations as to the substantive law within a measure; instead, the President rules on parliamentary matters and those Constitutional or legal mandates affecting the vote on a particular matter. While there may be legal challenges that can be raised as to the substantive law in a bill, those challenges are better left to the courts for their decision. Moreover, with respect to the challenge that this measure should have been placed within a Joint Resolution because it amends the Constitution, the President finds that no where within the express text of the bill does it amend any language found within the Washington Constitution. If the body believes a Constitutional amendment is necessary, it would need, of course, to make such an amendment in the form of a Joint Resolution, but this does not preclude the body from taking up the language in this bill. For these reasons, the points are not well-taken and this measure is properly before the body for its consideration."

MOTION

Senator Eide demanded the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

MOTION

A division was demanded.

The motion by Senator Eide that the previous question be put carried by a rising vote.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Eide "Shall the main question be now put?"

ROLL CALL

The Secretary called the roll on the motion by Senator Eide "Shall the main question be now put?" and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22.

Excused: Senator Oke - 1.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Pflug, having voted on the prevailing side, moved that the rules be suspended and that the Senate immediately reconsider the vote by which the motion by Senator Eide that the previous question be put passed the Senate.

Senator Brown objected to the motion.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pflug to immediately reconsider the vote by which the motion by Senator Eide that the previous question be put passed the Senate.

The motion by Senator Pflug failed and the vote on the motion by Senator Eide was not reconsidered by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1397, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1397, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hewitt gave notice of his intent to move to reconsider the vote by which Engrossed Substitute House Bill No. 1397 passed the Senate.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 6:29 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 7:30 p.m.

EVENING SESSION

The Senate was called to order at 7:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley, moved that Gubernatorial Appointment No. 9295, Scott Jarvis, as a Director of the Department of Financial Institutions, be confirmed.

Senator Fairley spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators McCaslin and Deccio were excused.

APPOINTMENT OF SCOTT JARVIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9295, Scott Jarvis as a Director of the Department of Financial Institutions.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9295, Scott Jarvis as a Director of the Department of Financial Institutions and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senators Delvin, Hargrove and Prentice - 3

Excused: Senators Deccio, McCaslin and Oke - 3

Gubernatorial Appointment No. 9295, Scott Jarvis, having received the constitutional majority was declared confirmed as a Director of the Department of Financial Institutions.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2124, by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Simpson, Hudgins, Upthegrove, Sells, Wallace, Dickerson, B. Sullivan, Moeller, Kenney and Hasegawa)

Increasing state participation in public transportation service and planning.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the state needs to reestablish itself as a leader in public transportation.

The legislature also finds that increased demands on transportation resources require increased coordination among public transportation service providers.

The legislature also finds that the efficiency of transportation corridors would be enhanced by a more proactive and integrated approach to public transportation service delivery and planning.

The legislature also finds that the state department of transportation is in the unique position of being able to improve connectivity between service territories of transit agencies and modes of transportation.

The legislature also finds that the state should be a center of excellence in public transportation planning and research and providing technical assistance to transit agencies serving urban, suburban, and rural areas.

Therefore, it is the intent of the legislature that the state department of transportation be a leader in public transportation. The department shall play a guiding role in coordinating decentralized public transportation services, increasing connectivity between them, advocating for public transportation as a means to increase corridor efficiency, and increasing the integration of public transportation and the highway system.

Sec. 2. RCW 47.01.081 and 1984 c 48 s 1 are each amended to read as follows:

(1) Initially the department shall be organized into divisions, including the division of highways, the division of transit and public ((transportation)) mobility, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department and may also appoint up to twelve ferry system management positions as defined in RCW 47.64.011. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

(1) The secretary shall establish an office of transit mobility within the division of transit and public mobility. The purpose of the office is to ensure the integration of decentralized public transportation services with the state transportation system. The goals of the office of transit mobility are: (a) To facilitate connection and coordination of transit services and planning; and (b) maximizing opportunities to use public transportation to improve the efficiency of transportation corridors.

(2) The duties of the office include, but are not limited to, the following:

(a) Developing a statewide strategic plan that creates common goals for transit agencies and reduces competing plans for cross-jurisdictional service;

(b) Developing a park and ride lot program;

(c) Encouraging long-range transit planning;

(d) Providing public transportation expertise to improve linkages between regional transportation planning organizations and transit agencies;

(e) Strengthening policies for inclusion of transit and transportation demand management strategies in route development, corridor plan standards, and budget proposals;

(f) Recommending best practices to integrate transit and demand management strategies with regional and local land use plans in order to reduce traffic and improve mobility and access;

(g) Producing recommendations for the public transportation section of the Washington transportation plan; and

(h) Participating in all aspects of corridor planning, including freight planning, ferry system planning, and passenger rail planning.

(3) In forming the office, the secretary shall use existing resources to the greatest extent possible.

(4) The office of transit mobility shall establish measurable performance objectives for evaluating the success of its initiatives and progress toward accomplishing the overall goals of the office.

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

Local and regional transportation agencies shall adopt common transportation goals. The office of transit mobility shall review local and regional transportation plans, including plans required under RCW 35.58.2795, 36.70A.070(6), 36.70A.210, and 47.80.023, to provide for the efficient integration of multimodal and multijurisdictional transportation planning.

Sec. 5. RCW 47.66.030 and 1996 c 49 s 3 are each amended to read as follows:

~~((1)(a)) The ((transportation improvement board)) division of transit and public mobility is authorized and responsible for the final selection of ((programs and--))capital projects ((funded)) appropriated from the central Puget Sound public transportation account; public transportation systems account; and ((the intermodal surface transportation and efficiency act of 1991, surface transportation program, statewide competitive)) and the multimodal transportation account.~~

~~((b)) The ((board)) division of transit and public mobility may establish subcommittees as well as technical advisory committees to carry out the mandates of this chapter.~~

~~((2) Expenses of the board, including administrative expenses for managing the program, shall be paid in accordance with RCW 47.26.140.)~~

Sec. 6. RCW 47.66.040 and 1995 c 269 s 2606 are each amended to read as follows:

(1) The (~~(transportation improvement board)~~) division of transit and public mobility shall select (~~(programs and)~~) capital projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the (~~(board)~~) division of transit and public mobility in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Enhancing the efficiency of regional corridors in moving people among jurisdictions and modes of transportation, energy efficiency issues, reducing delay for people and goods, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds (~~(including funds administered by this board)~~), and safety and security issues.

(3) The (~~(board)~~) division of transit and public mobility shall determine the appropriate level of local match required for each (~~(program and)~~) capital project based on the source of funds.

NEW SECTION. Sec. 7. A new section is added to chapter 47.66 RCW to read as follows:

Beginning in 2005, and every other year thereafter, the division of transit and public mobility shall examine the division's existing grant programs, and the methods used to allocate grant funds, to determine the program's effectiveness, and whether the methods used to allocate funds result in an equitable distribution of the grants. The department shall submit a report of the findings to the transportation committees of the legislature.

NEW SECTION. Sec. 8. If Senate Bill No. 6103 is not enacted by June 30, 2005, this act is null and void."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of sections 1 through 7

On page 5, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The division of public transportation shall examine the division's existing grant programs, and the methods used to allocate grant funds, to determine the program's effectiveness, and whether the methods used to allocate funds result in an equitable distribution of the grants. By December 1, 2006, the department of transportation shall prepare and submit a report to the transportation committees of the legislature detailing the evaluation findings and recommendations.

NEW SECTION. Sec. 2. The joint legislative audit and review committee shall perform an evaluation of the public transportation and rail division, and the urban planning office within the department of transportation. The evaluation must include an examination of the existing transit and other multimodal planning coordination efforts of local, regional, and state governments. The evaluation must also review the resources, such as studies and data, currently available to local, regional, and state government. Based on the evaluation the committee must make recommendations regarding the best methods to: (1) Facilitate connection and coordination of transit services and planning at the local, regional, and state level; and (2) maximize opportunities to use public transportation to improve the efficiency of transportation corridors.

By December 1, 2006, the joint legislative audit and review committee shall prepare a report to the transportation committees of the legislature detailing the evaluation findings and recommendations."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 9 of the title amendment, after "insert" strike all material through "47.66 RCW;" on line 11

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Swecker and Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 3 to the committee striking amendment to Substitute House Bill No. 2124.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2124.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.01.081, 47.66.030, and 47.66.040; adding new sections to chapter 47.01 RCW; adding a new section to chapter 47.66 RCW; and creating new sections."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2124, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

Senators Benson and Benton spoke against passage of the bill.

Senator Jacobsen spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2124, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2124, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 18

Excused: Senators Deccio, McCaslin and Oke - 3

SUBSTITUTE HOUSE BILL NO. 2124, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, by House Committee on Health Care (originally sponsored by Representatives Campbell, Morrell, Green, Moeller, Lantz, Cody, McCune, Haler, Lovick, McDonald and Ahern)

Concerning access to certain precursor drugs.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Restricting access to certain precursor drugs used to manufacture methamphetamine to ensure that they are only sold at retail to individuals who will use them for legitimate purposes upon production of proper identification is an essential step to controlling the manufacture of methamphetamine.

NEW SECTION. Sec. 2. A new section is added to chapter 69.43 RCW to read as follows:

(1) Any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers as its only active ingredient, sold at retail shall be sold only by a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011. A pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011 may only sell products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers as its only active ingredient to customers that are at least eighteen years old, upon presentation of photographic identification that shows the date of birth of the person. The products must be kept in a location that is not accessible by customers without the assistance of an employee of the merchant.

(2) A person buying or receiving a product at retail containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers as its only active ingredient, from a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, must be at least eighteen years old and must first produce photographic identification of the person that shows the date of birth of the person.

NEW SECTION. Sec. 3. A new section is added to chapter 69.43 RCW to read as follows:

(1)(a) The Washington association of sheriffs and police chiefs or the Washington state patrol may petition the state board of pharmacy to establish restrictions for one or more products containing any amount of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in combination with another active ingredient. The petition shall establish that:

(i) Ephedrine, pseudoephedrine, or phenylpropanolamine can be effectively extracted from the product and converted into methamphetamine or another controlled dangerous substance; and

(ii) Law enforcement, the Washington state patrol, or the department of ecology are finding substantial evidence that the product is being used for the illegal manufacture of methamphetamine or another controlled dangerous substance.

(b) The state board of pharmacy shall adopt rules when a petition establishes that restricting the sale of the product at retail is warranted based upon the effectiveness and extent of use of the product for the illegal manufacture of methamphetamine or other controlled dangerous substances and the extent of the burden of any restrictions upon consumers. The state board of pharmacy may adopt such restrictions as are warranted to prevent access to the product for use for the illegal manufacture of methamphetamine or another controlled dangerous substance, including the presentation of photographic identification and accessibility requirements. The state board of pharmacy may adopt emergency rules to restrict the sale of a product when the petition establishes that the immediate restriction of the product is necessary in order to protect public health and safety.

(c) A manufacturer of a drug product may apply for removal of the product from this section if the product is determined by the state board of pharmacy to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. The burden of proof for exemption is upon the person requesting the exemption. The petitioner shall provide the state board of pharmacy with evidence that the product has been formulated in such a way as to serve as an effective general deterrent to the conversion of pseudoephedrine into methamphetamine. The evidence must include the furnishing of a valid scientific study, conducted by an independent, professional laboratory and evincing professional quality chemical analysis. Factors to be considered in whether a product should be excluded from this section include but are not limited to:

(i) Ease with which the product can be converted to methamphetamine;

(ii) Ease with which pseudoephedrine is extracted from the substance and whether it forms an emulsion, salt, or other form;

(iii) Whether the product contains a "molecular lock" that renders it incapable of being converted into methamphetamine;

(iv) Presence of other ingredients that render the product less likely to be used in the manufacture of methamphetamine; and

(v) Any pertinent data that can be used to determine the risk of the substance being used in the illegal manufacture of methamphetamine or any other controlled substance.

(2) Nothing in this section applies:

(a) To the sale of a product that may only be sold upon the presentation of a prescription; or

(b) When the details of the transaction are recorded in a pharmacy profile individually identified with the recipient and maintained by a licensed pharmacy or registered shopkeeper or itinerant vendor.

(3)(a) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or a practitioner as defined in RCW 18.64.011, may retaliate against any employee that has made a good faith attempt to comply with any requirement that the state board of pharmacy may impose under subsection (1) of this section.

(b) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or a practitioner as defined in RCW 18.64.011, is subject to prosecution under subsection (4) of this section if they made a good faith attempt to comply with any requirement that the state board of pharmacy may impose under subsection (1) of this section.

(4) A violation of this section is a gross misdemeanor."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Esser moved that the following amendment by Senator Esser to the committee striking amendment be adopted.

On page 3, line 38 of the amendment, after "is a" strike "gross misdemeanor" and insert "class 3 civil infraction"

Senators Esser and Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kline spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 3, line 38 to the committee striking amendment to Engrossed Substitute House Bill No. 2266.

MOTION

A division was demanded.

The motion by Senator Esser failed and the amendment to the committee striking amendment was not adopted by a rising vote.

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Regala to the committee striking amendment be adopted.

On page 3, after line 38 of the amendment, insert the following:

"NEW SECTION. Sec. 4. (1) The state board of pharmacy shall convene a work group to study the need for requiring and maintaining logs of transactions involving ephedrine, pseudoephedrine, or phenylpropanolamine.

(2) The study shall include:

(a) Whether a log is an effective law enforcement tool;

(b) What information is needed to make logs useful as a deterrent to criminal activity;

(c) The most effective method of obtaining, recording, and storing log information in the least intrusive manner available;

(d) How long the information recorded in the logs should be maintained; and

(e) How logs can be most effectively transmitted to law enforcement and the state board of pharmacy.

(3) The work group shall consist of:

(a) One representative from law enforcement appointed by the Washington association of sheriffs and police chiefs;

(b) One representative appointed by the Washington association of prosecuting attorneys;

(c) One representative appointed by the office of the attorney general;

(d) One representative appointed by the state board of pharmacy; and

(e) Two representatives from the retail industry.

(4) The state board of pharmacy shall report to the legislature no later than November 30, 2005, regarding the findings of the work group along with any recommendations or proposed legislation."

Senators Johnson and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Regala on page 3, after line 38 to the committee striking amendment to Engrossed Substitute House Bill No. 2266.

The motion by Senator Johnson carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 2266.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "phenylpropanolamine;" strike the remainder of the title and insert "adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties."

On page 4, line 3 of the title amendment, strike "creating a new section" and insert "creating new sections"

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 2266, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Parlette, Rasmussen, Roach and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2266, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2266, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Kastama - 1

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "Just recently I purchased Stedman's Medical Dictionary and I was going to keep it in my office but I would be very happy to donate to the Lt. Governor's office so that we don't have stumbling over the 'ephedrine,' 'pseudoephedrine,' 'phenylpropanolamine.' I would be very happy to do that. If we get home I will bring it back with me."

SECOND READING

HOUSE BILL NO. 1612, by Representatives Kilmer, Skinner, Cody, Bailey, Murray, Haigh, Kenney, McDermott and Santos

Modifying the licensing provisions for faculty members of the University of Washington dental school.

The measure was read the second time.

MOTION

On motion of Senator Weinstein, Senator Brown was excused.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1612 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Deccio, Kastama, McCaslin and Oke - 5

HOUSE BILL NO. 1612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1934, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ahern, Dickerson, Santos, O'Brien, Williams, Simpson, Ericks and Chase)

Increasing penalties for assaulting a peace officer with a stun gun.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted. Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.36.031 and 1999 c 328 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.

(2) Assault in the third degree is a class C felony.

Sec. 2. RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

Trafficking 1 (RCW 9A.40.100(1))

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1
(RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1
(RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)
Trafficking 2 (RCW 9A.40.100(2))
XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion)
(RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW
9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Sexually Violent Predator Escape (RCW
9A.76.115)
IX Assault of a Child 2 (RCW 9A.36.130)
Explosive devices prohibited (RCW
70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the
influence of intoxicating liquor or any
drug (RCW 79A.60.050)
Inciting Criminal Profiteering (RCW
9A.82.060(1)(b))
Malicious placement of an explosive 2
(RCW 70.74.270(2))
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the
influence of intoxicating liquor or any
drug (RCW 46.61.520)
VIII Arson 1 (RCW 9A.48.020)
Homicide by Watercraft, by the operation of
any vessel in a reckless manner (RCW
79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Promoting Prostitution 1 (RCW 9A.88.070)
Theft of Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation of any
vehicle in a reckless manner (RCW
46.61.520)
VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Civil Disorder Training (RCW 9A.48.120)
Dealing in depictions of minor engaged in
sexually explicit conduct (RCW
9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the

safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Cheating 1 (RCW 9.46.1961)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Endangerment with a Controlled Substance (RCW 9A.42.100)
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Malicious Harassment (RCW 9A.36.080)
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Trafficking in Stolen Property 1 (RCW 9A.82.050)
Unlawful factoring of a credit card or payment card transaction (RCW

9A.56.290(4)(b))
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Unlawful transaction of insurance business (RCW 48.15.023(3))
Unlicensed practice as an insurance professional (RCW 48.17.063(3))
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)
III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Malicious Injury to Railroad Property (RCW 81.60.070)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW

9A.60.060)
Malicious Mischief 2 (RCW 9A.48.080)
Mineral Trespass (RCW 78.44.330)
Possession of Stolen Property 2 (RCW
9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission 2
(RCW 9A.56.075)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased
Property (valued at two hundred fifty
dollars or more but less than one
thousand five hundred dollars) (RCW
9A.56.096(5)(b))
Transaction of insurance business beyond the
scope of licensure (RCW 48.17.063(4))
Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)
Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)
Unlawful Possession of Instruments of
Financial Fraud (RCW 9A.56.320)
Unlawful Possession of Payment Instruments
(RCW 9A.56.320)
Unlawful Possession of a Personal
Identification Device (RCW 9A.56.320)
Unlawful Production of Payment Instruments
(RCW 9A.56.320)
Unlawful Trafficking in Food Stamps (RCW
9.91.142)
Unlawful Use of Food Stamps (RCW
9.91.144)
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9A.04.110 and 1988 c 158 s 1 are each amended to read as follows:

In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4)(a) "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;
(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;
(c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;
- (6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm;
- (7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

(11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) "Omission" means a failure to act;

(15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Projectile stun gun" means an electronic device that projects wired probes attached to the device that emit an electrical charge and that is designed and primarily employed to incapacitate a person or animal;

(22) "Property" means anything of value, whether tangible or intangible, real or personal;

~~((22))~~ (23) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

~~((23))~~ (24) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

~~((24))~~ (25) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

~~((25))~~ (26) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;

~~((26))~~ (27) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

~~((27))~~ (28) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION. Sec. 4. (1) The projectile stun gun study committee is established to review the sale and use of projectile stun guns within Washington state. The committee shall be composed of:

(a) Two senators, one from each caucus in the senate;

(b) Two representatives, one from each caucus in the house of representatives;

(c) One police chief appointed by the Washington association of sheriffs and police chiefs;

(d) One elected sheriff appointed by the Washington association of sheriffs and police chiefs;

(e) One representative appointed by the association of Washington cities;

(f) One representative appointed by the Washington state association of counties; and

- (g) One representative appointed by the department of health.
- (2) The committee shall evaluate public safety issues created by projectile stun guns and make recommendations regarding whether they should be regulated and, if so, how. Specifically, the committee shall review:
 - (a) Public safety issues related to projectile stun guns when used by the general public;
 - (b) Ownership limitations, such as age and criminal record restrictions;
 - (c) The practicality of requiring criminal background checks prior to allowing the purchase of a projectile stun gun and who would perform such criminal background checks;
 - (d) Manufacturing requirements, such as voltage limits and whether to require that projectile stun guns disperse traceable coded materials;
 - (e) What use and possession limitations should be placed on projectile stun guns;
 - (f) Whether mandatory training should be required to purchase a projectile stun gun;
 - (g) What penalties shall be assessed to individuals that unlawfully sell, possess, or use projectile stun guns;
 - (h) The feelings of the general public about the use of projectile stun guns as an alternative to traditional firearms as means of self-protection; and
 - (i) Any other issue the committee finds relevant to the regulation of projectile stun guns in Washington.
- (3) Staff support shall be provided by senate committee services and the office of program research.
- (4) Legislative members of the study committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (5) A committee report, containing findings and proposed legislation, if any, shall be delivered to the full legislature, not later than December 31, 2005."

Senators Kline and Johnson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1934.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "gun;" strike the remainder of the title and insert "amending RCW 9A.36.031 and 9A.04.110; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1934, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1934, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1934, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Deccio, Kastama, McCaslin and Oke - 5

SUBSTITUTE HOUSE BILL NO. 1934, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2064, by Representatives Roberts, McDonald, Darneille, Moeller, Ericks, Lantz, McCune, Dickerson and Kagi

Clarifying provisions relating to automatic transfer of jurisdiction from juvenile court.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2064.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Deccio, McCaslin and Oke - 4

HOUSE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2085, by House Committee on Transportation (originally sponsored by Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby, B. Sullivan, Dickerson, Chase, Wood and Ericks)

Regarding the cleanup of waste tires.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that discarded tires in unauthorized dump sites pose a health and safety risk to the public. Many of these tire piles have been in existence for a significant amount of time and are a continuing challenge to state and local officials responsible for cleaning up unauthorized dump sites and preventing further accumulation of waste tires. Therefore it is the intent of the legislature to document the extent of the problem, create and fund an effective program to eliminate unauthorized tire piles, and minimize potential future problems and costs.

Sec. 2. RCW 70.95.510 and 1989 c 431 s 92 are each amended to read as follows:

(1) There is levied a one dollar per tire fee on the retail sale of new replacement vehicle tires for a period of five years, beginning ~~((October 1, 1989))~~ July 1, 2005. The fee imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in RCW 70.95.535(1) shall be paid to the department of revenue in accordance with RCW 82.32.045.

(2) The department of revenue shall incorporate into the agency's regular audit cycle a reconciliation of the number of tires sold and the amount of revenue collected by the businesses selling new replacement vehicle tires at retail. The department of revenue shall collect on the business excise tax return from the businesses selling new replacement vehicle tires at retail:

(a) The number of tires sold; and

(b) The fee levied in this section.

(3) All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(4) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

(1) The fee required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department of revenue, and any seller who appropriates or converts the fee collected to his or her own use or to any use other than the payment of the fee to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) In case any seller fails to collect the fee imposed in this chapter or, having collected the fee, fails to pay it to the department of revenue in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the fee.

(3) The amount of the fee, until paid by the buyer to the seller or to the department of revenue, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the fee as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any fee due under this chapter is guilty of a misdemeanor.

Sec. 5. RCW 70.95.530 and 1988 c 250 s 1 are each amended to read as follows:

(1) Moneys in the waste tire removal account may be appropriated to the department of ecology:

~~((+))~~ (a) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites;

~~((2))~~ (b) To accomplish the other purposes of RCW 70.95.020~~((5))~~ as they relate to waste tire cleanup under this chapter; and

~~((3) To fund the study authorized in section 2, chapter 250, Laws of 1988))~~ (c) To conduct a study of existing tire cleanup sites. The office of financial management shall oversee the study process and approve the completed study. The completed study shall be delivered to the house of representatives and senate transportation committees by November 15, 2005. In conducting the study, the department shall consult on a regular basis with interested parties. The following identified elements at a minimum shall be included in the completed study:

(i) Identification of existing tire cleanup sites in the state of Washington;

(ii) The estimated number of tires in each tire cleanup site;

(iii) A map identifying the location of each one of the tire cleanup sites;

(iv) A photograph of each one of the tire cleanup sites;

(v) The estimated cost for cleanup of each tire site by cost component;

(vi) The estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;

(vii) Identification of the type of reimbursements for recovery by each of the tire cleanup sites;

(viii) The estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;

(ix) An assessment of local government functions relating to unauthorized tire piles, including cleanup, enforcement, and public health;

(x) Identification of needs in the areas in (c)(ix) of this subsection for each one of the counties; and

(xi) A statewide cleanup plan based on multiple funding options between twenty cents and sixty cents for each new tire sold at retail in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 legislature shall determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan.

(2) In spending funds in the account under this section, the department of ecology shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.

(3) Immediately after the effective date of this section, the department of ecology shall initiate a pilot project in a city with a population between three and four thousand within a county with a population less than twenty thousand to contract to clean up a formerly licensed tire pile in existence for ten or more years. To begin the project, the department shall seek to use financial assurance funds set aside for clean up of the tire pile. For purposes of this subsection, population figures are the official 2004 population as estimated by the office of financial management for purposes of state revenue allocation.

Sec. 6. RCW 70.95.555 and 1988 c 250 s 4 are each amended to read as follows:

Any person engaged in the business of transporting or storing waste tires shall be licensed by the department. To obtain a license, each applicant must:

(1) Provide assurances that the applicant is in compliance with this chapter and the rules regarding waste tire storage and transportation; ~~((and))~~

(2) Accept liability for and authorize the department to recover any costs incurred in any cleanup of waste tires transported or newly stored by the applicant in violation of this section, or RCW 70.95.560 or section 4 or 8 of this act, or rules adopted thereunder, after the effective date of this section;

(3) Until January 1, 2006, post a bond in the sum of ten thousand dollars in favor of the state of Washington for waste tires transported or stored before the effective date of this section. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;

(4) After January 1, 2006, for waste tires transported or stored before the effective date of this section, or for waste tires transported or stored after the effective date of this section, post a bond in an amount to be determined by the department sufficient to cover the liability for the cost of cleanup of the transported or stored waste tires, in favor of the state of Washington. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;

(5) Be registered in the state of Washington as a business and be in compliance with all state laws, rules, and local ordinances;

(6) Have a federal tax identification number and be in compliance with all applicable federal codes and regulations; and

(7) Report annually to the department the amount of tires transported and their disposition. Failure to report shall result in revocation of the license.

Sec. 7. RCW 70.95.560 and 1989 c 431 s 95 are each amended to read as follows:

(1) Any person who transports or stores waste tires without a license in violation of RCW 70.95.555 shall be guilty of a gross misdemeanor and upon conviction shall be punished under RCW 9A.20.021(2).

(2) Any person who transports or stores waste tires without a license in violation of RCW 70.95.555 is liable for the costs of cleanup of any and all waste tires transported or stored. This subsection does not apply to the storage of waste tires when the storage of the tires occurred before the effective date of this section and the storage was licensed in accordance with RCW 70.95.555 at the time the tires were stored.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

No person or business, having documented proof that it legally transferred possession of waste tires to a validly licensed transporter or storer of waste tires or to a validly permitted recycler, has any further liability related to the waste tires legally transferred.

NEW SECTION. Sec. 9. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2006, from the waste tire removal account to the office of financial management to reimburse the department of ecology to complete the study in section 5 of this act.

NEW SECTION. Sec. 10. The sum of forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2007, from the waste tire removal account to the department of revenue for administration of the fee established in section 2 of this act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Senators Poulsen and Honeyford spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Substitute House Bill No. 2085.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "tires;" strike the remainder of the title and insert "amending RCW 70.95.510, 70.95.530, 70.95.555, and 70.95.560; adding new sections to chapter 70.95 RCW; creating a new section; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 2085, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2085, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2085, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Mulliken, Roach, Schoesler and Stevens - 4

Excused: Senators Brown, Deccio, McCaslin and Oke - 4

SUBSTITUTE HOUSE BILL NO. 2085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Hewitt moved that the Senate adjourn until 9:00 a.m., April 14, 2005.

The President declared the question before the Senate to be the motion by Senator Hewitt that the Senate adjourn until 9:00 a.m., April 14, 2005.

The motion by Senator Hewitt failed by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1345, by House Committee on Appropriations (originally sponsored by Representatives Hasegawa, Kenney, Takko, Sells, Jarrett, Roberts, Ericks, Haler, Williams, Moeller, Appleton, Morrell, McCoy, Dunn, Kagi, McDermott, Santos and Chase)

Allowing state financial aid for part-time students.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The higher education coordinating board shall develop a pilot project for the 2005-2007 biennium to assess the need for and funding requirements that would be necessary to expand student eligibility for the state need grant program to include students enrolled in four or five quarter hours or equivalent enrollment. Under the pilot project, students attending participating higher education institutions and enrolled in four or five quarter hours or equivalent enrollment shall be eligible for the state need grant as long as they also meet the other eligibility criteria for the program.

(2) The higher education coordinating board shall select up to ten colleges and universities to participate in the pilot project developed under subsection (1) of this section. The higher education coordinating board shall require, at a minimum, that eligible institutions are participants as of the 2005-06 academic year in the state need grant program. Colleges, including both community and technical colleges, and universities may apply to participate based on the criteria developed by the board.

(3) The higher education coordinating board shall report to the higher education committees of the legislature by December 2006, on the results of the pilot project. The report shall include, at a minimum, the dollar amounts disbursed through the pilot project according to which institutions the students attended, geographic and demographic analysis of the participating students, an assessment of need for the program, including the number of students served, the number of students unserved, and estimates of costs for a permanent statewide program.

(4) The pilot project shall begin in the fall 2005 academic term and expire June 30, 2007."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Substitute House Bill No. 1345.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Finkbeiner, Senator Honeyford was excused.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1345, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1345, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1345, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42

Voting nay: Senators Johnson and Zarelli - 2

Excused: Senators Brown, Deccio, Honeyford, McCaslin and Oke - 5

SUBSTITUTE HOUSE BILL NO. 1345, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1294, by Representatives Williams, Lovick, Priest, Flannigan and Serben

Revising standards for antiharassment protection order hearings.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1294.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Honeyford, McCaslin and Oke - 4

HOUSE BILL NO. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1174, by House Committee on Higher Education (originally sponsored by Representatives McCoy, Campbell, Morrell, Chase, Condotta, Hunt, Appleton, Hudgins, Armstrong, Hinkle, Conway, Lantz, Ormsby, Haigh and Upthegrove)

Changing veterans' tuition waiver provisions.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for the following persons:

(a) An eligible veteran or national guard member;

(b) A child and the spouse of an eligible veteran or national guard member who became totally disabled as defined in RCW 28B.15.385 while engaged in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action;

(c) A child and the surviving spouse of an eligible veteran or national guard member who lost his or her life while engaged in active federal military or naval service. However, upon remarriage, the surviving spouse of an eligible veteran or national guard member is ineligible for a waiver under this section.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (5) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) and (3) of this section.

(5) As used in this section "eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

Sec. 2. RCW 28B.15.380 and 1993 sp.s. c 18 s 10 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may exempt the following students from the payment of all or a portion of tuition fees and services and activities fees:

~~((1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration, the board may exempt the student from paying up to fifty percent of the nonresident tuition fees differential. Such exemptions may be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977.~~

~~(2)) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school.~~

Sec. 3. RCW 28B.15.910 and 2004 c 275 s 51 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the

estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University 8 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 6 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- ~~((a))~~ ~~(RCW 28B.10.265;~~
- ~~((b))~~ RCW 28B.15.014;
- ~~((c))~~ ~~(b)~~ RCW 28B.15.100;
- ~~((d))~~ ~~(c)~~ RCW 28B.15.225;
- ~~((e))~~ ~~(d)~~ RCW 28B.15.380;
- ~~((f))~~ ~~(e)~~ RCW 28B.15.520;
- ~~((g))~~ ~~(f)~~ RCW 28B.15.526;
- ~~((h))~~ ~~(g)~~ RCW 28B.15.527;
- ~~((i))~~ ~~(h)~~ RCW 28B.15.543;
- ~~((j))~~ ~~(i)~~ RCW 28B.15.545;
- ~~((k))~~ ~~(j)~~ RCW 28B.15.555;
- ~~((l))~~ ~~(k)~~ RCW 28B.15.556;
- ~~((m))~~ ~~(l)~~ RCW 28B.15.615;
- ~~((n))~~ ~~RCW 28B.15.620;~~
- ~~((o))~~ ~~RCW 28B.15.628;~~
- ~~((p))~~ ~~(m)~~ RCW 28B.15.730;
- ~~((q))~~ ~~(n)~~ RCW 28B.15.740;
- ~~((r))~~ ~~(o)~~ RCW 28B.15.750;
- ~~((s))~~ ~~(p)~~ RCW 28B.15.756;
- ~~((t))~~ ~~(q)~~ RCW 28B.50.259;
- ~~((u))~~ ~~(r)~~ RCW 28B.70.050; and

~~((v))~~ ~~During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University)~~ (s) Section 1 (2) and (3) of this act.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

Sec. 4. RCW 28B.15.558 and 2003 c 160 s 2 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section (~~(-veterans of the Korean conflict, and members of the Washington national guard)~~). The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

~~(3) ((For the purposes of this section, "veterans of the Korean conflict" means persons who served on active duty in the armed forces of the United States during any portion of the period beginning June 27, 1950, and ending January 31, 1955.~~

~~(4))~~ (4) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

~~((5))~~ (4) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees~~((veterans of the Korean conflict, and members of the Washington national guard))~~ in the pool of persons eligible to participate in the program.

~~((6))~~ (5) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) RCW 28B.10.265 (Waiver from fees--Children of certain citizens missing in action or prisoners of war) and 1993 sp.s. c 18 s 1, 1992 c 231 s 2, 1985 c 390 s 1, 1973 c 63 s 2, & 1972 ex.s. c 17 s 2;

(2) RCW 28B.15.620 (Exemption from tuition and fees increase at institutions of higher education--Vietnam veterans) and 1999 c 82 s 1, 1995 c 349 s 1, 1994 c 208 s 1, 1993 sp.s. c 18 s 24, 1992 c 231 s 22, 1989 c 306 s 4, 1983 c 307 s 1, 1979 ex.s. c 83 s 1, 1977 ex.s. c 322 s 9, 1972 ex.s. c 149 s 3, & 1971 ex.s. c 279 s 22;

(3) RCW 28B.15.628 (Waiver of tuition and fees increases at institutions of higher education--Persian Gulf veterans) and 1999 c 82 s 2, 1996 c 169 s 1, 1994 c 208 s 2, 1993 sp.s. c 18 s 25, 1992 c 231 s 23, & 1991 c 228 s 14; and

(4) RCW 28B.15.629 (Tuition waivers at technical colleges--Vietnam veterans--Persian Gulf veterans) and 1999 c 82 s 3."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt to the committee striking amendment be adopted.

On page 4, at the beginning of line 16 of the amendment, strike "and (3)"

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 4, line 16 to the committee striking amendment to Substitute House Bill No. 1174.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Substitute House Bill No. 1174.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.380, 28B.15.910, and 28B.15.558; adding a new section to chapter 28B.15 RCW; and repealing RCW 28B.10.265, 28B.15.620, 28B.15.628, and 28B.15.629."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1174, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Benson spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1174, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1174, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Honeyford, McCaslin and Oke - 5

SUBSTITUTE HOUSE BILL NO. 1174, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:10 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, April 14, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 13, 2005

2005 REGULAR SESSION

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 14, 2005

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brandland, Haugen, Mulliken, Oke, Parlette, Rasmussen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Carson Bowlin and Sara Smith, presented the Colors. Reverend Erika Macs, Campus Minister at The Evergreen State College sponsored by Thurston County Ministries in Higher Education, offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 13, 2005

SB 6104 Prime Sponsor, Haugen: Expediting new vessel construction for Washington State Ferries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Benson and Mulliken

Passed to Committee on Rules for second reading.

April 13, 2005

SGA 9297 LIZ LUCE, appointed March 30, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Licensing. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Kastama, Mulliken, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 13, 2005

SGA 9324 JOHN BATISTE, appointed February 14, 2005, for the term ending at the governor's pleasure, as Chief of the Washington State Patrol. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Kastama, Mulliken, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

HOUSE CONCURRENT RESOLUTION NO. 4409,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6127 by Senators Fraser, Jacobsen, Roach, Shin and Regala

AN ACT Relating to the postretirement employment sixty percent cap on retirement allowances under the public employees' and teachers' retirement systems; amending RCW 41.40.185, 41.32.498, 41.32.570, and 41.40.037; reenacting and amending RCW 41.40.037; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HCR 4409 by Representatives Kagi and Chase

Creating the homeowners' association act committee.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Concurrent Resolution No. 4409 which was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1210, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives B. Sullivan, Buck, Blake, Kretz, Upthegrove, Eickmeyer, Orcutt and Morrell)

Providing for temporary combination fishing licenses.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Brandland, Mulliken, Oke, Parlette and Pflug were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1210 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Haugen, Rasmussen and Sheldon - 3

Excused: Senators Brandland, Mulliken, Oke and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 1210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Haugen, Rasmussen and Sheldon were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1003, by Representatives Hinkle, B. Sullivan, Curtis, Campbell, Blake, Dunn and Condotta

Allowing off-road vehicles on nonhighway roads.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that off-road recreational vehicles (ORVs) provide opportunities for a wide variety of outdoor recreation activities. The legislature further finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners. The legislature further finds that many nonhighway roads provide opportunities for ORV use and that these opportunities may reduce conflicts between users and facilitate responsible ORV recreation. However, restrictions intended for motor vehicles may prevent ORV use on certain roads, including forest service roads. Therefore, the legislature finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner. Nothing in this act authorizes trespass on private property.

Sec. 2. RCW 46.09.010 and 1972 ex.s. c 153 s 2 are each amended to read as follows:

The provisions of this chapter shall apply to all lands in this state. Nothing in this chapter (~~(43.09 RCW)~~), RCW (~~(67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140)~~) 79A.35.040, 79A.35.070, 79A.35.090, 79A.35.110, and 79A.35.120 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

Sec. 3. RCW 46.09.120 and 2003 c 377 s 1 are each amended to read as follows:

(1) It is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel; ~~(and)~~

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of section 4(3) of this act.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

NEW SECTION. Sec. 4. A new section is added to chapter 46.09 RCW to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon a nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles.

(2) Operations of an off-road vehicle on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

NEW SECTION. Sec. 5. A new section is added to chapter 46.09 RCW to read as follows:

(1) Except as specified in subsection (2) of this section, no person under thirteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state.

(2) Persons under thirteen years of age may operate an off-road vehicle on a nonhighway road designated for off-road vehicle use under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW.

Sec. 6. RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are each reenacted and amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(2) Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof must be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under section 4 of this act;

~~(d)~~ Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

~~((e))~~ (e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

~~((f))~~ (f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

~~((g))~~ (g) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

Sec. 7. RCW 46.37.010 and 1997 c 241 s 14 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to off-road vehicles used on nonhighway roads.

~~(8)~~ This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

~~((8))~~ (9) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

~~((9))~~ (10) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

~~((10))~~ (11) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser to the committee striking amendment be adopted.

On page 8, line 25 insert the following:

"NEW SECTION. Sec. 9. (1)(a) A task force on off-road vehicle noise management is established. The task force consists of the following members:

(i) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(ii) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(iii) Participants invited by the legislative members, including but not limited to persons representing the following:

(A) Three county commissioners, one representing counties with a population of two hundred thousand or more people and two representing counties with populations of fewer than two hundred thousand people;

(B) A representative of port districts;

(C) A representative of the department of natural resources, selected by the commissioner of public lands;

(D) A representative of the department of ecology, selected by the director of ecology;

(E) A representative of the interagency committee for outdoor recreation, selected by the director of the committee;

(F) A representative of the parks and recreation commission, selected by the director of the commission;

(G) A person representing manufacturers of off-road vehicles;

(H) A representative of the United States forest service;

(I) Recreational users; and

(J) Interested citizens.

(b) The committee shall choose its chair from among its membership.

(2) The committee shall review the following issues:

(a) The appropriateness and enforceability of current decibel requirements for off-road vehicles;

(b) The appropriateness of any off-road vehicle usage requirements that would minimize nuisance noise impacts on those not operating the off-road vehicle;

(c) The applicability and consistency of local ordinances concerning noise and off-road vehicle usage; and

(d) The availability of, and barriers to, using public lands or other large ownerships to create areas where off-road vehicles can be operated with minimum noise disturbance of neighbors.

(3)(a) The committee shall be staffed by the house office of program research and senate committee services.

(b) Legislative members of the committee will be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) The committee shall report its findings and recommendations in the form of draft legislation to the legislature by December 1, 2005.

(5) This section expires July 1, 2006."

Correct the title.

Senators Fraser and Morton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 8, line 25 to the committee striking amendment to Engrossed House Bill No. 1003.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Engrossed House Bill No. 1003.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "roadways;" strike the remainder of the title and insert "amending RCW 46.09.010, 46.09.120, and 46.37.010; reenacting and amending RCW 46.16.010; adding new sections to chapter 46.09 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 1003, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Keiser and Thibaudeau were excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1003, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1003, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Morton - 1

Excused: Senators Mulliken, Oke, Parlette and Rasmussen - 4

ENGROSSED HOUSE BILL NO. 1003, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner, Honeyford and Johnson were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1146, by Representatives Roach, Kirby and Simpson

Funding group life insurance.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Regala, Senators Brown and Kohl-Welles were excused.

On motion of Senator Schoesler, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1146.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1146 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Excused: Senators Brown, Finkbeiner, Honeyford, Johnson, Kohl-Welles, Mulliken, Oke, Parlette and Rasmussen - 9
ENGROSSED HOUSE BILL NO. 1146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1346, by House Committee on Appropriations (originally sponsored by Representatives Buck, B. Sullivan, Kretz, DeBolt, Blake, Eickmeyer and Takko)

Improving the efficiency and predictability of the hydraulic project approval program.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1346.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1346 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Finkbeiner, Honeyford, Johnson, Kohl-Welles and Oke - 6

SECOND SUBSTITUTE HOUSE BILL NO. 1346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1222, by Representatives McDermott, Nixon, Ericks, Buri, Simpson, Shabro, Williams, Dickerson, Sells, Ormsby and Haigh

Increasing accountability of ballot measure petitions.

The measure was read the second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach and Kastama be adopted.

On page 2, after line 7, insert "The following declaration must be printed on the reverse side of the petition:".

On page 3, after line 6, insert "The following declaration must be printed on the reverse side of the petition:".

On page 4, after line 7, insert "The following declaration must be printed on the reverse side of the petition:".

Senators Roach and Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and Kastama on page 2, after line 7 to Engrossed House Bill No. 1222.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, after line 18, insert the following:

"The above name and signature shall not be public record under 42.17 RCW and shall not be made available for public inspection or copying. Any contact or correspondence with the petition signature gatherer with the intent to harass constitutes a class C felony. Additionally, any contact or correspondence with the petition signature gatherer with the intent to harass creates a civil right of action with damages not to exceed ten thousand dollars, and reasonable attorney's fees."

On page 3, after line 17, insert the following:

"The above name and signature shall not be public record under 42.17 RCW and shall not be made available for public inspection or copying. Any contact or correspondence with the petition signature gatherer with the intent to harass constitutes a class C felony. Additionally, any contact or correspondence with the petition signature gatherer with the intent to harass creates a civil right of action with damages not to exceed ten thousand dollars, and reasonable attorney's fees."

On page 4, after line 18, insert the following:

"The above name and signature shall not be public record under 42.17 RCW and shall not be made available for public inspection or copying. Any contact or correspondence with the petition signature gatherer with the intent to harass constitutes a class C felony. Additionally, any contact or correspondence with the petition signature gatherer with the intent to harass creates a civil right of action with damages not to exceed ten thousand dollars, and reasonable attorney's fees."

Senator Benton spoke in favor of adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Kline: "Mr. President, I see in amendment number 560 in each of its three iterations on the page, three sentences. The first two, conceivably, are related. They both refer to publication of the name and contact or correspondence with the signature gatherer whose name that is. The third sentence, however, is clearly a second subject and I ask whether in effect this amendment contains two subjects in and of itself? One of which may be, arguably, related to underlying bill, the other clearly not."

MOTION

On motion of Senator Eide, further consideration of Engrossed House Bill No. 1222 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1895, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, McCoy and B. Sullivan)

Modifying duties of the joint committee on energy supply and energy conservation.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 44.39.010 and 2001 c 214 s 30 are each amended to read as follows:

There is hereby created the joint committee on energy supply (~~(of the legislature of the state of Washington)~~) and energy conservation.

Sec. 2. RCW 44.39.070 and 2002 c 192 s 1 are each amended to read as follows:

(1) The committee shall meet and function at the following times: (a) At least once per year or at anytime upon the call of the chair to receive information related to the state or regional energy supply situation; (b) during a condition of energy supply

alert or energy emergency; and (c) upon the call of the chair, in response to gubernatorial action to terminate such a condition. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee (~~on energy supply~~) shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee may review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

(2) The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

(3) During a condition of energy supply alert, the committee shall: (a) Receive any request from the governor for an extension of the condition of energy supply alert for an additional period of time not to exceed ninety consecutive days and the findings upon which such request is based; (b) receive any request from the governor for subsequent extensions of the condition of energy supply alert for an additional period of time not to exceed one hundred twenty consecutive days and the findings upon which such a request is based; and (c) either approve or disapprove the requested extensions. When approving a request, the committee may specify a longer period than requested, up to ninety days for initial extensions and one hundred twenty days for additional extensions.

(4) During a condition of energy emergency the committee shall: (a) Receive any request from the governor for an extension of the condition of energy emergency for an additional period of time not to exceed forty-five consecutive days and the finding upon which any such request is based; (b) receive any request from the governor for subsequent extensions of the condition of energy emergency for an additional period of time not to exceed sixty consecutive days and the findings upon which such a request is based; and (c) either approve or disapprove the requested extensions. When approving a request, the committee may specify a longer period than requested, up to forty-five days for initial extensions and sixty days for additional extensions.

NEW SECTION. Sec. 3. It is the intent of the legislature to utilize lessons learned from efforts to conserve energy usage in single state buildings or complexes and extend conservation measures across all levels of government. Implementing conservation measures across all levels of government will create actual energy conservation savings, maintenance and cost savings to state and local governments, and savings to the state economy, which depends on affordable, realizable electricity to retain jobs. The legislature intends that conservation measures be identified and aggregated within a government entity or among multiple government entities to maximize energy savings and project efficiencies.

NEW SECTION. Sec. 4. A new section is added to chapter 44.39 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint committee on energy supply and energy conservation.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

NEW SECTION. Sec. 5. A new section is added to chapter 43.19 RCW to read as follows:

(1) Municipalities may conduct energy audits and implement cost-effective energy conservation measures among multiple government entities.

(2) All municipalities shall report to the department if they implemented or did not implement, during the previous biennium, cost-effective energy conservation measures aggregated among multiple government entities. The reports must be submitted to the department by September 1, 2007, and by September 1, 2009. In collecting the reports, the department shall cooperate with the appropriate associations that represent municipalities.

(3) The department shall prepare a report summarizing the reports submitted by municipalities under subsection (2) of this section and shall report to the committee by December 31, 2007, and by December 31, 2009.

(4) For the purposes of this section, the following definitions apply:

(a) "Committee" means the joint committee on energy supply and energy conservation in chapter 44.39 RCW.

(b) "Cost-effective energy conservation measures" has the meaning provided in RCW 43.19.670.

(c) "Department" means the department of general administration.

(d) "Energy audit" has the meaning provided in RCW 43.19.670.

(e) "Municipality" has the meaning provided in RCW 39.04.010.

NEW SECTION. Sec. 6. A new section is added to chapter 43.19 RCW to read as follows:

Financing to implement conservation measures, including fees charged by the department, may be carried out with bonds issued by the Washington economic development finance authority under chapter 43.163 RCW."

Senators Poulsen and Morton spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Environment to Substitute House Bill No. 1895.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "efficiency;" strike the remainder of the title and insert "amending RCW 44.39.010 and 44.39.070; adding a new section to chapter 44.39 RCW; adding new sections to chapter 43.19 RCW; and creating a new section."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1895, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1895, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1895, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Kohl-Welles and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1895, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

Improving patient safety practices. Revised for 2nd Substitute: Improving health care professional and health care facility patient safety practices.

The measure was read the second time.

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Keiser be adopted.

On page 2, after line 8, insert the following:

"Sec. 2. RCW 5.64.010 and 1975-'76 2nd ex.s. c 56 s 3 are each amended to read as follows:

(1) In any civil action against a health care provider for personal injuries which is based upon alleged professional negligence ~~((and which is against:~~

~~(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;~~

~~(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or~~

~~(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;)), or in any arbitration or mediation proceeding related to such civil action, evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible ~~((to prove liability for the injury)).~~~~

(2)(a) In a civil action against a health care provider for personal injuries that is based upon alleged professional negligence, or in any arbitration or mediation proceeding related to such civil action, a statement, affirmation, gesture, or conduct identified in (b) of this subsection is inadmissible as evidence if:

(i) More than twenty days before commencement of trial it was conveyed by a health care provider to the injured person, or to a person specified in RCW 7.70.065(1); and

(ii) It relates to the discomfort, pain, suffering, injury, or death of the injured person as the result of the alleged professional negligence.

(b) (a) of this subsection applies to:

(i) Any statement, affirmation, gesture, or conduct expressing apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence; or

(ii) Any statement or affirmation regarding remedial actions that may be taken to address the act or omission that is the basis for the allegation of negligence.

Sec. 3. RCW 4.24.260 and 1994 sp.s. c 9 s 701 are each amended to read as follows:

((Physicians licensed under chapter 18.71 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW)) Any member of a health profession listed under RCW 18.130.040 who, in good faith, makes a report, files charges, or presents evidence against another member of ((their)) a health profession based on the claimed ~~((incompetency or gross misconduct))~~ unprofessional conduct as provided in RCW 18.130.180 or inability to practice with reasonable skill and safety to consumers by reason of any physical or mental condition as provided in RCW 18.130.170 of such person before the ~~((medical quality assurance commission established under chapter 18.71 RCW, in a proceeding under chapter 18.32 RCW, or to the board of pharmacy under RCW 18.64.160))~~ agency, board, or commission responsible for disciplinary activities for the person's profession under chapter 18.130 RCW, shall be immune from civil action for damages arising out of such activities. A person prevailing upon the good faith defense provided for in this section is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Sec. 4. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may consider the imposition of sanctions, taking into account any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any action taken by other in-state or out-of-state disciplining authorities, and issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer;
- (12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse event" means any of the following events or occurrences:

(a) An unanticipated death or major permanent loss of function, not related to the natural course of a patient's illness or underlying condition;

(b) A patient suicide while the patient was under care in the hospital;

- (c) An infant abduction or discharge to the wrong family;
- (d) Sexual assault or rape of a patient or staff member while in the hospital;
- (e) A hemolytic transfusion reaction involving administration of blood or blood products having major blood group incompatibilities;
- (f) Surgery performed on the wrong patient or wrong body part;
- (g) A failure or major malfunction of a facility system such as the heating, ventilation, fire alarm, fire sprinkler, electrical, electronic information management, or water supply which affects any patient diagnosis, treatment, or care service within the facility; or
- (h) A fire which affects any patient diagnosis, treatment, or care area of the facility.

The term does not include an incident.

(2) "Ambulatory surgical facility" means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act.

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Correctional medical facility" means a part or unit of a correctional facility operated by the department of corrections under chapter 72.10 RCW that provides medical services for lengths of stay in excess of twenty-four hours to offenders.

(5) "Department" means the department of health.

(6) "Health care worker" means an employee, independent contractor, licensee, or other individual who is directly involved in the delivery of health services in a medical facility.

(7) "Hospital" means a facility licensed under chapter 70.41 RCW.

(8) "Incident" means an event, occurrence, or situation involving the clinical care of a patient in a medical facility which:

(a) Results in unanticipated injury to a patient that is less severe than death or major permanent loss of function and is not related to the natural course of the patient's illness or underlying condition; or

(b) Could have injured the patient but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

The term does not include an adverse event.

(9) "Medical facility" means an ambulatory surgical facility, childbirth center, hospital, psychiatric hospital, or correctional medical facility.

(10) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. Sec. 6. (1) Each medical facility shall report to the department the occurrence of any adverse event. The report must be submitted to the department within forty-five days after occurrence of the event has been confirmed.

(2) The report shall be filed in a format specified by the department after consultation with medical facilities. It shall identify the facility but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180.

(3) Any medical facility or health care worker may report an incident to the department. The report shall be filed in a format specified by the department after consultation with medical facilities and shall identify the facility but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180.

(4) If, in the course of investigating a complaint received from an employee of a licensed medical facility, the department determines that the facility has not undertaken efforts to investigate the occurrence of an adverse event, the department shall direct the facility to undertake an investigation of the event. If a complaint related to a potential adverse event involves care provided in an ambulatory surgical facility, the department shall notify the facility and request that they undertake an investigation of the event. The protections of RCW 43.70.075 apply to complaints related to adverse events or incidents that are submitted in good faith by employees of medical facilities.

NEW SECTION. Sec. 7. The department shall:

- (1) Receive reports of adverse events and incidents under section 6 of this act;
- (2) Investigate adverse events;
- (3) Establish a system for medical facilities and the health care workers of a medical facility to report adverse events and incidents, which shall be accessible twenty-four hours a day, seven days a week;
- (4) Adopt rules as necessary to implement this act;

(5) Directly or by contract:

(a) Collect, analyze, and evaluate data regarding reports of adverse events and incidents, including the identification of performance indicators and patterns in frequency or severity at certain medical facilities or in certain regions of the state;

(b) Develop recommendations for changes in health care practices and procedures, which may be instituted for the purpose of reducing the number and severity of adverse events and incidents;

(c) Directly advise reporting medical facilities of immediate changes that can be instituted to reduce adverse events and incidents;

(d) Issue recommendations to medical facilities on a facility-specific or on a statewide basis regarding changes, trends, and improvements in health care practices and procedures for the purpose of reducing the number and severity of adverse events and incidents. Prior to issuing recommendations, consideration shall be given to the following factors: Expectation of improved quality care, implementation feasibility, other relevant implementation practices, and the cost impact to patients, payers, and medical facilities. Statewide recommendations shall be issued to medical facilities on a continuing basis and shall be published and posted on the department's publicly accessible web site. The recommendations made to medical facilities under this section shall not be considered mandatory for licensure purposes unless they are adopted by the department as rules pursuant to chapter 34.05 RCW; and

(e) Monitor implementation of reporting systems addressing adverse events or their equivalent in other states and make recommendations to the governor and the legislature as necessary for modifications to this chapter to keep the system as nearly consistent as possible with similar systems in other states;

(6) Report no later than January 1, 2007, and annually thereafter to the governor and the legislature on the department's activities under this act in the preceding year. The report shall include:

(a) The number of adverse events and incidents reported by medical facilities on a geographical basis and their outcomes;

(b) The information derived from the data collected including any recognized trends concerning patient safety; and

(c) Recommendations for statutory or regulatory changes that may help improve patient safety in the state.

The annual report shall be made available for public inspection and shall be posted on the department's web site;

(7) Conduct all activities under this section in a manner that preserves the confidentiality of documents, materials, or information made confidential by section 9 of this act.

NEW SECTION. Sec. 8. (1) Medical facilities licensed by the department shall have in place policies to assure that, when appropriate, information about unanticipated outcomes is provided to patients or their families or any surrogate decision makers identified pursuant to RCW 7.70.065. Notifications of unanticipated outcomes under this section do not constitute an acknowledgment or admission of liability, nor can the fact of notification or the content disclosed be introduced as evidence in a civil action.

(2) Beginning January 1, 2006, the department shall, during the survey of a licensed medical facility, ensure that the policy required in subsection (1) of this section is in place.

NEW SECTION. Sec. 9. When a report of an adverse event or incident under section 6 of this act is made by or through a coordinated quality improvement program under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, information and documents, including complaints and incident reports, created specifically for and collected and maintained by a quality improvement committee for the purpose of preparing a report of an adverse event or incident shall be subject to the confidentiality protections of those laws and RCW 42.17.310(1)(hh)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, after line 14, insert the following:

"NEW SECTION. Sec. 11. Sections 5 through 9 of this act constitute a new chapter in Title 70 RCW."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Thibaudeau spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau and Keiser on page 2, after line 8 to Engrossed Second Substitute House Bill No. 1291.

The motion by Senator Thibaudeau carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "amending RCW" strike "43.70.110" and insert "5.64.010, 4.24.260, 18.130.160, 43.70.110," and on line 4, after "RCW;" insert "adding a new chapter to Title 70 RCW;"

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Keiser be adopted.
On page 4, line 18, strike "shall" and insert "may".

WITHDRAWAL OF AMENDMENT

On motion of Senator Thibaudeau, the amendment by Senators Thibaudeau and Keiser to Engrossed Second Substitute House Bill No. 1291 was withdrawn.

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Keiser be adopted.
On page 4, line 18, strike "shall" and insert "may".
Senator Thibaudeau spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau and Keiser on page 4, line 18 to Engrossed Second Substitute House Bill No. 1291.
The motion by Senator Thibaudeau carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Second Substitute House Bill No. 1291, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1291, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1291, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens and Zarelli - 20

Excused: Senator Oke - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed House Bill No. 1222 which had been deferred earlier in the day.

MOTION

On motion of Senator Kline, the point of order by Senator Kline to the amendment by Senator Benton on page 2, line 18 to Engrossed House Bill No. 1222 was withdrawn.

WITHDRAWAL OF AMENDMENTS

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 18 to Engrossed House Bill No. 1222 was withdrawn.

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 18 to Engrossed House Bill No. 1222 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Kastama and Kline be adopted.

On page 2, after line 18, insert the following:

"Any contact with the petition signature gatherer that constitutes harassment under RCW 9A.46.020 is a gross misdemeanor. This penalty does not preclude the victim from seeking any other remedy otherwise available under law."

On page 3, after line 17, insert the following:

"Any contact with the petition signature gatherer that constitutes harassment under RCW 9A.46.020 is a gross misdemeanor. This penalty does not preclude the victim from seeking any other remedy otherwise available under law."

On page 4, after line 18, insert the following:

"Any contact with the petition signature gatherer that constitutes harassment under RCW 9A.46.020 is a gross misdemeanor. This penalty does not preclude the victim from seeking any other remedy otherwise available under law."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Kastama and Kline on page 2, after line 18 to Engrossed House Bill No. 1222.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed House Bill No. 1222, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

POINT OF ORDER

Senator Sheldon: "The state constitution reserves the first power of the people is the initiative. Engrossed House Bill 1222 imposes a requirement on petitions for initiatives. The initiative process is set forth in Washington's Constitution, Article 2, Section 1, sub 1, which explicitly sets forth the requirements for initiatives petitions and does not contain a requirement that the petition must contain an attestation by the petition gatherer that the signatures were legally gathered. Thus, this bill should be in a form of a joint resolution amending the constitution and not a statutory amendment. Mr. President, in the Washington State Constitution, as I mentioned, in Section 1, sub 1 there's many, many provisions of our constitution that relate to the initiative process and in the index portion of our constitution – I won't read all those and numerate them – but there are many, many provisions that are in the constitution. I believe that this bill would illegally amend, try to, attempts to, amend the Washington State Constitution and is in the wrong form. As I mentioned, it should be a joint resolution amending the constitution and that would be the only proper form before us."

Senator Kline spoke against the point of order.

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, the President believes that he has just recently addressed this same issue. That the issue of constitutionality of a measure is not one that the President would rule on, that he has consistently ruled that that is an issue to be determined by the courts. The Legislature, the Senate can forward a bill in whatever form they choose but it is for the courts to determine, not the President, whether or not that is a constitutional issue or not. Therefore your point is not well taken."

POINT OF ORDER

Senator Sheldon: "Mr. President, if I might? Does your ruling address the issue of how the bill is before us, whether it's a constitutional, as a joint resolution or a statutory amendment?"

REPLY BY THE PRESIDENT

President Owen: "That is not an issue for the President to determine of what form you wish to forward a measure. That is for the courts to determine. Whether or not it is appropriate or not."

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1222, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1222, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 3; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Hewitt, Johnson, McCaslin, Morton, Mulliken, Sheldon, Stevens and Zarelli - 13

Absent: Senators Finkbeiner, Honeyford and Parlette - 3

Excused: Senator Oke - 1

ENGROSSED HOUSE BILL NO. 1222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2060, by House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Appleton, Morrell, Moeller, Green, Clibborn, Kenney, Uptegrove, Conway, Chase, Darneille, Haigh and Santos)

Expanding participation in state purchased health care programs.

The measure was read the second time.

MOTION

Senator Deccio moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005, or of the health care authority administrator's decision not to accept him or her for enrollment in the basic health plan as a nonsubsidized enrollee, based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018 or the administrator of the health care authority under section 3 of this act;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out one million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

Sec. 2. RCW 70.47.020 and 2004 c 192 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who, under section 3 of this act, is not required to complete the standard health questionnaire or does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (d) who resides in an area of the state served by a managed health care system participating in the plan; ~~((d))~~ (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ~~((e))~~ (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment~~((, based upon gross family income))~~ which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

NEW SECTION. Sec. 3. A new section is added to chapter 70.47 RCW to read as follows:

(1) Except as provided in (a) through (e) of this subsection, the administrator shall require any person seeking enrollment in the basic health plan as a nonsubsidized enrollee to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of a managed health care system's provider network; and

(iii) Application for enrollment in the basic health plan as a nonsubsidized enrollee under that managed health care system's provider network is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. The administrator shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the basic health plan coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. The administrator shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the basic health plan coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking enrollment in the basic health plan as a nonsubsidized enrollee and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. The administrator shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made

no more than ninety days prior to the date of a qualifying event and the effective date of the basic health plan coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The administrator shall not accept the person's application for enrollment in the basic health plan as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the administrator shall provide written notice of the decision not to accept the person's application for enrollment in the basic health plan as a nonsubsidized enrollee to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the administrator does not provide or postmark such notice within fifteen business days, the application for enrollment in the basic health plan as a nonsubsidized enrollee is deemed approved."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 48.41.100 and 70.47.020; and adding a new section to chapter 70.47 RCW."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Parlette and Brandland be to the committee striking amendment adopted.

On page 7, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 4. For purposes of this chapter "small employer" and "carrier" have the same meaning as in RCW 48.43.005.

NEW SECTION. Sec. 5. By January 1, 2007, the health care authority established under chapter 41.05 RCW shall implement a program to assist small employers in providing meaningful health care coverage to their employees and employees' dependents. The program shall:

(1) Offer a choice of health benefit plans at varying prices that are consistent with the requirements of section 6 of this act, including a high deductible plan that may be used in conjunction with a health savings account;

(2) Require an affordable premium contribution from participating employers and employees, subsidized as available federal, state, local, or other funding allows and if necessary to provide meaningful coverage;

(3) Be designed to: (a) Encourage small employers that do not offer health coverage to do so, and discourage those that offer coverage from dropping it in favor of the small employer assistance program; (b) meet the needs of small employers in different areas of the state; and (c) meet the needs of small employers with differing work force characteristics;

(4) Use appropriate and effective risk management mechanisms where they would reduce the cost of coverage;

(5) Collaborate with and make maximum use of existing federal, state, local, and other programs providing coverage or health care to the uninsured, particularly those who are employed by small employers.

Initially, the program may be offered in limited areas of the state, but if so, the health care authority shall develop a plan for expanding the program statewide.

NEW SECTION. Sec. 6. Any health benefit plan offered under the small employer assistance program shall reflect the conscientious, explicit, and judicious use of current best information and data with regard to patient care. In designing the schedule of benefits and cost sharing, the authority shall:

(1) Include preventive care services, based on the recommendations of the United States preventive services task force, with minimal enrollee cost sharing;

(2) Include other benefits determined to be the most efficacious and cost-effective within the limits affordable to small employers and their employees, given the available subsidy;

(3) Structure enrollee cost sharing to discourage demand for inappropriate or unnecessary treatment, encourage enrollee responsibility, including the use of efficacious and cost-effective services and products, and promote quality care.

A carrier may offer any health benefit plan available under the small employer assistance program to any small employer, whether through the small employer assistance program or otherwise.

NEW SECTION. Sec. 7. In contracting with a carrier to offer coverage under the small employer assistance program, the health care authority shall ensure that the carrier:

(1) Actively educates enrollees regarding responsible health care decision making and encourages their engagement in health promotion and wellness activities and their receipt of appropriate preventive services;

(2) Actively seeks to identify and encourage appropriate, efficacious, and cost-effective care by its providers based on evidence of best practices and promotes the use of quality providers by its enrollees;

(3) Actively seeks to identify enrollees with, or with the potential for, chronic or other high-cost conditions and provides them coordinated care through disease and demand management programs;

(4) Actively encourages innovative, efficient, and patient-centered facility designs and service delivery methods that improve enrollee access to care and health outcomes.

If the health care authority implements a self-insured plan, it shall be responsible for these requirements.

NEW SECTION. Sec. 8. The activities and operations of the small employer assistance program, including carriers to the extent of their participation in the program, are exempt from the provisions and requirements of Title 48 RCW except:

(1) Carriers are subject to RCW 48.43.022, 48.43.500, 48.43.505 through 48.43.535, 48.43.545, and 48.43.550;

(2) Persons appointed or authorized to solicit applications for enrollment in a plan offered under the small employer assistance program, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this section, "solicit" does not include distributing information and applications for the small employer assistance program and responding to questions; and

(3) Amounts paid to a carrier representing the premium contribution of employers and employees must comply with RCW 48.14.0201.

NEW SECTION. Sec. 9. The health care authority may implement a self-funded or self-insured method of providing insurance coverage, as provided in RCW 41.05.140, under the small employer assistance program if no carrier is willing to provide coverage under the program in a given area and the health care authority has received a certification from a member of the American academy of actuaries that the funding available in the small employer assistance self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the authority.

NEW SECTION. Sec. 10. The health care authority shall consult with interested parties in its development of the small employer assistance program and shall provide a progress report on its implementation to the legislature by December 1, 2005. The report shall: (1) Identify and provide an explanation for any variance in the program design from the requirements of Title 48 RCW; (2) discuss funding options to support the subsidy of small employer program enrollees; and (3) identify any additional statutory changes necessary to meet the intent of the program.

NEW SECTION. Sec. 11. The health care authority may adopt rules to implement this chapter.

NEW SECTION. Sec. 12. (1) Beginning July 1, 2006, the health care authority may accept applications for premium assistance from individuals whose current small employer has not offered health insurance within the last six months, on behalf of themselves and their spouses and dependent children. The health care authority may determine the minimum premium contribution to be paid by small employers whose employees are participating in this premium assistance option.

(2) To the extent of funding provided in the biennial operating budget, the health care authority may make premium assistance payments to help employees pay their premium obligation for their employer's health benefit plan when:

(a) The individual seeking premium assistance, plus the individual's spouse and dependent children: (i) Is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the health care authority; (ii) has gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; (iii) resides within the state of Washington; and (iv) meets the definition of eligible employee as defined in RCW 48.43.005;

(b) The premium assistance paid would be less than the subsidy that would be paid if the individual, or the individual plus his or her spouse and dependent children, were to enroll in the Washington basic health plan under chapter 70.47 RCW as subsidized enrollees. The amount of an individual's premium assistance shall be determined by applying the percent of premium subsidy paid for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan;

(c) The premium assistance enrollee agrees to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis, or to notify the health care authority whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the health care authority has the authority to perform retrospective audits on premium assistance accounts.

(3) The health care authority may adopt standards for minimum thresholds of small employer health benefit plans for which premium assistance will be paid under this section. The office of insurance commissioner under Title 48 RCW shall certify that small employer health benefit plans meet any standards developed under this subsection.

(4) The health care authority, in consultation with small employers, carriers, and the office of insurance commissioner under Title 48 RCW, shall determine an effective and efficient method for the payment of premium assistance and adopt rules necessary for its implementation.

(5) Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 may not be counted toward a family's current gross family income for the purposes of this chapter. No premium assistance may be paid to an employee whose current gross family income exceeds twice the federal poverty level or who is a recipient of medical assistance or medical care services under chapter 74.09 RCW.

NEW SECTION. Sec. 13. Sections 4 through 12 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 14. (1) The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the health care authority for the fiscal year ending June 30, 2006, to carry out the purposes of this act.

(2) The sum of two hundred twenty-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the health care authority for the fiscal year ending June 30, 2007, to carry out the purposes of this act."

Senator Deccio spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Keiser: "Mr. President, I request that the President rule on amendment number 580 because I believe it expands the scope and object of the bill."

Senator Keiser spoke in favor of the point of order

Senator Deccio spoke against the point of order.

POINT OF ORDER

Senator McCaslin: "Is it proper to raise a point of order of scope and object prior to an amendment being before the body?"

REPLY BY THE PRESIDENT

President Owen: "The amendment is before us. It was moved."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2060 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1143, by Representatives Green, Nixon, Haigh, McDermott, Hunt and Morrell

Regarding penalties for violations of the public disclosure act.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

Senators Roach, Benson, Jacobsen and Benton spoke against passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Honeyford and Parlette was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1143.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1143 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 24

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Doumit, Esser, Finkbeiner, Hewitt, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Pflug, Poulsen, Roach, Schoesler, Stevens, Swecker and Zarelli - 22

Excused: Senators Honeyford, Oke and Parlette - 3

HOUSE BILL NO. 1143, having failed to received the constitutional majority, was declared lost.

MOTION

At 11:04 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 11:57 a.m. by the Vice President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION

8676

By Senators Franklin and Regala

WHEREAS, Thomas Dixon was the second youngest of five children born to James Dixon and Hattie Dixon in Sparta, Georgia, on March 28, 1931; and

WHEREAS, Thomas Dixon honorably and respectfully served his nation through 13 years of service in the United States Air Force; and

WHEREAS, Through the course of his service to the United States Air Force, Thomas Dixon received a Bachelor of Science degree from the Sophia University in Japan; and

WHEREAS, Through the continued course of his service, Thomas Dixon was stationed at McChord Air Force base and came to reside in the city of Tacoma, Washington, after completing his duty with the Air Force; and

WHEREAS, The National Urban League was founded in 1910 in order to enable African-Americans to secure economic self-reliance, parity, power, and equal opportunity; and

WHEREAS, In 1966, Thomas Dixon was named chair of the organizing committee for the establishment of the Urban League in the City of Tacoma; and

WHEREAS, Thomas Dixon was the founding President of the Tacoma Urban League when it opened its doors to the African-American community in 1968; and

WHEREAS, Thomas Dixon, now President Emeritus of the Tacoma Urban League, dedicated more than 30 years to developing and implementing programs designed to train, inspire, empower, and provide employment and educational opportunities for the diverse populations of Tacoma; and

WHEREAS, Because of his leadership and avid interest in educational programs, Thomas Dixon was awarded an honorary doctorate degree from the University of Puget Sound in 1988; and

WHEREAS, Thomas Dixon, although officially retired from his assignments as President of the Tacoma Urban League, retains his position as the leader and prominent community icon of the City of Tacoma, the State of Washington, and parts of the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby give honor and respect to Dr. Thomas Dixon for his commitment to excellence and his diligent work for the Tacoma Urban League, City of Tacoma, and the diverse communities of Washington State; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Dr. Thomas Dixon and his wife and the Executive Board of the Tacoma Urban League.

Senators Franklin, Thibaudeau, Regala and Rasmussen spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille)

Revising provisions relating to mental health treatment for minors.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, despite explicit statements in statute that the consent of a minor child is not required for a parent-initiated admission to inpatient or outpatient mental health treatment, treatment providers consistently refuse to accept a minor aged thirteen or over if the minor does not also consent to treatment. The legislature intends that the parent-initiated treatment provisions, with their accompanying due process provisions for the minor, be made fully available to parents.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

A minor child shall have no cause of action against an evaluation and treatment facility, inpatient facility, or provider of outpatient mental health treatment for admitting or accepting the minor in good faith for evaluation or treatment under RCW 71.34.052 or 71.34.054 based solely upon the minor's lack of consent if the minor's parent has consented to the evaluation or treatment.

Sec. 3. RCW 71.34.052 and 1998 c 296 s 17 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to an evaluation and treatment facility or an inpatient facility and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.025, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" does not include a social worker, unless the social worker is certified under RCW 18.19.110 and appropriately trained and qualified by education and experience, as defined by the department, in psychiatric social work.))"~~

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 71.34.052; adding a new section to chapter 71.34 RCW; and creating a new section."

Senator Hargrove spoke in favor of the motion to not adopt the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1058.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that, despite explicit statements in statute that the consent of a minor child is not required for a parent-initiated admission to inpatient or outpatient mental health treatment, treatment providers consistently refuse to accept a minor aged thirteen or over if the minor does not also consent to treatment. The legislature intends that the parent-initiated treatment provisions, with their accompanying due process provisions for the minor, be made fully available to parents.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

A minor child shall have no cause of action against an evaluation and treatment facility, inpatient facility, or provider of outpatient mental health treatment for admitting or accepting the minor in good faith for evaluation or treatment under RCW 71.34.052 or 71.34.054 based solely upon the minor's lack of consent if the minor's parent has consented to the evaluation or treatment.

Sec. 3. RCW 71.34.052 and 1998 c 296 s 17 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to an evaluation and treatment facility or an inpatient facility and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.025, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" does not include a social worker, unless the social worker is certified under RCW 18.19.110 and appropriately trained and qualified by education and experience, as defined by the department, in psychiatric social work.))"~~

NEW SECTION. Sec. 4. (1) The code reviser shall recodify, as necessary, the following sections of chapter 71.34 RCW in the following order, using the indicated subchapter headings:

General
71.34.010
71.34.020
71.34.140
71.34.032
71.34.250
71.34.280
71.34.260
71.34.240

71.34.230
71.34.210
71.34.200
71.34.225
71.34.220
71.34.160
71.34.190
71.34.170
71.34.290
71.34.056
71.34.800
71.34.805
71.34.810
71.34.015
71.34.027
71.34.130
71.34.270
Minor-Initiated Treatment
71.34.042
71.34.044
71.34.046
71.34.030
Parent-Initiated Treatment
71.34.052
71.34.025
71.34.162
71.34.164
71.34.035
71.34.054
Involuntary Commitment
71.34.040
71.34.050
71.34.060
71.34.070
71.34.080
71.34.090
71.34.100
71.34.120
71.34.110
71.34.150
71.34.180
Technical
71.34.900
71.34.901

(2) The code reviser shall correct all statutory references to sections recodified by this section."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 1058.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 71.34.052; adding new sections to chapter 71.34 RCW; creating a new section; and recodifying RCW 71.34.010, 71.34.020, 71.34.140, 71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230, 71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190, 71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810, 71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044, 71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164, 71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070, 71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150, 71.34.180, 71.34.900, and 71.34.901."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1058 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Mulliken, Senators Morton, McCaslin, Benton, Benson, Hewitt, Parlette, Johnson, Swecker, Honeyford, Kastama, Pflug, Finkbeiner and Zarelli were excused.

POINT OF ORDER

Senator Deccio: "Would you entertain a motion for a call of the senate or adjourn, one of the two, since we don't have a quorum?"

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "Senator I don't think that is in order. Thank you."

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1058, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Benson, Benton, Hewitt, Honeyford, Oke, Parlette and Pflug - 7

SUBSTITUTE HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1261, by Representatives Morrell, Haigh, Wallace, Campbell, O'Brien, McCoy, Moeller, Kenney, Hasegawa, Green, Lantz, Flannigan, Williams, Dunshee, B. Sullivan, Kilmer, Strow, Upthegrove, Darneille, Springer, Hunt, Sells, P. Sullivan, Tom, Talcott, McCune, Serben, McDonald, Conway, Linville, Kristiansen, Chase, Ormsby, Santos and Kagi

Making the joint committee on veterans' and military affairs permanent.

The measure was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schmidt, Roach, Rasmussen and Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1261.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Finkbeiner - 1

Excused: Senators Hewitt, Honeyford, Oke, Parlette and Pflug - 5

HOUSE BILL NO. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Finkbeiner was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1299, by House Committee on Finance (originally sponsored by Representatives McIntire, Simpson, Morrell, McCoy, Roberts, Moeller, Wood and Chase)

Repealing outdated and unused tax preferences.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a number of tax exemptions, deductions, credits, and other preferences have outlived their usefulness. State records show no taxpayers have claimed relief under these tax preferences in recent years. The intent of this act is to update and simplify the tax statutes by repealing these outdated tax preferences.

Sec. 2. RCW 15.76.165 and 1973 c 117 s 1 are each amended to read as follows:

Any county which owns or leases property from another governmental agency and provides such property for area or county and district agricultural fair purposes may apply to the director for special assistance in carrying out necessary capital improvements to such property and maintenance of the appurtenances thereto(~~(, and in the event such property and capital improvements are leased to any organization conducting an agricultural fair pursuant to chapter 15.76 RCW and chapter 257 of the Laws of 1955, such leasehold and such leased property shall be exempt from real and personal property taxation)~~).

Sec. 3. RCW 43.52.460 and 1971 ex.s. c 75 s 1 are each amended to read as follows:

Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts(~~(- PROVIDED, HOWEVER, That such tax shall not apply to steam generated electricity produced by a nuclear steam powered electric generating facility constructed or acquired by a joint operating agency and in operation prior to May 17, 1971)~~).

Sec. 4. RCW 82.04.260 and 2003 2nd sp.s. c 1 s 4 and 2003 2nd sp.s. c 1 s 3 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business

shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(e) Alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent. This subsection (1)(e) expires July 1, 2009; and

(f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

~~(5) ((Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.~~

~~(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.~~

~~(7))~~ Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((8))~~ (6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((9))~~ (7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~((10))~~ (8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~((11))~~ (9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~((42))~~ (10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

~~((43))~~ (11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection ~~((43))~~ (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection ~~((43))~~ (11) must report as required under RCW 82.32.545.

(e) This subsection ~~((43))~~ (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

Sec. 5. RCW 82.08.0255 and 1998 c 176 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:

~~(a) Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes; and~~
~~(b) motor vehicle and special fuel if:~~

~~((4))~~ (a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

~~((5))~~ (b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

~~((6))~~ (c) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

Sec. 6. RCW 82.12.0256 and 1998 c 176 s 5 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) ~~(Motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes;~~
and

~~((2))~~ Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

~~((3))~~ (2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection ~~((3))~~ (2)(c), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 82.35.010 (Intent) and 1979 ex.s. c 191 s 1;

(2) RCW 82.35.020 (Definitions) and 1996 c 186 s 521 & 1979 ex.s. c 191 s 2;

(3) RCW 82.35.040 (Issuance of certificate--Limitations--Tabulation of costs incurred--Administrative rules) and 1982 1st ex.s. c 2 s 3 & 1979 ex.s. c 191 s 4;

(4) RCW 82.35.050 (Credit against taxes--Conditions--Amount--Limitations) and 1982 1st ex.s. c 2 s 1 & 1979 ex.s. c 191 s 5;

- (5) RCW 82.35.070 (Issuance of certificate or supplement and notice of refusal to issue certificate or supplement--Certified mail) and 1979 ex.s. c 191 s 7;
- (6) RCW 82.35.080 (Revocation of certificate--Grounds--Continuance of certificate--Liability for money saved--Technical assistance) and 1999 c 358 s 15, 1996 c 186 s 522, & 1979 ex.s. c 191 s 8;
- (7) RCW 82.35.900 (Severability--1979 ex.s. c 191) and 1979 ex.s. c 191 s 13;
- (8) RCW 82.61.010 (Definitions) and 1995 1st sp.s. c 3 s 10, 1994 c 125 s 1, 1988 c 41 s 1, 1987 c 497 s 1, 1986 c 116 s 9, & 1985 ex.s. c 2 s 1;
- (9) RCW 82.61.030 (Tax deferral--Eligibility) and 1987 c 497 s 3 & 1985 ex.s. c 2 s 3;
- (10) RCW 82.61.050 (Issuance of tax deferral certificate) and 1985 ex.s. c 2 s 4;
- (11) RCW 82.61.060 (Repayment schedule) and 1987 c 497 s 4 & 1985 ex.s. c 2 s 5;
- (12) RCW 82.61.080 (Applicability of general administrative provisions) and 1985 ex.s. c 2 s 7;
- (13) RCW 82.61.090 (Applications and information subject to disclosure) and 1987 c 49 s 2;
- (14) RCW 82.61.900 (Severability--1987 c 497) and 1987 c 497 s 5;
- (15) RCW 82.61.901 (Severability--1988 c 41) and 1988 c 41 s 6;
- (16) RCW 48.14.029 (Premium tax credit--New employment for international service activities in eligible areas--Designation of census tracts for eligibility--Records--Tax due upon ineligibility--Interest assessment--Information from employment security department) and 2003 c 248 s 3 & 1998 c 313 s 3;
- (17) RCW 82.04.4329 (Deductions--Health insurance pool members--Deficit assessments) and 1987 c 431 s 24;
- (18) RCW 82.08.0276 (Exemptions--Sales of wearing apparel for use only as a sample for display for sale) and 1980 c 37 s 42;
- (19) RCW 82.08.0295 (Exemptions--Lease amounts and repurchase amount for certain property under sale/leaseback agreement) and 1986 c 231 s 3;
- (20) RCW 82.12.0295 (Exemptions--Lease amounts and repurchase amount for certain property under sale/leaseback agreement) and 1986 c 231 s 4;
- (21) RCW 82.12.02545 (Exemption--Use of naval aircraft training equipment transferred due to base closure) and 1995 c 128 s 1; and
- (22) RCW 84.56.450 (Year 2000 failure--No interest or penalties--Payment of tax) and 1999 c 369 s 6.
- NEW SECTION. Sec. 8.** This act takes effect July 1, 2006."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1299.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "preferences;" strike the remainder of the title and insert "amending RCW 15.76.165, 43.52.460, 82.08.0255, and 82.12.0256; reenacting and amending RCW 82.04.260; creating a new section; repealing RCW 82.35.010, 82.35.020, 82.35.040, 82.35.050, 82.35.070, 82.35.080, 82.35.900, 82.61.010, 82.61.030, 82.61.050, 82.61.060, 82.61.080, 82.61.090, 82.61.900, 82.61.901, 48.14.029, 82.04.4329, 82.08.0276, 82.08.0295, 82.12.0295, 82.12.02545, and 84.56.450; and providing an effective date."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1299, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1299, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1299, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Hewitt, Honeyford, Oke, Parlette and Pflug - 5

SUBSTITUTE HOUSE BILL NO. 1299, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1560, by House Committee on Higher Education (originally sponsored by Representatives Sells, Campbell, Fromhold, McCoy and Chase)

Authorizing community colleges to deduct certain payments from tuition waivers.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1560 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Hewitt, Honeyford, Oke and Parlette - 4

SUBSTITUTE HOUSE BILL NO. 1560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Keiser that amendment number 580 to the committee striking amendment of Engrossed Substitute House Bill No. 2060 is beyond the scope and object of the underlying bill, the President finds and rules as follows:

Senator Deccio argues that both his amendment and the underlying bill share a common goal: expanding the coverage options available to uninsured people through the Health Care Authority. While the President agrees that they share similar goals, the measures take different approaches in trying to meet them. The underlying measure would require certain persons applying for enrollment in the Basic Health Plan to complete a standard health questionnaire. The results of this questionnaire are then used to determine eligibility for the high-risk insurance pool or the Basic Health Plan. The amendment requires the Health Care Authority to implement a program to assist small employers in providing health care coverage to their employees. While the goals may be similar, the President must first and foremost look to the language within the four corners of the underlying measure and the amendment.

In this case, adding a whole new program is an expansion clearly not contemplated by the measure before us, which applies questionnaires and eligibility for existing programs. For these reasons, Senator Keiser's point is well-taken. The amendment is beyond the scope and object of the bill and is not properly before us."

The Senate resumed consideration of Engrossed Substitute House Bill No. 2060 which was deferred earlier today.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 2060.

The motion by Senator Deccio carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 48.41.100 and 70.47.020; and adding a new section to chapter 70.47 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2060, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Thibaudeau spoke in favor of passage of the bill.

Senators Parlette, Deccio and Finkbeiner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2060, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2060, as amended by the Senate and the bill failed to pass the Senate by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 21

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 26

Absent: Senator Kastama - 1

Excused: Senator Oke - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2060, as amended by the Senate, having failed to received the constitutional majority, was declared lost.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

Creating the domestic violence prevention account.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170(-);

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees(-);

(11) For recording instruments, a surcharge as provided in RCW 36.22.178.

Sec. 2. RCW 36.18.016 and 2002 c 338 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(19) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(20) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(21) Investment service charge and earnings under RCW 36.48.090 must be charged.

(22) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(23) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

NEW SECTION. Sec. 3. A new section is added to chapter 70.123 RCW to read as follows:

The domestic violence prevention account is created in the state treasury. All receipts from fees imposed for deposit in the domestic violence prevention account under RCW 36.18.016 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding nonshelter community-based services for victims of domestic violence.

Sec. 4. RCW 70.123.030 and 1989 1st ex.s. c 9 s 235 are each amended to read as follows:

The department of social and health services, in consultation with the state department of health, and individuals or groups having experience and knowledge of the problems of victims of domestic violence, shall:

(1) Establish minimum standards for shelters applying for grants from the department under this chapter.

Classifications may be made dependent upon size, geographic location, and population needs;

(2) Receive grant applications for the development and establishment of shelters for victims of domestic violence;

(3) Distribute funds, within forty-five days after approval, to those shelters meeting departmental standards;

(4) Evaluate biennially each shelter receiving departmental funds for compliance with the established minimum standards; ~~(and)~~

(5) Review the minimum standards each biennium to ensure applicability to community and client needs; and

(6) Administer funds available from the domestic violence prevention account under section 3 of this act and establish minimum standards for preventive, nonshelter community-based services receiving funds administered by the department. Preventive, nonshelter community-based services include services for victims of domestic violence from communities that have been traditionally underserved or unserved and services for children who have witnessed domestic violence.

Sec. 5. RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, adoption, or change of name, shall pay, at the time the paper is filed, a fee of one hundred ten dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of thirty dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the paper is filed, a fee of one hundred ten dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of one hundred ten dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of forty-one dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of one hundred ten dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: **PROVIDED,** That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 6. RCW 36.18.022 and 1995 c 292 s 16 are each amended to read as follows:

The court may waive the filing fees provided for under RCW 36.18.016(2)(b) and 36.18.020(2) (a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship."

Senators Kline and Esser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1314.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "amending RCW 36.18.010, 36.18.016, 70.123.030, 36.18.020, and 36.18.022; and adding a new section to chapter 70.123 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1314 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1314, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1314, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Carrell, Mulliken, Parlette, Pflug, Poulsen, Roach, Schoesler, Sheldon and Stevens - 9

Excused: Senators Delvin and Oke - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1310, by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Conway, McCoy, Condotta, Wood and Chase)

Requiring mandatory electronic data reporting under Title 51 RCW for workers' compensation self-insurers.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1310 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Delvin and Oke - 2

SUBSTITUTE HOUSE BILL NO. 1310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:41 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 3:46 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator Benson: "Thank you Mr. President. Well, to everybody, I need to say a very brief 'Good bye.' I know some people would be sad for even a brief good bye and other people would be sad that it's only brief. I have been called to duty just for a couple of days back at Fairchild Air Force Base and, because of state law, when I'm called to duty and I'm put on active duty orders I have the option, working with my county commissioners, to appoint a replacement. So you're actually getting a replacement Senator for two days. I'm not done, you can hold your applause. Anyway, for the next couple of days you'll have a replacement. This is actually only the second time in state history this has been done. It was done once before with Mike Kriedler when he was in the State Senate. He was a reserve officer and he was also an optometrist. During the first Persian Gulf War he was activated and his wife served the entire 1991 session, I believe it was '91, so this is actually only the second time. Like I say, sorry, it's not for the whole session, it's just for two days. I will be back Sunday if you're on the floor Sunday and if not I will be back with you guys on Monday. I hope you'll make John Wyss feel very comfortable, he's a great person from my district. I know you'll grow to like him as much as we have and that's all I need to say. I did tell him about the deal about if he ever gets up, he has to give a gift so I'm not sure. But I also told him you get away with an IOU for quite a while. Thank you Mr. President."

SPOKANE COUNTY COUNCIL SIGNATURE REPORT SPOKANE COUNTY, WASHINGTON

April 12, 2005

Tom Hoemann
Secretary of the Senate
P. O. Box 40482
Olympia, WA 98504-0482

RE: Leave of absence by Brad Benson, 6th District State Senator

Dear Secretary Hoemann,

Consistent with the provisions of RCW 73.16.041, the Board of County Commissioners has granted a leave of absence to Brad Benson, 6th District State Senator, for the time frame commencing approximately April 14, 2005 and running approximately through April 16, 2005 and /or April 17, 2005.

The Board of County Commissioners had additionally appoint Jon Wyss as a temporary successor to Senator Benson's position during his leave of absence.

A certified copy of Spokane County Resolution No. 50327 documenting the above actions is enclosed for your records.

Sincerely,

VICKY M. DALTON, Clerk of the Board

Motion 50327

Resolution No. 5-0327

In the matter of appointing Jon Wyss temporary successor to fill the position of 6th District State Senator due to Senator Brad Benson entering active service or training as provided for under RCW 73.16.041.

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, Brad Benson, 6th District State Senator, has advised the Board of County Commissioners that he has been called to active service or training for a time frame commencing approximately April 14, 2005 and running through approximately April 16, 2005 and/or April 17, 2005; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of County Commissioners is desirous of granting a leave of absence to Brad Benson, 6th District State Senator for a time frame from approximately April 14, 2005 and running through approximately April 16, 2005 and/or April 17, 2005 as well as appointing a temporary successor to the position so vacated.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, pursuant to the provisions of RCW 73.16.041, that the Board does hereby:

1. Grant a leave of absence to Brad Benson, 6th District State Senator to cover the period of his active service and/or training for the time frame from approximately April 14, 2005 and running through approximately April 16, 2005 and/or April 17, 2005.
2. Appoint Jon Wyss as temporary successor of 6th District State Senator for the time frame from approximately April 14, 2005 and running through approximately April 16, 2005 and/or April 17, 2005.

Passed and adopted this 12th date of April, 2005.

BOARD OF COUNTY COMMISSIONER
OF SPOKANE, COUNTY, WASHINGTON
PHILLIP D. HARRIS, Chair
TODD MIELKE, Vice Chair
MARK RICHARD, Commissioner

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Brown and Finkbeiner to escort The Honorable Gerry Alexander, Chief Justice of the Washington State Supreme Court to the rostrum.

The President welcomed and introduced The Honorable Gary Alexander, Chief Justice of the Supreme Court of the State of Washington, who was present to administer the oath of office to newly-appointed senator.

The newly-appointed senator was present at the rostrum. Chief Justice Alexander thereupon administered the oath of office to the newly appointed member.

The President presented the newly-appointed Senator a certificate of appointment.

The committee escorted the newly-elected member to his seat in the chamber.

The Sergeant at Arms escorted Chief Justice Alexander from the rostrum.

PARLIAMENTARY INQUIRY

Senator Hewitt: "Does this mean we have two, an additional vote on the floor at this time."

REPLY BY THE PRESIDENT

President Owen: "Wishful thinking."

PARLIAMENTARY INQUIRY

Senator Jacobsen: "I am curious and is, Senator Benson automatically, is he still considered a Senator from his.... How is that handled in regards to votes and so on. Really, seriously. I was just wondering about how this is handled."

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, in response to your point of inquiry, when Senator Benson departs, then Senator Wyss will take his place. As Senator Benson is in the vicinity of the chamber as serving – not serving with his military responsibilities and here – he will be the Senator and voting. As you can see, he has his umbrella and he is departing at this time. Good luck, Senator."

PERSONAL PRIVILEGE

Senator Brown: "Well, maybe a little too late because he's heading out the door. I just wanted to tell Senator Benson, wish him well. And, welcome our new Senator from Spokane - encourage him to keep an open mind. As a couple of our Senators could school you in independence in voting. Just weigh each issue carefully and make up your own mind. And then, finally, what I was going to say to Senator Benson before he headed out the door: While I'm very pleased with the substitute he's come up with, Senator Jill Benson would of worked for me as well."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Transportation (originally sponsored by Representatives Murray, Woods and Kenney)

Updating laws on drugs and alcohol use by commercial drivers.

The measure was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to promote the safety of drivers and passengers on Washington roads and public transportation systems. To this end, Washington has established a reporting requirement for employers of commercial drivers who test positive for unlawful substances. The legislature recognizes that transit operators and their employers are an asset to the public transportation system and continuously strive to provide a safe and efficient mode of travel. In light of this, the legislature further intends that the inclusion of transit employers in the reporting requirements serve only to enhance the current efforts of these dedicated employers and employees as they continue to provide a safe public transportation system to the citizens of Washington.

Sec. 2. RCW 46.25.010 and 2004 c 187 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued in accordance with the requirements of this chapter to an individual that authorizes the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial driver's instruction permit" means a permit issued under RCW 46.25.060(5).

(6) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds;

(b) If the vehicle is designed to transport sixteen or more passengers, including the driver;

(c) If the vehicle is transporting hazardous materials as defined in this section; or

(d) If the vehicle is a school bus regardless of weight or size.

(7) "Conviction" has the definition set forth in RCW 46.20.270.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single or a combination or articulated vehicle, or the registered gross weight, where this value cannot be determined. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units.

(13) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(16) "Positive alcohol confirmation test" means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(17) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

~~((17))~~ (18) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic offense";

(f) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

(g) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

~~((18))~~ (19) "State" means a state of the United States and the District of Columbia.

~~((19))~~ (20) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. 40.281.

(21) "Tank vehicle" means a vehicle that is designed to transport a liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Tank vehicles include, but are not limited to cargo tanks and portable tanks. However, this definition does not include portable tanks having a rated capacity under one thousand gallons.

~~((20))~~ (22) "United States" means the fifty states and the District of Columbia.

(23) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

Sec. 3. RCW 46.25.123 and 2002 c 272 s 1 are each amended to read as follows:

(1) All medical review officers or breath alcohol technicians hired by or under contract to a motor carrier or employer who employs drivers who operate commercial motor vehicles and who is required to have a testing program conducted under the procedures established by 49 C.F.R. ~~((382))~~ 40 or to a consortium the carrier or employer belongs to, as defined in 49 C.F.R. ~~((382-17))~~ 40.3, shall report the finding of a commercial motor vehicle driver's ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test to the department of licensing on a form provided by the department. If the employer is required to have a testing program under 49 C.F.R. 655, a report of a verified positive drug test or positive alcohol confirmation

test must not be forwarded to the department under this subsection unless the test is a pre-employment drug test conducted under 49 C.F.R. 655.41 or a pre-employment alcohol test conducted under 49 C.F.R. 655.42.

(2)(a) A motor carrier or employer who employs drivers who operate commercial motor vehicles and who is required to have a testing program conducted under the procedures established by 49 C.F.R. 40, or the consortium the carrier or employer belongs to, must report a refusal by a commercial motor vehicle driver to take a drug or alcohol test, under circumstances that constitute the refusal of a test under 49 C.F.R. 40 and where such refusal has not been reported by a medical review officer or breath alcohol technician, to the department of licensing on a form provided by the department.

(b) An employer who is required to have a testing program under 49 C.F.R. 655 must report a commercial motor vehicle driver's verified positive drug test or a positive alcohol confirmation test when: (i) The driver's employment has been terminated or the driver has resigned; (ii) any grievance process, up to but not including arbitration, has been concluded; and (iii) at the time of termination or resignation the driver has not been cleared to return to safety-sensitive functions.

(3) Motor carriers, employers, or consortiums shall make it a written condition of their contract or agreement with a medical review officer or breath alcohol technician, regardless of the state where the medical review officer or breath alcohol technician is located, that the medical review officer or breath alcohol technician is required to report all Washington state licensed drivers who have a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test to the department of licensing within three business days of the ~~((confirmed test))~~ verification or confirmation. Failure to obtain this contractual condition or agreement with the medical review officer or breath alcohol technician by the motor carrier, employer, or consortium, or failure to report a refusal as required by subsection (2) of this section, will result in an administrative fine as provided in RCW 46.32.100 or 81.04.405.

(4) Substances obtained for testing may not be used for any purpose other than drug or alcohol testing under 49 C.F.R. ~~((382))~~ 40.

Sec. 4. RCW 46.25.125 and 2002 c 272 s 2 are each amended to read as follows:

(1) When the department of licensing receives a report from a medical review officer ~~((or))~~, breath alcohol technician, employer, contractor, or consortium that ~~((the holder of a commercial driver's license))~~ a driver has a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test, ~~((either))~~ as part of the testing program ~~((required by))~~ conducted under 49 C.F.R. ~~((382 or as part of a preemployment drug test))~~ 40, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090(7) subject to a hearing as provided in this section. The department shall notify the person in writing of the disqualification by first class mail. The notice must explain the procedure for the person to request a hearing.

(2) A person disqualified from driving a commercial motor vehicle for having a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test may request a hearing to challenge the disqualification within twenty days from the date notice is given. If the request for a hearing is mailed, it must be postmarked within twenty days after the department has given notice of the disqualification.

(3) The hearing must be conducted in the county of the person's residence, except that the department may conduct all or part of the hearing by telephone or other electronic means.

(4) For the purposes of this section, or for the purpose of a hearing de novo in an appeal to superior court, the hearing must be limited to the following issues: (a) Whether the driver is the person who ~~((took the drug or alcohol test))~~ is the subject of the report; (b) whether the motor carrier, employer, or consortium has a program that ~~((meets))~~ is subject to the federal requirements under 49 C.F.R. ~~((382))~~ 40; and (c) whether the medical review officer or breath alcohol technician making the report accurately followed the protocols ~~((for testing))~~ established to ~~((certify))~~ verify or confirm the results, or if the driver refused a test, whether the circumstances constitute the refusal of a test under 49 C.F.R. 40. Evidence may be presented to demonstrate that the test results are a false positive. For the purpose of a hearing under this section, a copy of ~~((the))~~ a positive test result with a declaration by the tester or medical review officer or breath alcohol technician stating the accuracy of the laboratory protocols followed to arrive at the test result is prima facie evidence;

(i) Of a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test result;

(ii) That the motor carrier, employer, or consortium has a program that is subject to the federal requirements under 49 C.F.R. 40; and

(iii) That the medical review officer or breath alcohol technician making the report accurately followed the protocols for testing established to verify or confirm the results.

After the hearing, the department shall order the disqualification of the person either be rescinded or sustained.

(5) If the person does not request a hearing within the twenty-day time limit, or if the person fails to appear at a hearing, the person has waived the right to a hearing and the department shall sustain the disqualification.

(6) A decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation and the department receives no further report of a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test during the pendency of the hearing and appeal. If the disqualification is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of his or her residence to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

(7) The department of licensing may adopt rules specifying further requirements for requesting and conducting a hearing under this section.

(8) The department of licensing is not civilly liable for damage resulting from disqualifying a driver based on a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test result as required by this section or for damage resulting from release of this information that occurs in the normal course of business.

Sec. 5. RCW 46.25.090 and 2004 c 187 s 7 are each amended to read as follows:

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW 46.25.120, or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

- (a) Driving a motor vehicle under the influence of alcohol or any drug;
- (b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;
- (c) Leaving the scene of an accident involving a motor vehicle driven by the person;
- (d) Using a motor vehicle in the commission of a felony;
- (e) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;
- (f) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle;
- (g) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular homicide and negligent homicide.

If any of the violations set forth in this subsection occurred while transporting hazardous material, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter 69.50 RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter 69.50 RCW.

(5) A person is disqualified from driving a commercial motor vehicle for a period of:

- (a) Not less than sixty days if:
 - (i) Convicted of or found to have committed a second serious traffic violation while driving a commercial motor vehicle; or
 - (ii) Convicted of reckless driving, where there has been a prior serious traffic violation; or
- (b) Not less than one hundred twenty days if:
 - (i) Convicted of or found to have committed a third or subsequent serious traffic violation while driving a commercial motor vehicle; or
 - (ii) Convicted of reckless driving, where there has been two or more prior serious traffic violations.

For purposes of determining prior serious traffic violations under this subsection, each conviction of or finding that a driver has committed a serious traffic violation while driving a commercial motor vehicle or noncommercial motor vehicle, arising from a separate incident occurring within a three-year period, must be counted.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

- (a) Not less than ninety days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle;
- (b) Not less than one year nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial motor vehicle in separate incidents;
- (c) Not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed three or more violations of out-of-service orders while driving commercial motor vehicles in separate incidents;
- (d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) A person is disqualified from driving a commercial motor vehicle if a report has been received by the department under RCW 46.25.125 that the person has received a ~~((confirmed))~~ verified positive drug test or positive alcohol confirmation test ~~((either))~~ as part of the testing program ~~((required by 49 C.F.R. 382 or))~~ conducted under 49 C.F.R. 40 ~~((or as part of a preemployment drug test))~~. A disqualification under this subsection remains in effect until the person undergoes a drug and alcohol assessment by ~~((an agency certified by the department of social and health services and, if the person is classified as an alcoholic, drug addict, alcohol abuser, or drug abuser, until))~~ a substance abuse professional meeting the requirements of 49

C.F.R. 40, and the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment and/or education program ~~((that has been certified by the department of social and health services under chapter 70.96A RCW))~~ as recommended by the substance abuse professional, and until the person has met the requirements of RCW 46.25.100. The ~~((agency making a drug and alcohol assessment under this section))~~ substance abuse professional shall forward a diagnostic evaluation and treatment recommendation to the department of licensing for use in determining the person's eligibility for driving a commercial motor vehicle. Persons who are disqualified under this subsection more than twice in a five-year period are disqualified for life.

(8)(a) A person is disqualified from driving a commercial motor vehicle for the period of time specified in (b) of this subsection if he or she is convicted of or is found to have committed one of the following six offenses at a railroad-highway grade crossing while operating a commercial motor vehicle in violation of a federal, state, or local law or regulation:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement officer at the crossing;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b) A person is disqualified from driving a commercial motor vehicle for a period of:

(i) Not less than sixty days if the driver is convicted of or is found to have committed a first violation of a railroad-highway grade crossing violation;

(ii) Not less than one hundred twenty days if the driver is convicted of or is found to have committed a second railroad-highway grade crossing violation in separate incidents within a three-year period;

(iii) Not less than one year if the driver is convicted of or is found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents within a three-year period.

(9) A person is disqualified from driving a commercial motor vehicle for not more than one year if a report has been received by the department from the federal motor carrier safety administration that the person's driving has been determined to constitute an imminent hazard as defined by 49 C.F.R. 383.5.

(10) Within ten days after suspending, revoking, or canceling a commercial driver's license or disqualifying a driver from operating a commercial motor vehicle, the department shall update its records to reflect that action."

Senator Swecker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1266.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 46.25.010, 46.25.123, 46.25.125, and 46.25.090; and creating a new section."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1266, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1266, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 45

Absent: Senators Parlette and Prentice - 2

Excused: Senators Honeyford and Oke - 2

SUBSTITUTE HOUSE BILL NO. 1266, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1100, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Priest, Morrell, Fromhold, Jarrett, Sommers, Ormsby, Appleton, Tom, Anderson, Roberts, P. Sullivan, Lantz, Dickerson, Schual-Berke and Santos)

Creating a state financial aid account.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1100 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Honeyford, Oke and Prentice - 3

SUBSTITUTE HOUSE BILL NO. 1100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

SECOND READING

HOUSE BILL NO. 2189, by Representatives Kagi, Hinkle, Dickerson, Roberts, Darneille, Simpson, Moeller, Morrell and Santos

Establishing a work group to address safety of child protective services and child welfare services staff.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that efforts to protect children from abuse and neglect and support families are dependent upon the efforts of staff in the field who work directly with the children and families of this state. Child protective services staff investigate reports of suspected child abuse and neglect and, when necessary, intervene by providing services designed to increase children's safety and protect them from further harm. Child welfare services staff provide longer-term services to families, including intensive treatment services to children and families who may need help with chronic or serious problems that interfere with their ability to protect or parent children.

The legislature determines that in order to perform their work, the safety of child protective services and child welfare services staff must be addressed.

NEW SECTION. Sec. 2. (1) The department of social and health services shall establish a work group to develop policies and protocols to address the safety of child protective services and child welfare services staff.

(2) The department of social and health services shall make recommendations regarding training to address recognition of highly volatile, hostile, and/or threatening situations and de-escalation and preventive safety measures.

(3) Membership of the work group shall include the following: Representatives of the children's administration of the department of social and health services, including representatives of child protective services staff and child welfare services staff from community service offices in largely rural areas of the state as well as urban areas; law enforcement; and prosecuting attorneys.

(4) The department of social and health services shall provide the developed recommendations, policies, and protocols to the governor and the appropriate committees of the legislature by December 1, 2005."

Senators Regala and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 2189.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "staff;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 2189, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2189, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2189, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Honeyford and Oke - 2

HOUSE BILL NO. 2189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "Thank you, Mr. President. My comments are about the bill that we recently passed, but I do need to say that I trust that this bill does not turn into another study which gathers dust on the shelf. I can't remember how many children have been killed in the past three or four years. I am familiar with some of the details with some of them. It was because – not because CPS (Child Protected Services) is such a bad organization – but because the workers simply didn't go back and check when they should have. So, I do hope this study results in something. Thank you."

SECOND READING

HOUSE BILL NO. 1180, by Representatives Kilmer, Wallace and Woods

Harmonizing vehicle size limits with federal rules.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1180.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Honeyford and Oke - 2

HOUSE BILL NO. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1281, by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, Dunn, P. Sullivan, Orcutt, Darneille, Morrell, Campbell, Wallace and Chase)

Adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities when they rely upon the representation of a person claiming to be responsible for the care of the minor.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature to assist children in the care of kin to access appropriate medical services. Children being raised by kin have faced barriers to medical care because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with health professionals when children are left in their care.

(2) It is the intent of the legislature to assist kinship caregivers in accessing appropriate medical care to meet the needs of a child in their care by permitting such responsible adults who are providing care to a child to give informed consent to medical care.

Sec. 2. RCW 7.70.065 and 2003 c 283 s 29 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

~~((a))~~ (i) The appointed guardian of the patient, if any;

~~((b))~~ (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

~~((c))~~ (iii) The patient's spouse;

~~((d))~~ (iv) Children of the patient who are at least eighteen years of age;

~~((e))~~ (v) Parents of the patient; and

~~((f))~~ (vi) Adult brothers and sisters of the patient.

~~((g))~~ (b) If the ~~(physician)~~ health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

~~((h))~~ (i) If a person of higher priority under this section has refused to give such authorization; or

~~((i))~~ (ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

~~((j))~~ (c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian or legal custodian of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient; and

(iv) A competent adult with an affidavit signed and dated under penalty of perjury pursuant to RCW 9A.72.085 representing himself or herself to be a relative responsible for the health care of such minor patient. Such authorization shall be effective for up to six months from the date of the affidavit.

(b) A health care provider may, but is not required to, rely on the representations of a person with an affidavit claiming to be a relative responsible for the care of the minor patient if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require additional documentation of a person's claimed status as being responsible for the health care of the minor patient. However, there is no obligation to require such additional documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action based on such reliance.

(3) For the purposes of this section, "health care provider" and "health care facility" shall be defined as established in RCW 70.02.010."

On page 1, line 4 of the title, after "minor;" strike the remainder of the title and insert "amending RCW 7.70.065; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1281.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature to assist children in the care of kin to access appropriate medical services. Children being raised by kin have faced barriers to medical care because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with health professionals when children are left in their care.

(2) It is the intent of the legislature to assist kinship caregivers in accessing appropriate medical care to meet the needs of a child in their care by permitting such responsible adults who are providing care to a child to give informed consent to medical care.

Sec. 2. RCW 7.70.065 and 2003 c 283 s 29 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

~~((a))~~ (i) The appointed guardian of the patient, if any;

~~((b))~~ (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

~~((c))~~ (iii) The patient's spouse;

~~((d))~~ (iv) Children of the patient who are at least eighteen years of age;

~~((e))~~ (v) Parents of the patient; and

~~((f))~~ (vi) Adult brothers and sisters of the patient.

~~((g))~~ (b) If the ~~(physician)~~ health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

~~((h))~~ (i) If a person of higher priority under this section has refused to give such authorization; or

~~((i))~~ (ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

~~((j))~~ (c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient. However, there is no obligation to require such documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection.

(3) For the purposes of this section, "health care provider" and "health care facility" shall be defined as established in RCW 70.02.010."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 1281.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "minor;" strike the remainder of the title and insert "amending RCW 7.70.065; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1281, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Honeyford and Parlette were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1281, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1281, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Honeyford, Oke and Parlette - 3

SUBSTITUTE HOUSE BILL NO. 1281, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1183, by Representatives Williams and Serben

Renaming the commission on supreme court reports.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1183.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1183 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Honeyford, Oke and Parlette - 3

HOUSE BILL NO. 1183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Fromhold, Jarrett, Schual-Berke, Walsh, Quall, B. Sullivan, Grant, Ormsby, Kessler, Simpson, Moeller, Lovick, Roberts, Chase, Williams, P. Sullivan, Tom, Morrell, McIntire, Kenney, Haigh, McDermott, Dickerson, Santos and Linville)

Creating a Washington early learning council.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that parents are their children's first and most important teachers, caregivers, and decision makers. The legislature also recognizes that many parents are employed or in school and must seek services in their communities to assist with the care and support of their children. Welfare reform requires parents with low incomes to enter the work force while their children are young, increasing parents' need for the support of such resources. In seeking out resources in their communities to provide care and support for their children, parents throughout the state need and deserve to have the best possible information to help inform their choices about the care and education of their children.

The legislature also finds that research on brain development in young children establishes that early experiences are important to children's emotional, social, physical, and cognitive development. Research also shows a clear and compelling connection between the quality of children's early childhood care and education experiences and later success in school and in life.

The legislature intends to build on the efforts of communities across the state to improve the quality of early learning environments available to children and their families, as well as the information available to families relating to those early learning environments. The legislature recognizes that efforts to improve early learning must build upon existing partnerships between the public and private sectors. The experiences and resources of both public and private entities are essential to making meaningful and lasting improvements in the quality of early learning environments across the state. Statewide leadership is needed to guide and support the efforts of the private and public sectors working together to make systemwide improvements in the quality, affordability, and accessibility of early learning opportunities.

The legislature intends to establish an effective oversight body, composed of representation from the public and private sectors, to provide leadership and vision to strengthen the quality of early learning services and programs for all children and families in the state and to ensure that children enter school ready to succeed.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 6 of this act unless the context clearly requires otherwise.

(1) "Early learning programs and services" include the following: Child care; state, private, and nonprofit preschool programs; child care subsidy programs; and training and professional development programs for early learning professionals.

(2) "Council" means the Washington early learning council.

NEW SECTION. Sec. 3. (1) The Washington early learning council is established in the governor's office. The purpose of the council is to provide vision, leadership, and direction to the improvement, realignment, and expansion of early learning programs and services for children birth to five years of age in order to better meet the early learning needs of children and their families. The goal of the council is to build upon existing efforts and recommend new initiatives, as necessary, to create an adequately financed, high-quality, accessible, and comprehensive early learning system that benefits all young children whose parents choose it.

(2) The council shall develop an early learning plan to improve the organization of early learning programs and services at the state level, and to improve the accessibility and quality of early learning programs and services throughout the state.

(a) By November 15, 2005, the council shall make recommendations to the governor and the appropriate committees of the legislature concerning statewide organization of early learning.

(b) The council shall also make recommendations to the governor and the appropriate committees of the legislature concerning the following:

(i) Identification of current populations being served and potential populations to be served by early learning programs and services;

(ii) The state's role in supporting quality early learning programs and services;

(iii) Appropriate levels and sources of stable and sustainable funding to meet statewide and local need for early learning programs and services, including public-private partnerships;

(iv) Changes in existing early learning programs and services, including the administration of those programs and services, to improve their efficiency, effectiveness, and quality;

(v) Changes in existing early learning programs and services to ensure that the content is aligned with what children need to know and be able to do upon entering school;

(vi) How to maximize available early learning resources to ensure children are receiving continuity of care; and

(vii) Providing for smooth transitions from early learning programs and services to K-12 programs.

(c) As provided in sections 5 and 6 of this act, the council shall focus on quality improvements to licensed child care through the following mechanisms:

(i) A voluntary, quality-based, graduated rating system to provide information to parents on the quality of child care programs and to provide resources and incentives for quality improvements; and

(ii) A tiered-reimbursement system for state-subsidized child care to improve the quality of care for children participating in state-funded care.

(d) The council shall make recommendations to the governor and the appropriate committees of the legislature concerning the regulation of child care, including child care that is exempt from regulation and unlicensed child care that is subject to regulation, in order to ensure the safety, health, quality, and accessibility of child care services throughout the state.

(3) The council shall serve as the advisory committee on early learning to the comprehensive education study steering committee, created in Engrossed Second Substitute Senate Bill No. 5441. The nongovernmental cochair of the council shall serve as the chair of the advisory committee on early learning. The council shall have input on the recommendations developed by the comprehensive education study steering committee.

(4) The council shall make use of existing reports, research, planning efforts, and programs, including, but not limited to, the following: The federal early head start program, the federal head start program, the state early childhood education and assistance program, the state's essential academic learning requirements and K-3 grade level expectations, the Washington state early learning and development benchmarks, existing tiered-reimbursement initiatives, the state's early childhood comprehensive systems plan, and the work of the child care coordinating committee established pursuant to RCW 74.13.090.

NEW SECTION. Sec. 4. (1) The council shall include representation from public, nonprofit, and for-profit entities, and its membership shall reflect regional, racial, and cultural diversity to ensure representation of the needs of all children and families in the state.

(2) The council shall consist of seventeen members, as follows:

(a) One representative each of the governor's office, the department of social and health services, the department of health, and the state board for community and technical colleges, appointed by the governor;

(b) One representative of the office of superintendent of public instruction, appointed by the superintendent of public instruction;

(c) Two representatives of private business and two representatives of philanthropy, appointed by the governor;

(d) Four individuals who have demonstrated leadership and engagement in the field of early learning, appointed by the governor; and

(e) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus, and two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus.

(3) The council shall be cochaired by the representative of the governor's office and a nongovernmental member designated by the governor.

(4) Members of the council shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The governor may employ an executive director, who is exempt from the provisions of chapter 41.06 RCW, and such other staff as is necessary to carry out the purposes of sections 1 through 6 of this act. The governor pursuant to RCW 43.03.040 shall fix the salary of the executive director.

(6) The council shall monitor and measure its progress and regularly report, as appropriate, to the governor and the appropriate committees of the legislature on the progress, findings, and recommendations of the council.

(7) The council shall establish one or more technical advisory committees, as needed. Membership of such advisory committees may include the following: Representatives of any state agency the council deems appropriate, including the higher

education coordinating board and the state board for community and technical colleges; family home child care providers, child care center providers, and college or university child care providers; parents; early childhood development experts; representatives of school districts and teachers involved in the provision of child care and preschool programs; representatives of resource and referral programs; parent education specialists; pediatric or other health professionals; representatives of citizen groups concerned with child care and early learning; representatives of labor organizations; representatives of private business; and representatives of head start and early childhood education assistance program agencies.

NEW SECTION. Sec. 5. (1) The council shall develop a voluntary, quality-based, graduated rating system consisting of levels of quality to be achieved by licensed child care providers serving children and families in the state. The purpose of the rating system is to provide families with vital information about the quality of early learning programs available to them and to increase the quality of early learning programs operating throughout the state. In developing the voluntary rating system, the council shall seek to build upon existing partnerships and initiate new partnerships between the public and private sectors.

(2) In developing the voluntary rating system, the council shall establish a system of tiers as the basis for the rating system's levels of quality. In developing the system of tiers, the council shall take into consideration the following quality criteria:

- (a) Child-to-staff ratios;
- (b) Group size;
- (c) Learning environment, including staff and child interactions;
- (d) Curriculum;
- (e) Parent and family involvement and support;
- (f) Staff qualifications and training;
- (g) Staff professional development;
- (h) Staff compensation;
- (i) Staff stability;
- (j) Accreditation;
- (k) Program evaluation; and
- (l) Program administrative policies and procedures.

(3) In developing the voluntary rating system, the council shall establish quality assurance measures as well as a mechanism for system evaluation.

(4) In developing the voluntary rating system, the council shall make recommendations concerning both initial and subsequent statewide implementation of the rating system, including the following:

- (a) Potential implementing entities;
- (b) Sources of funding for implementation;
- (c) Necessary infrastructure for facilitating and supporting participation in the rating system, including assistance necessary to help providers progress up the tiers; and
- (d) Strategies for raising public awareness of the rating system.

(5) The council shall complete initial development of the voluntary rating system by December 1, 2005, and complete development by December 1, 2006.

(6) The council shall submit the voluntary rating system to the governor and the appropriate fiscal and policy committees of the legislature by January 1, 2007. If no action is taken by the legislature by the end of the 2007 regular legislative session, the council may begin initial implementation of the voluntary rating system, subject to available funding.

NEW SECTION. Sec. 6. (1) The council shall develop a tiered-reimbursement system that provides higher rates of reimbursement for state-subsidized child care for licensed child care providers that achieve one or more levels of quality above basic licensing requirements in accordance with the voluntary quality-based graduated rating system developed pursuant to section 5 of this act.

(2) In developing the tiered-reimbursement system, the council shall review existing tiered-reimbursement initiatives in the state and integrate those initiatives into the tiered-reimbursement system.

(3) The council shall complete initial development of the tiered-reimbursement system by December 1, 2005, to be implemented in two pilot sites in different geographic regions of the state with demonstrated public-private partnerships. The council shall complete development of the tiered-reimbursement system by December 1, 2006, to be implemented statewide, subject to the availability of amounts appropriated by the legislature for this specific purpose.

NEW SECTION. Sec. 7. A new section is added to chapter 74.15 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services shall implement the tiered-reimbursement system developed pursuant to section 6 of this act. Implementation of the tiered-reimbursement system shall initially consist of two pilot sites in different geographic regions of the state with demonstrated public-private partnerships, with statewide implementation to follow.

(2) In implementing the tiered-reimbursement system, consideration shall be given to child care providers who provide staff wage progression.

(3) The department shall begin implementation of the two pilot sites by March 30, 2006.

Sec. 8. RCW 28B.135.030 and 1999 c 375 s 3 are each amended to read as follows:

The higher education coordinating board shall administer the program for four-year institutions of higher education. The state board for community and technical colleges shall administer the program for community and technical colleges. The

higher education coordinating board and the state board for community and technical colleges shall have the following powers and duties in administering each program:

- (1) To adopt rules necessary to carry out the program;
- (2) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include but not be limited to individuals from the Washington association for the education of young children(~~(the child care coordinating committee,))~~) and the child care resource and referral network;
- (3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1999-2001 biennium the guidelines shall be consistent with the following desired outcomes of increasing access to child care for students, addressing the demand for infant and toddler care, providing affordable child care alternatives, creating more cooperative preschool programs, creating models that can be replicated at other institutions, creating a partnership between university or college administrations and student government, or its equivalent and increasing efficiency and innovation at campus child care centers;
- (4) To establish guidelines for an allocation system based on factors that include but are not limited to: The amount of money available in the trust fund; characteristics of the institutions including the size of the faculty and student body; and the number of child care grants received;
- (5) To solicit grant proposals and provide information to the institutions of higher education about the program; and
- (6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants.

Sec. 9. RCW 41.04.385 and 2002 c 354 s 236 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of personnel in consultation with ~~((the child care coordinating committee, as provided in RCW 74.13.090, and))~~ state employee representatives.

Sec. 10. RCW 74.13.0903 and 1997 c 58 s 404 are each amended to read as follows:

The office of child care policy is established to operate under the authority of the department of social and health services. The duties and responsibilities of the office include, but are not limited to, the following, within appropriated funds:

- (1) ~~((Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090; (2)))~~ Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;
- ~~((3))~~ (2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;
- ~~((4))~~ (3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:
 - (a) Provide parents with information about child care resources, including location of services and subsidies;
 - (b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;
 - (c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;
 - (d) Provide information for businesses regarding child care supply and demand;
 - (e) Advocate for increased public and private sector resources devoted to child care;
 - (f) Provide technical assistance to employers regarding employee child care services; and
 - (g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of one hundred seventy-five percent of the federal poverty line;
- ~~((5))~~ (4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;
- ~~((6))~~ (5) Maintain a statewide child care licensing data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;
- ~~((7))~~ (6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;
- ~~((8))~~ (7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; and
- ~~((9))~~ (8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

Sec. 11. RCW 74.15.030 and 2000 c 162 s 20 and 2000 c 122 s 40 are each reenacted and amended to read as follows:
The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with ~~((the child care coordinating committee and other))~~ affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 74.13.090 (Child care coordinating committee) and 1995 c 399 s 204, 1993 c 194 s 7, 1989 c 381 s 3, & 1988 c 213 s 2; and

(2) RCW 74.13.0901 (Child care partnership) and 1989 c 381 s 4.

NEW SECTION. Sec. 14. Sections 1 through 6 of this act expire July 1, 2007.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Weinstein spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Engrossed Second Substitute House Bill No. 1152.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28B.135.030, 41.04.385, and 74.13.0903; reenacting and amending RCW 74.15.030; adding a new section to chapter 74.15 RCW; creating new sections; repealing RCW 74.13.090 and 74.13.0901; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute House Bill No. 1152, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1152, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1152, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benton, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Johnson, McCaslin, Morton, Mulliken, Pflug, Roach, Schoesler, Stevens, Wyss and Zarelli - 16

Excused: Senators Honeyford, Oke and Parlette - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1469, by Representatives Lovick, Jarrett, Haigh and Armstrong

Changing hearing procedures for violations of commercial motor vehicle laws, rules, and orders.

The measure was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.32.100 and 1998 c 172 s 1 are each amended to read as follows:

In addition to all other penalties provided by law, a commercial motor vehicle that is subject to terminal safety audits under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in the violation of this title or any order or rule of the state patrol is liable for a penalty of one hundred dollars for each violation, except for each violation of 49 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of service before the out of service defects have been satisfactorily repaired, for which the person is liable for a penalty of five hundred dollars. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the patrol describing the violation and advising the person that the penalty is due. The patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue a prosecution to recover the penalty upon such terms it deems proper and may ascertain the facts upon all such applications in such manner and under such rules as it deems proper. If the amount of the penalty is not paid to the patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the ~~((attorney general shall bring an action))~~ patrol may commence an adjudicative proceeding under chapter 34.05 RCW in the name of the state of Washington ~~((in the superior court of Thurston county or of some other county in which the violator does business;))~~ to confirm the violation and recover the penalty. In all such ~~((actions))~~ proceedings the procedure and rules of evidence are ~~((the same as an ordinary civil action))~~ as specified in chapter 34.05 RCW except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund."

Senator Swecker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1469.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "orders;" strike the remainder of the title and insert "and amending RCW 46.32.100."

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1469, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Prentice and Fairley were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1469, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1469, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Excused: Senators Fairley, Honeyford, Oke, Parlette and Prentice - 5

HOUSE BILL NO. 1469, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1754, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt, Nixon, McDermott, Haigh, Upthegrove, Moeller, Kenney, Chase, Simpson, Miloscia, Sells and Linville)

Authorizing county-wide mail ballot elections.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.48.010 and 2004 c 266 s 14 are each amended to read as follows:

(1) With express authorization from the county legislative authority, the county auditor may conduct all primary, special, and general elections entirely by mail ballot. The county legislative authority must give the county auditor at least ninety days' notice before the first election to be conducted entirely by mail ballot. If the county legislative authority and the county auditor decide to return to a polling place election environment, the county legislative authority must give the county auditor at least one hundred eighty days' notice before the first election to be conducted using polling places. Authorization under this subsection must apply to all primary, special, and general elections conducted by the county auditor.

(2) The county auditor may designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29A.08.140 as a mail ballot precinct. ~~((The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only.))~~ Authorization from the county legislative authority is not required to designate a precinct as a mail ballot precinct under this subsection. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29A.60.230.

(3) The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting will be by mail ballot only. The auditor shall mail each active voter a ballot at least eighteen days before a primary, general election, or special election. The auditor shall send each inactive voter either a ballot or an application to receive a ballot at least eighteen days before a primary, general election, or special election. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active. The requirements regarding certification, reporting, and the mailing of overseas and military ballots in RCW ~~((29.36.270))~~ 29A.40.070 apply to elections conducted by mail ballot ~~((precincts))~~.

(4) If the ~~((precinct exceeds two hundred registered voters, or the))~~ county legislative authority and county auditor determine under subsection (1) of this section, or if the county auditor determines under subsection (2) of this section, to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used."

MOTION

Senator Kastama moved that the following amendment by Senator Kastama to the committee striking amendment be adopted.

On page 2, after line 18 of the amendment, insert the following:

"NEW SECTION. Sec. 2. The secretary of state shall evaluate available technologies to allow voters the ability to conveniently determine if their mail ballots were received and counted by their county auditor. No later than December 31, 2006, the secretary of state shall submit a report to the legislature outlining available mail ballot tracking technology. The report must include the secretary of state's recommendations on whether such technology should be implemented, and if so, how."

Senator Kastama spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 2, after line 18 to the committee striking amendment to Substitute House Bill No. 1754 as amended by the Senate.

The motion by Senator Kastama carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections as amended to Substitute House Bill No. 1754.

The motion by Senator Kastama carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "and amending RCW 29A.48.010."

On page 2, line 20 of the title amendment, strike everything after "insert" and insert "amending RCW 29A.48.010; and creating a new section."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Spanel, Kline, Schmidt and Sheldon spoke in favor of passage of the bill.

Senators Roach, Hargrove and Benton spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1754, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1754, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens, Wyss and Zarelli - 20

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1478, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney, P. Sullivan, Nixon and Chase)

Increasing penalties for failure to secure a vehicle load on a public highway.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Kline and Esser be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.655 and 1990 c 250 s 56 are each amended to read as follows:

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. ~~((Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.))~~

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4)(a) Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(b) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

(7)(a)(i) A person is guilty of failure to secure a load in the first degree if he or she, with criminal negligence, fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section and causes substantial bodily harm to another.

(ii) Failure to secure a load in the first degree is a gross misdemeanor.

(b)(i) A person is guilty of failure to secure a load in the second degree if he or she, with criminal negligence, fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1) or (2) of this section and causes damage to property of another.

(ii) Failure to secure a load in the second degree is a misdemeanor.

(c) A person who fails to secure a load or part of a load to his or her vehicle in compliance with subsection (1), (2), or (3) of this section is guilty of an infraction if such failure does not amount to a violation of (a) or (b) of this subsection.

Sec. 2. RCW 46.63.020 and 2004 c 95 s 14 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;
- (23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (24) RCW 46.48.175 relating to the transportation of dangerous articles;
- (25) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(30) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;

(32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(33) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(35) RCW 46.61.500 relating to reckless driving;

(36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(39) RCW 46.61.522 relating to vehicular assault;

(40) RCW 46.61.5249 relating to first degree negligent driving;

(41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(42) RCW 46.61.530 relating to racing of vehicles on highways;

(43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(44) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((48))~~ (49) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier insurance;

~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((53))~~ (54) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((54))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((55))~~ (56) Chapter 46.82 RCW relating to driver's training schools;

~~((56))~~ (57) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((57))~~ (58) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW."

Senators Hargrove and Esser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Kline and Esser to Substitute House Bill No. 1478.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "highways;" strike the remainder of the title and insert "amending RCW 46.61.655 and 46.63.020; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1478, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Mulliken, Senators Parlette, Honeyford and Benton were excused.
On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1478, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1478 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Wyss - 43

Voting nay: Senators Morton, Stevens and Zarelli - 3

Excused: Senators Benton, Honeyford and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced and welcomed Ms. Maria Federici and her mother Ms. Robin Abel who were seated in the gallery with a friend of the family. The injuries suffered by Ms. Federici during a highway accident near her Renton home resulted in the previous bill. The President recognized their courageous and determined efforts on its behalf.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5477, with the following amendment(s):

On page 2, line 7, after "evidence." insert:

"While the legislature intends to bring the sentencing reform act into compliance as previously indicated, the legislature recognizes the need to restore the judicial discretion that has been limited as a result of the *Blakely* decision."

On page 9, after line 2, insert:

"NEW SECTION. Sec. 5. The Sentencing Guidelines Commission shall review the sentencing reform act as it relates to the sentencing grid, all provisions providing for exceptional sentences both above and below the standard sentencing ranges, and judicial discretion in sentencing. As part of its review, the Commission shall:

- (a) study the relevant provisions of the sentencing reform act, including the provisions in this act;
- (b) consider how to restore the judicial discretion which has been limited as a result of the *Blakely* decision;
- (c) consider the use of advisory sentencing guidelines for all or any group of crimes;
- (d) draft proposed legislation that seeks to address the limitations placed on judicial discretion in sentencing as a result of the *Blakely* decision; and
- (e) determine the fiscal impact of any proposed legislation. The Commission shall submit its findings and proposed legislation to the legislature no later than December 1, 2005."

Renumber the sections consecutively and correct any internal references accordingly.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5477.
Senators Kline and Johnson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5477.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5477.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5477, as amended by the House.

Senator Kline spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477, as amended by the House, and the Bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Absent: Senator Kohl-Welles - 1

Excused: Senators Honeyford and Oke - 2

SENATE BILL NO. 5477 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:24 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 7 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242, by House Committee on Appropriations (originally sponsored by Representatives Linville, Jarrett, Miloscia, Tom, Haigh, Sommers, Pettigrew, Pearson, Clibborn, Kristiansen, O'Brien, Orcutt, Quall, Morris, Lantz, Wallace, Kagi, Grant, Morrell, Chase, Springer, Lovick, Kessler, Dunshee, Appleton, P. Sullivan, Kilmer, Hunter, Upthegrove, Williams, Roberts, Dickerson, Sells, Eickmeyer, Nixon, Kenney and Ormsby)

Focusing the state budgeting process on outcomes and priorities.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Brandland, Parlette, Johnson, McCaslin, Deccio and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1242 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Wyss - 43

Absent: Senators Hewitt and Pflug - 2

Excused: Senators Deccio, McCaslin, Oke and Zarelli - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1606, by House Committee on Health Care (originally sponsored by Representatives Green, Skinner, Cody, Bailey, Clibborn, Williams, Morrell and Schual-Berke)

Providing for fairness in the informal dispute resolution process.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.195 and 2004 c 140 s 5 are each amended to read as follows:

(1) The licensee or its designee has the right to an informal dispute resolution process to dispute any violation found or enforcement remedy imposed by the department during a licensing inspection or complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a violation, or parts of a violation, or enforcement remedy imposed by the department.

(2) The informal dispute resolution process provided by the department shall include, but is not necessarily limited to, an opportunity for review by a department employee who did not participate in, or oversee, the determination of the violation or enforcement remedy under dispute. The department shall develop, or further develop, an informal dispute resolution process consistent with this section.

(3) A request for an informal dispute resolution shall be made to the department within ten working days from the receipt of a written finding of a violation or enforcement remedy. The request shall identify the violation or violations and enforcement remedy or remedies being disputed. The department shall convene a meeting, when possible, within ten working days of receipt of the request for informal dispute resolution, unless by mutual agreement a later date is agreed upon.

(4) If the department determines that a violation or enforcement remedy should not be cited or imposed, the department shall delete the violation or immediately rescind or modify the enforcement remedy. If the department determines that a violation should have been cited ~~((or an enforcement remedy imposed))~~ under a different more appropriate regulation, the department shall ~~((add the citation or enforcement remedy))~~ revise the report, statement of deficiencies, or enforcement remedy accordingly. Upon request, the department shall issue a clean copy of the revised report, statement of deficiencies, or notice of enforcement action.

(5) The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable until the exhaustion of any formal hearing and appeal rights provided under this chapter. The licensee shall submit to the department, within the time period prescribed by the department, a plan of correction to address any undisputed violations, and including any violations that still remain following the informal dispute resolution.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.51 RCW to read as follows:

(1) A nursing home provider shall have the right to an informal review to present written evidence to refute the findings or deficiencies cited during a licensing or certification survey or a complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a deficiency, or parts of a deficiency, cited by the department.

(2) The informal dispute resolution process provided by the department shall, at a minimum, be consistent with 42 C.F.R. 488.331 and the federal state operations manual and shall require the department when conducting an informal dispute

resolution process with a nursing home provider or its designee to provide an opportunity for input from residents or resident representatives.

(3) If the department determines that a deficiency should not be cited, the department shall delete the deficiency. If the department determines that a deficiency should have been cited under a different more appropriate regulation, the department shall revise the statement of deficiencies accordingly. If the provider is successful in demonstrating that one or more deficiencies should not have been cited, the deficiency or deficiencies are removed from the statement of deficiencies and any enforcement action imposed solely as a result of the cited deficiency or deficiencies are rescinded. Upon request, the department shall issue a clean copy of the statement of deficiencies or notice of enforcement action. The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable until the exhaustion of any formal hearing and appeal rights provided under this chapter."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1606.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1606, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1606, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1606, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Wyss - 45

Excused: Senators Deccio, McCaslin, Oke and Zarelli - 4

SUBSTITUTE HOUSE BILL NO. 1606, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290, by House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos)

Modifying community mental health services provisions.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

~~((3))~~ (4) Minimum service delivery standards;

~~((4))~~ (5) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

~~((5))~~ (6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, regional support networks, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

~~((6))~~ (7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of county-based and county-managed regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which will integrate planning, administration, and service delivery duties ~~((assigned to counties))~~ under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs ~~((under RCW 71.24.045))~~, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)~~((e))~~ (d).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (10) "Department" means the department of social and health services.

~~((10))~~ (11) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(12) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(13) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((11))~~ (14) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((12))~~ (15) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (23), and ~~((18))~~ (24) of this section.

~~((13))~~ (16) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ through a department procurement process.

~~((14))~~ (17) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (18) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(19) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(20) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(21) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening,

diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((46))~~ (22) "Secretary" means the secretary of social and health services.

~~((47))~~ (23) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((48))~~ (24) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((49))~~ (25) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (26) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall establish, on a pilot basis, a procurement process in each county with a population over one million persons to establish a regional support network. The pilot procurement process shall encourage the preservation of infrastructure previously purchased by the community mental service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. County, provider, and consumer/advocate-based organizations shall be given the opportunity to compete and to have their bids considered on an equal basis with any other competing entity. The procurement process shall provide that public funds shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under section 7 of the federal labor relations act. The secretary shall seek input from stakeholders in the development of the procurement.

(2) In addition to the requirements of RCW 71.24.035, the process shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require that existing collaboration between agencies and government bodies, including state, county, and city law enforcement and correctional agencies, be maintained and improved;

(c) Require continued collaboration with the county alcohol and drug coordinators and adherence to any department adopted integrated screening and assessment process for mental and substance abuse disorders; and

(d) Provide the secretary with the authority and a process to hold both the regional support networks and any subcontractors accountable for accomplishing the provisions of the contract.

(3) The procurement process shall also include a requirement for a separately funded mental health ombudsman office in each regional support network that is independent of the regional support network. The ombudsman office shall maximize the use of consumer advocates.

(4) The pilot shall take effect July 1, 2005, and end June 30, 2007.

Sec. 4. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

- (1) The department is designated as the state mental health authority.
- (2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.
- (3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.
- (4) The secretary shall be designated as the ~~((county authority if a county))~~ regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.
- (5) The secretary shall:
 - (a) Develop a biennial state mental health program that incorporates ~~((county))~~ regional biennial needs assessments and ~~((county))~~ regional mental health service plans and state services for mentally ill adults and children. The secretary ~~((may))~~ shall also develop a six-year state mental health plan;
 - (b) Assure that any regional or county community mental health program provides access to treatment for the ~~((county's))~~ region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:
 - (A) Outpatient services;
 - (B) Emergency care services for twenty-four hours per day;
 - (C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
 - (D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;
 - (E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;
 - (F) Consultation and education services; and
 - (G) Community support services;
 - (c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:
 - (i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;
 - (ii) Regional support networks; and
 - (iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;
 - (d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;
 - (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used in contracting with regional support networks ~~((or counties))~~. The standard contract shall include a maximum fund balance, which shall ~~((not exceed ten percent))~~ be consistent with that required by federal regulations or waiver stipulations;
 - (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of ~~((county authorities))~~ regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;
 - (g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act;
 - (h) License service providers who meet state minimum standards;
 - (i) Certify regional support networks that meet state minimum standards;
 - (j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;
 - (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit ~~((counties,))~~ regional support networks~~(s))~~ and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; ~~((and))~~

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

~~(6) The secretary shall use available resources only for ~~((regional support networks))~~ the community mental health service delivery system, consistent with the priorities for both client populations and the services to be provided as defined in this chapter.~~

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects ~~((county))~~ regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on ~~((counties))~~ regions of demographic factors ~~((in counties))~~ which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each ~~((county))~~ region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating ~~((counties))~~ regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties ~~((under))~~ in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

~~(c) ~~((Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.~~~~

~~(d))~~ Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~((e))~~ (d) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

Any regional support network selected pursuant to the pilot procurement process under section 3 of this act shall:

(1) Contract as needed with licensed service providers. The regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost-effective than contracting for services. When doing so, the regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a regional support network provided service is more efficient and cost-effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which ensures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Work with county authorities to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;

(7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(8) If a regional support network under the pilot procurement process is not controlled by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 6. RCW 71.24.240 and 1982 c 204 s 13 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((county or counties))~~ regional support network seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 7. RCW 71.24.300 and 2001 c 323 s 17 are each amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary. If a regional support network subject to the procurement process in section 3 of this act is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7).

(c) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(d) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW.

Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

(e) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

(f) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter designed to achieve the outcomes specified in section 5 of this act.

(g) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be established by the department and be broadly representative of the demographic character of the region and the mentally ill persons served therein. The membership shall include, but not be limited to representatives of consumers, families, county-elected officials, and law enforcement. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).

(7) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

Sec. 8. RCW 74.09.010 and 1990 c 296 s 6 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

~~((2))~~ ("Committee" means the children's health services committee created in section 3 of this act.

~~((3))~~ "Community services office" means the county or local office defined in RCW 74.04.005.

~~((3))~~ "Confined" or "confinement" means incarcerated in a correctional institution or admitted to an institution for mental diseases.

~~((4))~~ "Correctional institution" means a correctional institution defined in RCW 9.94.049.

~~((5))~~ "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of RCW 74.09.415 through 74.09.435.

~~((4))~~ ~~((6))~~ "Department" means the department of social and health services.

~~((5))~~ ~~((7))~~ "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

~~((6))~~ ~~((8))~~ "Institution for mental diseases" has the meaning defined in 42 C.F.R., part 435, Sec. 1009.

~~((9))~~ "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((7))~~ ~~((10))~~ "Likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or general assistance immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or general assistance at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(11) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

~~((8))~~ (12) "Medicaid eligibility category" refers to all existing eligibility categories established in the state medicaid plan, including enrollment in medicaid by virtue of eligibility to receive cash payments under the supplemental security income program of the social security administration.

(13) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((9))~~ (14) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

~~((10))~~ (15) "Nursing home" means nursing home as defined in RCW 18.51.010.

~~((11))~~ (16) "Parent" means a parent, guardian, or legal custodian.

(17) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

~~((12))~~ (18) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 9. A new section is added to chapter 74.09 RCW to read as follows:

(1) The economic services administration shall adopt standardized statewide screening and application practices and forms. These practices and forms shall be implemented in every local office not later than January 1, 2006.

(2) The forms shall be structured to facilitate completion by persons with disabilities, including those with mental disorders.

(3) Neither the department nor any local office may exclude a person from application or screen that person as ineligible for medicaid based solely on a determination that the person is using or addicted to alcohol or other psychoactive substances, as defined in chapter 70.96A RCW.

(4) Neither the department nor any local office may remove a confined person from an active medicaid caseload sooner than required by federal law.

(5) Subject to available funds, the department shall provide persons with assistance in preparing applications and maintaining eligibility for medicaid.

NEW SECTION. Sec. 10. A new section is added to chapter 74.09 RCW to read as follows:

The secretary shall negotiate with the social security administration in good faith to establish a prerelease agreement or agreements under which the department will work collaboratively with the social security administration, correctional institutions, institutions for mental diseases, and the department of corrections to ensure that applications on behalf of confined persons who are likely to be eligible for supplemental security income or social security disability income are accepted, whenever possible, at the earliest possible date prior to release from confinement and are speedily handled by the social security administration to maximize the opportunity for confined persons to have an eligibility determination and enrollment in place on the day of release from confinement.

NEW SECTION. Sec. 11. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department and each of its community services offices shall enter interlocal agreements with correctional institutions, the regional support networks, the department of corrections, and institutions for mental diseases to expedite medical assistance eligibility determinations for persons likely to be eligible for services under this chapter, upon release from confinement.

(2) The interlocal agreements shall establish procedures to facilitate eligibility determinations, and enrollment on the day of release from confinement whenever possible.

(3) The interlocal agreements shall define the responsibilities of each party, and the procedures through which those responsibilities will be fulfilled. At a minimum, the agreements shall provide that:

(a) If a person is likely to be eligible, as defined in this chapter, the correctional institution, department of corrections, or institution for mental diseases shall notify the designated community services office of the person's anticipated release date at the earliest practicable time prior to release from confinement. If a correctional institution does not know the anticipated release date, or a person is ordered to be immediately released, the correctional institution shall notify the community services office at the earliest opportunity;

(b) The community services office shall find the person presumptively eligible for medical assistance under this chapter, to the maximum extent allowable under federal law, and shall facilitate prompt completion of a final eligibility determination;

(c) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution, department of corrections, or institution for mental diseases shall provide that information to the department and the department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

NEW SECTION. Sec. 12. A new section is added to chapter 71.24 RCW to read as follows:

The secretary shall require the regional support networks to develop interlocal agreements pursuant to section 11 of this act. To this end, the regional support networks shall accept referrals for enrollment on behalf of a confined person, prior to the person's release.

NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall negotiate with the department of social and health services and the regional support networks to reach an agreement under section 11 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.20A RCW to read as follows:

The department shall report to the appropriate committees of the legislature by September 30, 2005, and annually thereafter:

- (1) The number of agreements developed under sections 10 through 13 of this act;
- (2) The number of persons with mental disorders and co-occurring mental and chemical dependency disorders leaving confinement with established or restored medical assistance enrollment;
- (3) The number of persons enrolled in the regional support networks upon release; and
- (4) The number of persons denied eligibility or enrollment.

NEW SECTION. Sec. 15. (1) A joint legislative and executive task force on mental health services delivery and financing is created. The joint task force shall consist of eight members, as follows: The secretary of the department of social and health services or his or her designee; the president of the Washington state association of counties or his or her designee; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and the chair of the joint legislative audit and review committee or his or her designee. Staff support for the joint task force shall be provided by the office of financial management, the house of representatives office of program research, and senate committee services.

(2) The joint task force may create advisory committees to assist the joint task force in its work.

(3) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW, as appropriate. Advisory committee members, if appointed, shall not receive compensation or reimbursement for travel or expenses.

(4) The joint task force shall oversee and make recommendations related to:

(a) The reorganization of the mental health administrative structure within the department of social and health services;

(b) The pilot procurement process established by section 3 of this act, including a preprocurement request for information to identify organizations qualified to be designated a regional support network and regional support networks that are currently meeting or exceeding the contract requirements;

(c) The establishment of regional support networks in counties with a population greater than one million through the pilot procurement process;

(d) Serving the needs of nonmedicaid consumers for the priority populations under chapter 71.24 RCW; and

(e) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds needed to serve persons with a mental illness.

(5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2006, and its final findings and recommendations by June 30, 2007.

(6) This section expires June 30, 2007.

NEW SECTION. Sec. 16. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.025, 71.24.240, 71.24.300, and 74.09.010; reenacting and amending RCW 71.24.015 and 71.24.035; adding new sections to chapter 71.24 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.20A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 1290.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

~~((3))~~ (4) Minimum service delivery standards;

~~((4))~~ (5) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

~~((5))~~ (6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, regional support networks, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

~~((6))~~ (7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of ~~((county based and county managed))~~ regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care ~~((which))~~. Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties ~~((assigned to counties))~~ under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs ~~((under RCW 71.24.045))~~, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)~~((e))~~ (d).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (10) "Department" means the department of social and health services.

~~((10))~~ (11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(12) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(13) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(14) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((14))~~ (15) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((12))~~ (16) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (24), and ~~((18))~~ (25) of this section.

~~((13))~~ (17) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(18) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ in contract in a defined region.

~~((14))~~ (19) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (20) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(21) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(22) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and

authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (23) "Secretary" means the secretary of social and health services.

~~((17))~~ (24) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((18))~~ (25) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (26) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (27) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 3. RCW 71.24.030 and 2001 c 323 s 9 are each amended to read as follows:

The secretary is authorized to make grants ~~((to))~~ and/or purchase services from counties ~~((or))~~, combinations of counties ~~((in the establishment and operation of)), or other entities, to establish and operate~~ community mental health programs.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.

(2) If an existing regional support network chooses not to respond to the request for qualifications, or is unable to substantially meet the requirements of the request for qualifications, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the regional support network in that region. The procurement process shall begin with a request for proposals issued March 1, 2006.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

There shall be not less than eight and not more than fourteen regional support networks.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and procurement of the contract.

(2) The procurement process shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. The procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices; and

(d) Maintain the decision-making independence of designated mental health professionals.

Sec. 7. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ~~((county authority if a county fails))~~ regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates ~~((county))~~ regional biennial needs assessments and ~~((county))~~ regional mental health service plans and state services for mentally ill adults and children. The secretary ~~((may))~~ shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the ~~((county's))~~ region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and sections 4 and 6 of this act, which shall be used in contracting with regional support networks ~~((or counties))~~. The standard contract shall include a maximum fund balance, which shall ~~((not exceed ten percent))~~ be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of ~~((county authorities))~~ regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state(~~(-counties,))~~) and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440(~~(-The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act))~~);

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit (~~(counties,))~~) regional support networks(~~(s))~~) and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; (~~and~~)

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects (~~(county))~~) regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on (~~(counties))~~) regions of demographic factors (~~(in counties))~~) which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each (~~(county))~~) region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating (~~(counties))~~) regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties (~~(under))~~) in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

~~(c) ((Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.~~

~~(d))~~ Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~((e))~~ (d) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 8. RCW 71.24.045 and 2001 c 323 s 12 are each amended to read as follows:

The ~~((county authority))~~ regional support network shall:

(1) Contract as needed with licensed service providers. The ~~((county authority))~~ regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ~~((county authority))~~ regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ~~((county))~~ regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ~~((county))~~ regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Collaborate to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 9. RCW 71.24.100 and 1982 c 204 s 7 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to form a regional support network. Any agreement between two or more county authorities for the establishment of a ~~((community mental health program))~~ regional support network shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Sec. 10. RCW 71.24.240 and 1982 c 204 s 13 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((county or counties))~~ regional support network seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 11. RCW 71.24.300 and 2001 c 323 s 17 are each amended to read as follows:

~~((A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network.))~~ Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary. If a regional support network is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

~~(b) ((Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7)).~~

~~((⇒))~~ Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((⇒))~~ (c) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((⇒))~~ (d) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((⇒))~~ (e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children ~~((as provided in this chapter designed to achieve the outcomes specified in section 5 of this act)).~~

~~((⇒))~~ (f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

~~(2) ((Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.~~

~~((⇒))~~ A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

~~((⇒))~~ (3) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and ~~((the mentally ill persons served therein))~~ shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is

not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be ((determined)) included in each regional support network's contract and approved by the ((regional support network)) secretary.

~~((5))~~ (4) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).~~

~~((7))~~ (5) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on the effective date of this section.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or general assistance immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or general assistance at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

NEW SECTION. Sec. 13. A new section is added to chapter 71.24 RCW to read as follows:

The secretary shall require the regional support networks to develop interlocal agreements pursuant to section 12 of this act. To this end, the regional support networks shall accept referrals for enrollment on behalf of a confined person, prior to the person's release.

NEW SECTION. Sec. 14. (1) A joint legislative and executive task force on mental health services delivery and financing is created. The joint task force shall consist of eight members, as follows: The secretary of the department of social and health services or his or her designee; the president of the Washington state association of counties or his or her designee; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and the chair of the joint legislative audit and review committee or his or her designee. Staff support for the joint task force shall be provided by the office of financial management, the house of representatives office of program research, and senate committee services.

(2) The joint task force may create advisory committees to assist the joint task force in its work.

(3) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW, as appropriate. Advisory committee members, if appointed, shall not receive compensation or reimbursement for travel or expenses.

- (4) The joint task force shall oversee and make recommendations related to:
- (a) The reorganization of the mental health administrative structure within the department of social and health services;
 - (b) The standards and correction process and the procurement process established by sections 4 through 6 of this act, including the establishment of regional support networks through a procurement process;
 - (c) The extent to which the current funding distribution methodology achieves equity in funding and access to services for mental health services consumers;
 - (d) Serving the needs of nonmedicaid consumers for the priority populations under chapter 71.24 RCW; and
 - (e) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds needed to serve persons with a mental illness.
- (5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2006, and its final findings and recommendations by June 30, 2007.
- (6) This section expires June 30, 2007.

NEW SECTION. Sec. 15. (1) The department of social and health services shall enter into a contract with regional support networks for the period ending August 31, 2006. The department shall issue a request for proposal to the extent required by section 4 of this act and the contract shall be effective September 1, 2006.

(2) This section expires June 30, 2007.

NEW SECTION. Sec. 16. The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 17. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

Senator Schoesler spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Second Substitute House Bill No. 1290.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.240, and 71.24.300; reenacting and amending RCW 71.24.015 and 71.24.035; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; creating new sections; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1290, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Parlette and Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1290, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1290, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 45

Absent: Senator Haugen - 1

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1170, by Representatives Dickerson, Cody, Sommers, Darneille, Schual-Berke, Kenney and Clibborn

Eliminating basic health plan eligibility of persons holding student visas.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1170.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1170 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 45

Absent: Senator Haugen - 1

Excused: Senators Deccio, McCaslin and Oke - 3

HOUSE BILL NO. 1170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Haugen was excused.

On motion of Senator Honeyford, Senators Swecker and Zarelli were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1304, by House Committee on Judiciary (originally sponsored by Representatives Kessler, O'Brien, Lantz, Tom, Lovick, Pearson, Hunt, Moeller, Kirby, Kristiansen, Hunter, Condotta, Dunshee, Nixon, Springer, Jarrett, Simpson, Kilmer, Upthegrove, Williams, Linville, Kenney and Dickerson)

Revising provisions relating to animal cruelty.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following amendment by Senators Weinstein, Jacobsen and Benton be adopted.

On page 2, after line 17, insert the following:

"Sec. 3. RCW 16.52.117 and 1994 c 261 s 11 are each amended to read as follows:

(1) ~~((Any))~~ A person ~~((who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment))~~ commits the crime of animal fighting if the person knowingly does any of the following:

(a) Owns, possesses, keeps, ~~((or))~~ breeds, trains, buys, sells, or advertises or offers for sale any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal;

(b) ~~((For amusement or gain causes any animal to fight with another animal, or causes any animals to injure each other; or~~

~~(c) Promotes, organizes, conducts, participates in, advertises, or performs any service in the furtherance of an exhibition of animal fighting, transports spectators to an animal fight, or provides or serves as a stakeholder for any money wagered on an animal fight;~~

~~(d) Keeps or uses any place for the purpose of animal fighting, or manages or accepts payment of admission to any place kept or used for the purpose of animal fighting;~~

~~(e) Suffers or permits any place over which the person has possession or control to be occupied, kept, or used for the purpose of an exhibition of animal fighting; or~~

~~(f) Takes, leads away, possesses, confines, sells, transfers, or receives a stray animal or a pet animal, with the intent to deprive the owner of the pet animal, and with the intent of using the stray animal or pet animal for animal fighting, or for training or baiting for the purpose of animal fighting.~~

~~(2) ((Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.)) A person who violates this section is guilty of a class C felony punishable under RCW 9A.20.021.~~

(3) Nothing in this section ~~((may))~~ prohibits the following:

(a) The use of ~~((dogs))~~ animals in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of ~~((dogs))~~ animals in hunting as permitted by law; or

(c) The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law."

On page 1, line 1 of the title, after "16.52.205" strike "and 16.52.207" and insert ", 16.52.207, and 16.52.117"

WITHDRAWAL OF AMENDMENT

On motion of Senator Weinstein, the amendment by Senators Weinstein, Jacobsen and Benton to Substitute House Bill No. 1304 was withdrawn.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell, Weinstein and Hargrove be adopted.

On page 2, after line 17, insert the following:

"**Sec. 3.** RCW 16.52.117 and 1994 c 261 s 11 are each amended to read as follows:

(1) ~~((Any))~~ A person ~~((who does any of the following is guilty of a gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment))~~ commits the crime of animal fighting if the person knowingly does any of the following:

(a) Owns, possesses, keeps, ~~((or))~~ breeds, trains, buys, sells, or advertises or offers for sale any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal;

(b) ~~((For amusement or gain causes any animal to fight with another animal, or causes any animals to injure each other; or~~

~~(c) Promotes, organizes, conducts, participates in, advertises, or performs any service in the furtherance of an exhibition of animal fighting, transports spectators to an animal fight, or provides or serves as a stakeholder for any money wagered on an animal fight;~~

~~(d) Keeps or uses any place for the purpose of animal fighting, or manages or accepts payment of admission to any place kept or used for the purpose of animal fighting;~~

~~(e) Suffers or permits any place over which the person has possession or control to be occupied, kept, or used for the purpose of an exhibition of animal fighting; or~~

~~(f) Takes, leads away, possesses, confines, sells, transfers, or receives a stray animal or a pet animal, with the intent to deprive the owner of the pet animal, and with the intent of using the stray animal or pet animal for animal fighting, or for training or baiting for the purpose of animal fighting.~~

~~(2) ((Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such~~

~~exhibition, fighting, or injuring, is guilty of a misdemeanor.))~~ A person who violates this section is guilty of a class C felony punishable under RCW 9A.20.021.

(3) Nothing in this section (~~may~~) prohibits the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

(4) For the purposes of this section, "animal" means dogs or male chickens."

POINT OF ORDER

Senator Carrell: "Mr. President, a point of order. There is amendment 585 that I wish to withdraw. Shouldn't that be done first?"

REPLY BY THE PRESIDENT

President Owen: "When the first amendment was withdrawn, it went with it because it was to it."

Senators Carrell and Weinstein spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell, Weinstein and Hargrove on page 2, after line 17 to Substitute House Bill No. 1304.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

POINT OF PARLIAMENTARY INQUIRY

Senator Kline: "With one amendment adopted and one automatically withdrawn, are there any other amendments at the bar?"

REPLY BY THE PRESIDENT

President Owen: "No."

MOTION

Senator Kline moved the following oral title amendment be adopted:

On page 1 of the existing title, insert ' and amending RCW 16.52.117'

There being no objection, the oral title amendment was adopted.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1304, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Esser, Johnson, Shin and Weinstein spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Regala: "Would Senator Esser yield to a question? I may be misunderstanding what I'm reading one section of the bill. I see that it strikes the language regarding the provision that makes it a crime to be a spectator at animal fighting sports. Am I misreading that?"

Senator Esser: "Is that from the amendment that was just adopted."

Senator Regala: "Yes."

Senator Esser: "I think that the Senator from the twenty-eighth district may be better able to answer that question, that was his amendment along with the Senator from the forty-first. I'm more familiar with the underlying bill."

POINT OF INQUIRY

Senator Regala: "Would the fine gentleman from the twenty-eighth district be able to answer my question?"

Senator Carrell: "Well, I will try and I would like to pass the buck to the fine gentleman from..... My amendment is simply to add to the underline bill a clarification that the types of animals that we are dealing with here are male chickens and dogs."

Senator Regala spoke on passage of the bill.

Senator Weinstein: "Thank you Mr. President, I'd like to speak to the question that Senator Regala asked. As I understand it as this bill made it's way through the process, the reason the spectator section was taken out because it was thought that there are some people who unintentionally go to dog fights thinking it's something else and since this bill moved it up to Class C Felony we wanted to remove that provision from those who unintentionally would be at a dog fight. Other wise it's a fantastic bill and I urge that you support this bill."

MOTIONS

On motion of Senator Hewitt, Senators Finkbeiner, Honeyford and Parlette were excused.

POINT OF INQUIRY

Senator Shin: "Would Senator Weinstein yield to a question? In the biological sense of the word, we humans are known as 'homo sapiens,' which means the highest creature in animal kingdom. Does that mean this bill includes human beings as well?"

Senator Weinstein: "No, it only includes cocks and dogs for the amendment."

Senator Shin: "Well, we're animals too."

Senator Weinstein: "Well, I think if somebody suffocates or starves a homosapien, then I think they should be guilty of a Class C Felony as well."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1304, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1304, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Deccio, Finkbeiner, Haugen, Honeyford, McCaslin, Oke, Parlette and Swecker - 8

SUBSTITUTE HOUSE BILL NO. 1304, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2212, by House Committee on Appropriations (originally sponsored by Representatives Hunter, Cox, Haigh, Talcott and Lantz)

Relating to educator certification. Revised for 2nd Substitute: Revising educator certification provisions.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) The office of the superintendent of public instruction shall verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the higher education coordinating board.

(2) No salary increase may be approved before there has been verification of accreditation under subsection (1) of this section.

(3)(a) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(b) In addition to the fine in (a) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

Sec. 2. RCW 28A.410.090 and 2004 c 134 s 2 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint alleging physical abuse or sexual misconduct by a certificated school employee filed by a parent or another person, but no complaint has been forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

(4)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

(b) In all cases under this subsection (4), the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be suspended or revoked under this subsection only if findings are made on or after the effective date of this section. For the purposes of this subsection, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schoesler to the committee striking amendment be adopted.

On page 1, beginning on line 5 of the amendment, strike all material through "degrees." on line 22 and insert the following:

"(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the state board of education.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the state board of education.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees."

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schoesler on page 1, line 5 to the committee striking amendment to Second Substitute House Bill No. 2212.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education as amended to Second Substitute House Bill No. 2212.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "certification;" strike the remainder of the title and insert "amending RCW 28A.410.090; and adding a new section to chapter 28A.415 RCW."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2212, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2212, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2212, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Deccio, Finkbeiner, Haugen, Honeyford, McCaslin, Oke, Parlette and Swecker - 8

SECOND SUBSTITUTE HOUSE BILL NO. 2212, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1823, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kretz, Serben, McCune, Armstrong, Rodne, Buri, Clements, Cox, Sump, Haler, Pettigrew, Grant, Holmquist, Walsh, Strow, Haigh and Kristiansen)

Assisting the economic development of underserved rural communities by assisting an owner or operator that has discontinued using an underground petroleum storage tank. Revised for 1st Substitute: Providing financial assistance for the costs of underground petroleum storage tanks in rural communities.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Doumit and Kohl-Welles were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1823.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1823 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 39

Excused: Senators Deccio, Doumit, Finkbeiner, Haugen, Honeyford, Kohl-Welles, McCaslin, Oke, Parlette and Swecker - 10

SUBSTITUTE HOUSE BILL NO. 1823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1132, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Nixon, Haigh and Shabro)

Allowing more candidates to file with the secretary of state.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1132 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Wyss - 37

Absent: Senators Brown and Zarelli - 2

Excused: Senators Deccio, Doumit, Finkbeiner, Haugen, Honeyford, Kohl-Welles, McCaslin, Oke, Parlette and Swecker - 10

SUBSTITUTE HOUSE BILL NO. 1132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Brown and Zarelli were excused.

SECOND READING

HOUSE BILL NO. 1206, by Representative O'Brien

Repealing obsolete or superseded laws.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted. Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

- (1) RCW 49.44.100 (Bringing in out-of-state persons to replace employees involved in labor dispute--Penalty) and 2003 c 53 s 277 & 1961 c 180 s 1;
- (2) RCW 67.14.020 (Sale or other disposition of liquor--County license--Penalty) and 1873 p 437 s 2;
- (3) RCW 67.14.040 (Retail liquor license) and 1973 1st ex.s. c 154 s 100, 1875 p 124 s 1, & 1873 p 438 s 4;
- (4) RCW 67.14.050 (Wholesale liquor license--Billiard table, bowling alley licenses) and 1873 p 438 s 5;
- (5) RCW 67.14.060 (Liquor sales, keeping games, without license--Penalty) and 1873 p 439 s 6;
- (6) RCW 67.14.070 (Purchase of license--Bond) and 1873 p 439 s 7;
- (7) RCW 67.14.080 (Duration of license) and 1873 p 439 s 8;
- (8) RCW 67.14.090 (Issuance of license) and 1873 p 439 s 9;
- (9) RCW 67.14.100 (When contrivance deemed kept for hire) and 1873 p 440 s 10;
- (10) RCW 67.14.110 (Druggists excepted) and 1873 p 440 s 11;
- (11) RCW 67.14.120 (Disposition of fees, fines, and forfeitures) and 1987 c 202 s 226, 1969 ex.s. c 199 s 29, & 1873 p 440 s 12;
- (12) RCW 70.54.060 (Ambulances and drivers) and 1945 c 65 s 1; and
- (13) RCW 70.54.065 (Ambulances and drivers--Penalty) and 1945 c 65 s 2."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the committee striking amendment be adopted.

On page 1 of the amendment, after line 23, insert the following:

"(12) RCW 68.50.560 (Anatomical gifts--Hospital procedure--Records--Liability) and 1993 c 228 s 5;"

Renumber the remaining subsections consecutively.

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, after line 23 to the committee striking amendment to House Bill No. 1206.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to House Bill No. 1206.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "and repealing RCW 49.44.100, 67.14.020, 67.14.040, 67.14.050, 67.14.060, 67.14.070, 67.14.080, 67.14.090, 67.14.100, 67.14.110, 67.14.120, 70.54.060, and 70.54.065."

On page 2, line 4 of the title amendment, after "67.14.120," insert "68.50.560"

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1206, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Fraser and Prentice were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1206, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1206, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 37

Excused: Senators Brown, Deccio, Doumit, Finkbeiner, Fraser, Honeyford, Kohl-Welles, McCaslin, Oke, Parlette, Prentice and Swecker - 12

HOUSE BILL NO. 1206, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1081, by Representatives McDonald, O'Brien, Morrell and Pearson

Requiring prehire screening for law enforcement applicants.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.101.080 and 2001 c 166 s 1 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require that each applicant that has been offered a conditional offer of employment as a fully commissioned peace officer or a fully commissioned reserve officer take and successfully pass a psychological examination and a polygraph test or similar assessment procedure as administered by county, city, or state law enforcement agencies as a condition of employment as a peace officer. The psychological examination and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2). The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 2. RCW 43.101.095 and 2001 c 167 s 2 are each amended to read as follows:

(1) As a condition of continuing employment as peace officers, all Washington peace officers: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter.

(2)(a) As a condition of continuing employment for any applicant that has been offered a conditional offer of employment as a fully commissioned peace officer or a reserve officer after the effective date of this act, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a fully commissioned peace officer or reserve officer, the applicant shall successfully pass a psychological examination and a polygraph or similar test as administered by the county, city, or state law enforcement agency that complies with the following requirements:

(i) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW. The examination shall consist of, at a minimum, a standardized clinical test that is widely used as an objective clinical screening tool for personality and psychosocial disorders. The test that is used and the conditions under which the test is administered, scored, and interpreted must comply with accepted psychological standards. Additional tests may be administered at the option of the employing law enforcement agency.

(ii) The polygraph examination or similar assessment shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association.

(b) The employing county, city, or state law enforcement agency may require that each peace officer or reserve officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer or reserve officer does not readily have the means to pay for his or her portion of the testing fee.

~~(3)~~ The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.

~~((2))~~ ~~(4)~~ The commission shall allow a peace officer to retain status as a certified peace officer as long as the officer: (a) Timely meets the basic law enforcement training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

~~((3))~~ ~~(5)~~ As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under RCW 43.101.155, a peace officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

Sec. 3. RCW 43.101.105 and 2001 c 167 s 3 are each amended to read as follows:

~~(1)~~ Upon request by a peace officer's employer or on its own initiative, the commission may deny or revoke certification of any peace officer, after written notice and hearing, if a hearing is timely requested by the peace officer under RCW 43.101.155, based upon a finding of one or more of the following conditions:

~~((1))~~ ~~(a)~~ The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

~~((2))~~ ~~(b)~~ The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

~~((3))~~ ~~(c)~~ The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

~~((4))~~ ~~(d)~~ The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;

~~((5))~~ ~~(e)~~ The peace officer's certificate was previously issued by administrative error on the part of the commission; or

~~((6))~~ ~~(f)~~ The peace officer has interfered with an investigation or action for denial or revocation of certificate by:

~~((a))~~ ~~(i)~~ Knowingly making a materially false statement to the commission; or ~~((b))~~ ~~(ii)~~ in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

~~(2)~~ After the effective date of this act, the commission shall deny certification to any applicant that has lost his or her certification as a result of a break in service of more than twenty-four consecutive months if that applicant failed to successfully pass the psychological examination and the polygraph test or similar assessment procedure required in RCW 43.101.095(2), as administered by county, city, or state law enforcement agencies.

Sec. 4. RCW 43.43.020 and 1983 c 144 s 1 are each amended to read as follows:

The governor, with the advice and consent of the senate, shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided. Before a person may be appointed to act as a Washington state patrol officer, the person shall meet the minimum standards for employment with the Washington state patrol, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered by the chief or his or her designee in accordance with the requirements of RCW 43.101.095(2).

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

The chief may personally appoint, with the consent of the state treasurer, employees of the office of the state treasurer who are qualified under the standards of the criminal justice training commission, or who have comparable training and experience, to serve as special deputies. The law enforcement powers of any special deputies appointed in the office of the state treasurer shall be designated by the chief and shall be restricted to those powers necessary to provide for statewide security of the holdings or property of or under the custody of the office of the state treasurer. These appointments may be revoked by the chief at any time and shall be revoked upon the written request of the state treasurer or by operation of law upon termination of the special deputy's employment with the office of the state treasurer or thirty days after the chief who made the appointment leaves office. The chief shall be civilly immune for the acts of such special deputies. Such appointment and conferral of authority shall not qualify such employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol."

Senators Kline and Johnson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1081.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "applicants;" strike the remainder of the title and insert "and amending RCW 43.101.080, 43.101.095, 43.101.105, and 43.43.020."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1081, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1081, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 38

Absent: Senator Haugen - 1

Excused: Senators Brown, Deccio, Doumit, Finkbeiner, Fraser, Honeyford, Kohl-Welles, McCaslin, Oke and Parlette - 10

HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

SECOND READING

HOUSE BILL NO. 1315, by Representatives Tom, Clibborn, Jarrett, Hunter, Priest, Lantz, Conway, Rodne, Orcutt and Linville

Authorizing the disclosure of information related to real estate excise taxes.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.32.330 and 2000 c 173 s 1 and 2000 c 106 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) ~~((The foregoing, however, shall))~~ This section does not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(j) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States Customs Service, the Coast Guard of

the United States, and the United States Department of Transportation, or any authorized representative thereof, for official purposes;

(k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(m) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.17 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure;

(n) Disclosing such return or tax information to the United States department of agriculture for the limited purpose of investigating food stamp fraud by retailers;

(o) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the department for a filed tax warrant, judgment, or lien against the real property; ~~((o))~~

(p) Disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded; or

(q) Disclosing such return or tax information in the possession of the department relating to the administration or enforcement of the real estate excise tax imposed under chapter 82.45 RCW, including information regarding transactions exempt or otherwise not subject to tax.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), (i), (j), or (n) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 2. A new section is added to chapter 43.07 RCW to read as follows:

(1) The secretary of state shall adopt rules requiring any entity that is required to file an annual report with the secretary of state, including entities under Titles 23, 23B, 24, and 25 RCW, to disclose any transfer in the controlling interest of the entity and any interest in real property.

(2) This information shall be made available to the department of revenue upon request for the purposes of tracking the transfer of the controlling interest in real property and to determine when the real estate excise tax is applicable in such cases.

(3) For the purposes of this section, "controlling interest" has the same meaning as provided in RCW 82.45.033.

NEW SECTION. Sec. 3. A new section is added to chapter 82.45 RCW to read as follows:

An organization that fails to report a transfer of the controlling interest in the organization under section 2 of this act to the secretary of state and is later determined to be subject to real estate excise taxes due to the transfer, shall be subject to the provisions of RCW 82.45.100 as well as the evasion penalty in RCW 82.32.090(6)."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1315.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "reenacting and amending RCW 82.32.330; adding a new section to chapter 43.07 RCW; and adding a new section to chapter 82.45 RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1315, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1315, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1315, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 40

Excused: Senators Brown, Deccio, Doumit, Finkbeiner, Honeyford, Kohl-Welles, McCaslin, Oke and Parlette - 9

HOUSE BILL NO. 1315, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2223, by House Committee on Criminal Justice & Corrections (originally sponsored by Representative O'Brien)

Prohibiting charging clerk's fees to law enforcement agencies for records concerning sex offenders.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2223.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2223 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 38

Absent: Senator Keiser - 1

Excused: Senators Brown, Deccio, Doumit, Fairley, Finkbeiner, Honeyford, Kohl-Welles, McCaslin, Oke and Parlette - 10

SUBSTITUTE HOUSE BILL NO. 2223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1668, by Representatives Lantz and Priest

Changing provisions relating to the administrative office of the courts.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1668.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1668 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 39

Excused: Senators Brown, Deccio, Doumit, Fairley, Finkbeiner, Honeyford, Kohl-Welles, McCaslin, Oke and Parlette - 10

HOUSE BILL NO. 1668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Jacobsen gave notice of his intent to move to reconsider on the following day the vote by which Engrossed Substitute House Bill No. 2060 failed to pass the Senate.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

SECOND READING

HOUSE BILL NO. 1307, by Representatives Haigh, Eickmeyer, Wallace, P. Sullivan, Morrell, Sells, Miloscia, Takko, Ormsby, McCoy, Conway, McDermott and Chase

Defining veteran for certain purposes.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.007 and 2002 c 292 s 2 are each amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW 72.36.030, 41.04.010, 73.04.090, 73.04.110, 73.08.010, 73.08.060, 73.08.070, or 73.08.080 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; ~~((or))~~

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1307.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 41.04.007."

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1307, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1307, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1307, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 1; Absent, 0; Excused, 11.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 37

Voting nay: Senator Fraser - 1

Excused: Senators Brown, Deccio, Doumit, Fairley, Finkbeiner, Honeyford, Kohl-Welles, McCaslin, Oke, Parlette and Prentice - 11

HOUSE BILL NO. 1307, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2131, by Representatives Conway and Springer

Concerning the master licensing service.

The measure was read the second time.

MOTION

On motion of Senator Wyss, the rules were suspended, House Bill No. 2131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wyss spoke in favor of passage of the bill."

POINT OF INQUIRY

Senator Hewitt: "Would the Senator yield to a question? I'm just wondering if you could explain this bill a little more in full?"

PERSONAL PRIVILEGE

Senator Wyss: "Once again I urge the members to vote for this bill. Thank you for your time."

The President declared the question before the Senate to be the final passage of House Bill No. 2131.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2131 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 40

Voting nay: Senator Poulsen - 1

Excused: Senators Brown, Deccio, Fairley, Finkbeiner, Honeyford, McCaslin, Oke and Parlette - 8

HOUSE BILL NO. 2131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "Senator, you have got to be the most arrogant Senator I have ever seen in my entire life. You haven't floor more than four hours and you've given a speech already. Most of us sit here for a couple of months before we speak. Not only did you speak you didn't know what you were speaking on. Welcome Senator. Oh yes, you do have to give us a treat by the way and I understand that you are, your family is in the orchard business, so boxes of apples would be acceptable."

PERSONAL PRIVILEGE

Senator Carrell: "You know, this is a clear indication of what happens when you have a weekend warrior being replaced by a weekend Senator. I mean, I'm absolutely shocked that this guy is sitting next to me. I leave for a moment and I come back and here he's on his feet. I remember, certainly, that I came with gifts, so I'm waiting for that box of apples."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1887, by House Committee on Finance (originally sponsored by Representatives Hasegawa, Orcutt and Chase)

Modifying exemptions to the litter tax.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1887.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1887 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Wyss and Zarelli - 40

Absent: Senators Fraser, Hargrove and Weinstein - 3

Excused: Senators Deccio, Finkbeiner, Honeyford, McCaslin, Oke and Parlette - 6

SUBSTITUTE HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896, by House Committee on Appropriations (originally sponsored by Representatives Appleton, Eickmeyer, Chase and Haigh)

Limiting geoduck harvest in parts of Hood Canal. Revised for 2nd Substitute: Requiring a survey of geoducks and sea cucumbers that exist in Hood Canal. (REVISED FOR ENGROSSED: Studying geoducks in Hood Canal.)

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Second Substitute House Bill No. 1896 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Morton and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1896.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1896 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 42

Absent: Senator Doumit - 1

Excused: Senators Deccio, Honeyford, McCaslin, Oke, Parlette and Poulsen - 6
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5058,
SUBSTITUTE SENATE BILL NO. 5242,
SENATE BILL NO. 5340,
SENATE BILL NO. 5347,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,
SENATE BILL NO. 5461,
SENATE BILL NO. 5518,
SENATE BILL NO. 5564,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5720,
SENATE BILL NO. 6012,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5309,
SENATE BILL NO. 5501,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE SENATE BILL NO. 5623,

and the same is/are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed.

SUBSTITUTE SENATE BILL NO. 5058,
SUBSTITUTE SENATE BILL NO. 5242,
SENATE BILL NO. 5340,
SENATE BILL NO. 5347,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,
SENATE BILL NO. 5461,
SENATE BILL NO. 5518,
SENATE BILL NO. 5564,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5720,
SENATE BILL NO. 6012.

The President signed:

SUBSTITUTE SENATE BILL NO. 5309,
SENATE BILL NO. 5501.

The President signed:

SUBSTITUTE SENATE BILL NO. 5623.

MOTION

At 9:26 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, April 15, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 14, 2005

2005 REGULAR SESSION

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 15, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Hargrove, Mulliken, Oke, Pflug, Rasmussen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages David McLaughlin and Brittney Wong, presented the Colors. Reverend Al Veilette, Pastor of the Kirkland Heights Ministry & Antioch Youth Ministries of the Antioch Bible Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 14, 2005

ESCR 8407 Prime Sponsor, Shin: Establishing a joint task force to study offshore outsourcing. (REVISED FOR ENGROSSED: Establishing a joint task force on state contracts performed, in whole or in part, outside the United States.) Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENTS

April 14, 2005

SGA 9005 LAURA ANDERSON, appointed January 5, 2005, for the term ending January 4, 2011, as Member of the Personnel Resources Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9016 PAMELA BRADBURN, appointed February 25, 2004, for the term ending September 8, 2008, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9043 CALHOUN DICKINSON, appointed August 26, 2003, for the term ending June 17, 2005, as Member of the Industrial Insurance Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9135 DOUGLAS MOONEY, appointed December 1, 2004, for the term ending September 8, 2009, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9146 BUSSE NUTLEY, appointed April 1, 2003, for the term ending July 26, 2005, as Member of the Personnel Appeals Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9253 HARTLY KRUGER, reappointed June 5, 2003, for the term ending January 17, 2008, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9254 MERRITT LONG, reappointed February 10, 2005, for the term ending January 15, 2011, as Member of the Liquor Control Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: That said appointment not be confirmed. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9275 ROBERT SCARBROUGH, reappointed May 1, 2002, for the term ending August 2, 2005, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9305 ALFRED HALLOWELL, reappointed February 10, 2005, for the term ending January 17, 2011, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9325 CHRIS LIU, appointed April 25, 2005, for the term ending at the governor's pleasure, as a Director of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

April 14, 2005

SGA 9326 EVA SANTOS, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Personnel. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5477.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6128 by Senators Mulliken, Haugen, Schoesler and Delvin

AN ACT Relating to certain flights by state officers and state employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SJM 8025 by Senators Pridemore, Brandland, Deccio, Keiser, Benson and Thibaudeau

Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005.

Referred to Committee on Health & Long-Term Care.

EHCR 4410 by Representatives Schual-Berke, Cody, Haler, Moeller, Clibborn, Darneille, Fromhold and Chase

Establishing the joint public health financing committee. (REVISED FOR ENGROSSED: Establishing the joint select committee on public health financing.)

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed House Concurrent Resolution No. 4410 which was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1739, by Representative Ericksen

Modifying snowmobile registration.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee amendment by the Committee on Transportation be adopted.

On page 3, line 1, strike "~~own, transport, or~~" and insert "own, transport, or"

On page 3, line 4, after "chapter." insert "However, a vintage snowmobile only requires registration if operated within this state."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to House Bill No. 1739.

The motion by Senator Jacobsen carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1739, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Eide, Senator Hargrove was excused.

On motion of Senator Weinstein, Senators Pridemore, Doumit and Sheldon were excused.

On motion of Senator Hewitt, Senators Benton, Mulliken, Oke and Pflug were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1739, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1739, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 42

Absent: Senator Rasmussen - 1

Excused: Senators Benton, Hargrove, Mulliken, Oke, Pflug and Sheldon - 6

HOUSE BILL NO. 1739, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Rasmussen was excused.

SECOND READING

HOUSE BILL NO. 2271, by Representatives Miloscia, McDermott, Moeller and Kenney

Extending employment opportunities for people with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2271 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Benton, Mulliken and Oke - 3

HOUSE BILL NO. 2271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1936, by House Committee on Appropriations (originally sponsored by Representatives Uptegrove, Hinkle, Simpson, Priest, Miloscia, Schual-Berke, P. Sullivan, Williams, Hasegawa and O'Brien)

Allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1936 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1936.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1936 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Mulliken and Oke - 2

SUBSTITUTE HOUSE BILL NO. 1936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1587, by Representatives Shabro, Morrell, Roach and Woods

Regarding capital facilities at the Rainier school.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to transfer cognizance and control of the agricultural lands at Rainier school from Washington State University (university) back to the department of social and health services (department). These lands shall be made available for the wastewater treatment facility jointly planned by the city of Buckley and the department. The department shall negotiate an appropriate lease or other financial arrangement with the city of Buckley for the use of this property. The department shall not compensate the university in any way for this transfer of cognizance and control of the property. The university shall retain ownership of any of its supplies, equipment, implements, and other property on the land. The university shall remove any such property that interferes with the construction and operation of the wastewater treatment facility. The cleanup of any waste materials that resulted from the university operations on these lands shall be the responsibility of the university.

Sec. 2. RCW 72.01.140 and 1981 c 238 s 1 are each amended to read as follows:

The secretary shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced.

~~((This section shall not apply to the Rainier school for which cognizance of farming operations has been transferred to Washington State University by RCW 72.01.142.))~~

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) RCW 28B.30.820 (Dairy/forage and agricultural research facility--Transfer of property and facilities for) and 1981 c 238 s 3; and

(2) RCW 72.01.142 (Transfer of dairy operation from Rainier school) and 1981 c 238 s 2."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1587.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 72.01.140; creating a new section; and repealing RCW 28B.30.820 and 72.01.142."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1587, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Zarelli and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1587, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1587, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Absent: Senator McCaslin - 1

Excused: Senator Oke - 1

HOUSE BILL NO. 1587, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2081, by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh)

Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to resolve Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

NEW SECTION. Sec. 2. (1) Aquatic rehabilitation zones may be designated by the legislature for areas whose surrounding marine water bodies pose serious environmental or public health concerns.

(2) Aquatic rehabilitation zone one is established. Aquatic rehabilitation zone one includes all watersheds that drain to Hood Canal south of a line projected from Tala Point in Jefferson county to Foulweather Bluff in Kitsap county.

NEW SECTION. Sec. 3. This chapter does not apply to forest practices regulated under chapter 76.09 RCW.

NEW SECTION. Sec. 4. This chapter does not alter, diminish, or expand the jurisdictional authorities in other statutes or affect the application of other statutory requirements or programs that do not specifically refer to aquatic rehabilitation zones. If this chapter conflicts with other statutory provisions, however, this chapter governs aquatic rehabilitation zones, provided that

this chapter's provisions meet or exceed the authorities, requirements, and standards expressed in the statutory provisions found to be in conflict.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon to the committee striking amendment be adopted.

On page 1, line 26 of the amendment, after "program to" strike "resolve" and insert "address"

On page 2, beginning on line 21 of the amendment, after "rehabilitation zones." strike all material through "conflict." on line 25

Senator Sheldon spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 1, line 26 to the committee striking amendment to Substitute House Bill No. 2081.

The motion by Senator Sheldon carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Substitute House Bill No. 2081.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new chapter to Title 90 RCW; and declaring an emergency."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2081, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Morton, Sheldon, Rockefeller and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2081, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 2081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:49 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:04 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5477,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1287, by Representatives Cody, Morrell, Schual-Berke and Moeller

Authorizing the health care authority to receive a federal employer subsidy for continuing to provide a pharmacy benefit to retirees.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Mulliken, Senators Finkbeiner, Johnson, Honeyford, Parlette and Deccio were excused.

On motion of Senator Regala, Senators Doumit and Kohl-Welles were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1287.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1287 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Deccio, Doumit, Finkbeiner, Honeyford, Johnson, Kohl-Welles, Oke and Parlette - 8

HOUSE BILL NO. 1287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302, by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kagi, Jarrett and B. Sullivan)

Modifying burn ban triggers.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1302.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1302 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 7; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Hewitt, Morton, Mulliken, Schoesler, Sheldon, Stevens and Wyss - 7

Absent: Senator Carrell - 1

Excused: Senators Deccio, Doumit, Honeyford, Kohl-Welles, Oke and Parlette - 6

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1130, by Representatives Nixon, Haigh, Kenney and Shabro

Eliminating drop-in inspections of campaign accounts.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Roach and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1130.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1130 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Honeyford and Oke - 2

HOUSE BILL NO. 1130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION

8677

By Senators Parlette, Hewitt, Pflug, Finkbeiner, Esser, Schmidt, Swecker, Oke, Zarelli, Deccio, Mulliken, Honeyford, Morton, Poulsen, Johnson, Carrell, Berkey and Doumit

WHEREAS, On October 5, 1931, Clyde Edward Pangborn and Hugh Herndon, Jr. solidified their place in history with the completion of a 5,550 mile, 41 hour, 15 minute nonstop flight from Misawa, Japan, to East Wenatchee, Washington, aboard *Miss Veedol*, their single engine, bright red Bellanca "Skyrocket" monoplane; and

WHEREAS, This historic flight was the first nonstop crossing of the Pacific Ocean in the history of the world, and was due in large part to Pangborn's revolutionary idea of releasing the landing gear upon take-off, increasing the range of the plane by fifteen percent; and

WHEREAS, Without landing gear, Pangborn and Herndon were forced to land the plane on its belly in the sagebrush flat above the Columbia River, which they accomplished safely; and

WHEREAS, While their momentous accomplishment equaled or exceeded that of Charles Lindbergh's transatlantic crossing, Pangborn and Herndon were nationally celebrated for only a short period of time as the country lapsed back into the depths of the Great Depression; and

WHEREAS, This historic flight would have nearly been lost to the history books had it not been for a dedicated group of airmen in the Wenatchee branch of the Experimental Aircraft Association, appropriately named "The Spirit of Wenatchee," who have been hard at work raising awareness of the magnificent achievements of Pangborn and Herndon; and

WHEREAS, Through the construction of a replica plane and regular travel to airshows across the country, the Spirit of Wenatchee Project has been telling the story of Pangborn and Herndon to an entirely new generation of Americans; and

WHEREAS, In concert with the 75th anniversary of this historic flight, the Spirit of Wenatchee Project is hard at work preparing for a complete trans-Pacific recreation, complete with the sagebrush belly landing in East Wenatchee; and

WHEREAS, The Spirit of Wenatchee Project has increased the unity between sister cities Wenatchee, Washington, and Misawa, Japan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Clyde E. Pangborn and Hugh Herndon, Jr. for their tremendous accomplishment, and honor the Spirit of Wenatchee Project for its dedicated community service to the State of Washington and its commitment to preserving the memory of Clyde Pangborn and Hugh Herndon, Jr.

Senators Parlette and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Spirit of Wenatchee Committee: Mr. Steve Joy, Mr. Ron Jacobus and Mr. Brian McNeill who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1128, by Representative Nixon

Modifying the definition of "conviction" for chapter 77.15 RCW.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following striking amendment by Senators Jacobsen, Hargrove and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.15.700 and 2003 c 386 s 2 are each amended to read as follows:

The department shall impose revocation and suspension of privileges (~~upon conviction~~) in the following circumstances:

(1) Upon conviction, if directed by statute for an offense;

(2) Upon conviction, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent. This subsection (2) does not apply to violations involving commercial fishing;

(3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;

(4)(a) If a person is convicted of an offense, has an uncontested notice of infraction, fails to appear at a hearing to contest an infraction, or is found to have committed an infraction three times in ten years (~~of~~) involving any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years.

(b) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges only where that violation is:

(i) Punishable as a crime on the effective date of this section and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on the effective date of this section: RCW 77.15.160 (1) or (2); WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

(c) The commission may, by rule, designate additional infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

Sec. 2. RCW 77.15.020 and 1998 c 190 s 3 are each amended to read as follows:

If the commission or director has authority to adopt a rule that is punishable as a crime under this chapter, then the commission or director may provide that violation of the rule shall be punished with notice of infraction under RCW 7.84.030. Neither the commission nor the director have the authority to adopt a rule providing that a violation punishable as an infraction shall be a crime."

Senators Jacobsen, Morton and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen, Hargrove and Swecker to House Bill No. 1128.

The motion by Senator Jacobsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "77.15 RCW" strike the remainder of the title and insert "amending RCW 77.15.700 and 77.15.020; and prescribing penalties."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1128, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1128, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1128, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator Oke - 1

HOUSE BILL NO. 1128, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2255, by Representatives Conway, Simpson and Wood

Making adjustments to improve benefit equity in the unemployment insurance system.

The measure was read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.20.120 and 2003 2nd sp.s. c 4 s 11 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: **PROVIDED**, That as to any week which falls in an extended benefit period as defined in RCW 50.22.010(1), an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020.

(b) With respect to claims that have an effective date on or after ~~((the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight tenths percent or less))~~ April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the three quarters of the individual's base year in which such total wages were highest.

(c) With respect to claims with an effective date on or after January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(3) The maximum and minimum amounts payable weekly under subsection (2) of this section shall be determined under this subsection as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) In addition to the amount payable weekly under subsection (2) of this section, with respect to weeks of unemployment occurring on or after the date on which the governor signs this act, and before July 2, 2006, a claimant and community assistance benefit shall be payable weekly as provided in this subsection:

(a) To determine eligibility, the commissioner must calculate a claimant's weekly benefit amount: (i) Under subsection (2)(c) of this section; and (ii) as if the claimant's weekly benefit amount was calculated under subsection (2)(a) of this section. If the amount calculated under (a)(i) of this subsection is at least twenty-five percent less than the amount calculated under (a)(ii) of this subsection, then the claimant is eligible to receive claimant and community assistance benefits.

(b) The amount of claimant and community assistance benefits for claimants eligible under (a) of this subsection is seventy-five dollars weekly.

(c) The employment security department must notify a claimant who is eligible under (a) of this subsection of his or her eligibility, which notice must include an application box to be signed and returned to the department. The notice must specify that the claimant must apply for the claimant and community assistance benefits by signing and returning the notice. For weeks of unemployment beginning on or after the Sunday following receipt of the application, the department must recalculate the claimant's weekly benefit amount to include the sum of the benefits paid under subsection (2) of this section and under this subsection.

(d) The employment security department may pay claimant and community assistance benefits of up to fifty million dollars in a calendar year, and may not obligate expenditures beyond this limit. Expenditures for benefits must be obligated in the order that applications are received. The department must develop a process to ensure that expenditures do not exceed the limits established in this subsection.

(5) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 2. RCW 50.29.021 and 2003 2nd sp.s. c 4 s 21 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b)(v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(b)(iv), as applicable, shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) Benefits paid under RCW 50.20.120(4) shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 3. RCW 50.29.025 and 2003 2nd sp.s. c 4 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E

Less than 0.70

F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedules of Contributions Rates for Effective Tax Schedule						
From	To	Rate Class	AA	A	B	C	D	E	F
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any

succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with contributions assessed for rate year 2005, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio		Rate Class	Rate (percent)
At least	Less than		
	0.000001	1	0.00
0.000001	0.001250	2	0.13
0.001250	0.002500	3	0.25
0.002500	0.003750	4	0.38
0.003750	0.005000	5	0.50
0.005000	0.006250	6	0.63
0.006250	0.007500	7	0.75
0.007500	0.008750	8	0.88
0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75
0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50
0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00

0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90
0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than two-tenths lower than the ~~((calculation under (b)(i)(A) of this subsection for that))~~ flat social cost factor for the immediately preceding rate year. For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent.

(ii) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose standard industrial classification code is within major group "01," "02," "07," "091," "203," "209," or "5148," or the equivalent code in the North American industry classification system code, may not exceed six percent:

- (A) Rate class 1 - 78 percent;
- (B) Rate class 2 - 82 percent;
- (C) Rate class 3 - 86 percent;
- (D) Rate class 4 - 90 percent;
- (E) Rate class 5 - 94 percent;
- (F) Rate class 6 - 98 percent;
- (G) Rate class 7 - 102 percent;
- (H) Rate class 8 - 106 percent;
- (I) Rate class 9 - 110 percent;
- (J) Rate class 10 - 114 percent;
- (K) Rate class 11 - 118 percent; and
- (L) Rate classes 12 through 40 - 120 percent.

(iii) For the purposes of this section:

(A)(I) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total

social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(II) For rate year 2007, the amount calculated under (b)(iii)(A)(I) of this subsection is reduced by the amount of benefits paid under RCW 50.20.120(4).

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) The array calculation factor rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned an array calculation factor rate two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) For all other employers not qualified to be in the array, the array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40.

(d) The graduated social cost factor rate for each employer not qualified to be in the array shall be as follows:

(i) For employers whose array calculation factor rate is determined under (c)(i) of this subsection, the social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) For employers whose array calculation factor rate is determined under (c)(ii) of this subsection, the social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

Sec. 4. RCW 50.16.030 and 1999 c 36 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he or she deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his or her warrants for the payment of benefits solely from such benefits account.

(b) Moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned in the following order:

(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits paid under RCW 50.20.120(4); and

(ii) Second, after the requisitioning required under (b)(i) of this subsection, from all other moneys credited to this state's account in the unemployment trust fund.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his or her duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6). However, moneys credited because of excess amounts in federal accounts in federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the legislature for any other purpose.

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

NEW SECTION. Sec. 5. To establish additional capacity within the employment security department, the department is authorized to add two full-time equivalent employees to develop economic models for estimating the impacts of policy changes on the unemployment insurance system and the unemployment trust fund.

NEW SECTION. Sec. 6. (1) The legislature finds that the main purpose of unemployment insurance is to cushion temporary, unanticipated periods of unemployment and is not intended to be a wage supplement for those who are chronically or routinely unemployed because they work in industries with relatively high expected unemployment periods. The legislature further finds that unemployment benefits provided to workers whose unemployment is routine or seasonal is placing significant burdens on the unemployment insurance system and is causing inequity in the distribution of unemployment taxes. Therefore, it is the intent of the legislature to establish a joint legislative task force on seasonal unemployment benefits to review the impact of routine or seasonal benefits to the unemployment insurance system and implications to employers in seasonal industries.

(2)(a) The joint legislative task force on unemployment insurance seasonal unemployment benefits is established. The joint legislative task force shall consist of the following members:

(i) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus;

(iii) Four members representing business, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department shall cooperate with the task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the task force and provide information as the task force may reasonably request.

(3) The task force shall review the unemployment insurance benefit and tax structure to:

(a) Determine the impacts of claimants whose use of the unemployment system is considered routine or chronic;

(b) Analyze the effect of providing full-time benefits to routine or chronic unemployment insurance claimants on employer experience rates and the resulting tax implications; and

(c) Make recommendations to the legislature regarding alternative methods to address the impact of chronic and routine claimants on the unemployment insurance system and the employers who employ them.

(4)(a) The task force shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2006.

(6) This section expires July 1, 2006.

NEW SECTION. Sec. 7. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 50.20.120, 50.29.021, 50.29.025, and 50.16.030; creating new sections; providing an expiration date; and declaring an emergency."

Senators Parlette and Honeyford spoke in favor of the adoption of the striking amendment.

Senators Kohl-Welles and Doumit spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Engrossed House Bill No. 2255.

MOTIONS

Senator Esser demanded a division.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Engrossed House Bill No. 2255.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Parlette and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker, Wyss and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senator Oke - 1

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Doumit be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the unemployment insurance system was created to set aside unemployment reserves to be used for the benefit of persons who are unemployed through no fault of their own and to maintain purchasing power and limit the social consequences of unemployment. The legislature further finds that the system is falling short of these goals by failing to recognize the importance of applying liberal construction for the purpose of reducing involuntary unemployment, and the suffering caused by it, to the minimum, and by failing to provide equitable benefits to unemployed workers. The legislature also recognizes the desirability of managing the system to take into account the goal of reducing costs to foster a competitive business climate. The legislature intends to adjust the balance between these goals by reinstating the requirement for liberal construction and making other adjustments in the system that will allow reasonable improvements in benefit equity, including reinstating a weekly benefit calculation based on the wages in the two quarters of the claimant's base year in which wages were the highest. The legislature finds that these adjustments are critical to the health and welfare of unemployed workers, and to the purchasing power essential to the economic health and welfare of communities and the state, and should be implemented as soon as feasible.

Sec. 2. RCW 50.01.010 and 2003 2nd sp.s. c 4 s 1 are each amended to read as follows:

Whereas, economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of relief assistance. The state of Washington, therefore, exercising herein its police and sovereign power endeavors by this title to remedy any widespread unemployment situation which may occur and to set up safeguards to prevent its recurrence in the years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and that this title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.

Sec. 3. RCW 50.20.120 and 2003 2nd sp.s. c 4 s 11 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week which falls in an extended benefit period as defined in RCW 50.22.010(1), an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020.

(b) With respect to claims that have an effective date on or after the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight-tenths percent or less, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the three quarters of the individual's base year in which such total wages were highest.

(c)(i) With respect to claims with an effective date on or after January 2, 2005, except as provided in (c)(ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(ii) With respect to claims with an effective date on or after the first Sunday following the day on which the governor signs this act, and before July 1, 2007, an individual's weekly benefit amount shall be an amount equal to three and eighty-five

one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 4. RCW 50.29.021 and 2003 2nd sp.s. c 4 s 21 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b)(v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(b)(iv), as applicable, shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following the day on which the governor signs this act, and before July 1, 2007, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;
(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 5. RCW 50.29.025 and 2003 2nd sp.s. c 4 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls	Schedules of Contributions Rates for Effective Tax Schedule
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From	To	Rate Class	AA	A	B	C	D	E	F
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with contributions assessed for rate year 2005, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than 0	

	0.000001	1	0.00
0.000001	0.001250	2	0.13
0.001250	0.002500	3	0.25
0.002500	0.003750	4	0.38
0.003750	0.005000	5	0.50
0.005000	0.006250	6	0.63
0.006250	0.007500	7	0.75
0.007500	0.008750	8	0.88
0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75
0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50
0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00
0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90
0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) ~~((and))~~, (C), and (D) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the

second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than two-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year. For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent.

(D) With respect to rate year 2007, the flat social cost factor shall be the lesser of:

(I) The flat social cost factor determined under (b)(i)(A) through (C) of this subsection; or

(II) The flat social cost factor that would be determined under (b)(i)(A) through (C) of this subsection if RCW 50.20.120(2)(c)(i) had been in effect during the immediately preceding rate year.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose ((standard industrial classification)) North American industry classification system code is within ((major group "01," "02," "07," "091," "203," "209," or "5148," or the equivalent code in the North American industry classification system code,)) "111," "112," "1141," "115," "3114," "3117," or "42448," may not exceed six percent:

((A)) (I) Rate class 1 - 78 percent;

((B)) (II) Rate class 2 - 82 percent;

((C)) (III) Rate class 3 - 86 percent;

((D)) (IV) Rate class 4 - 90 percent;

((E)) (V) Rate class 5 - 94 percent;

((F)) (VI) Rate class 6 - 98 percent;

((G)) (VII) Rate class 7 - 102 percent;

((H)) (VIII) Rate class 8 - 106 percent;

((I)) (IX) Rate class 9 - 110 percent;

((J)) (X) Rate class 10 - 114 percent;

((K)) (XI) Rate class 11 - 118 percent; and

((L)) (XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through June 30, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means:

(I) Except as provided in (b)(iii)(A)(II) of this subsection, the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(II) For rate year 2007, the amount calculated under (b)(iii)(A)(I) of this subsection reduced by the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters immediately preceding the applicable computation date because, as applicable, specified employers are subject to the social cost contributions under (b)(ii)(B) of this subsection, and/or because the social cost factor contributions are paid under (b)(i)(D)(II) of this subsection.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) The array calculation factor rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned an array calculation factor rate two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) For all other employers not qualified to be in the array, the array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40.

(d) The graduated social cost factor rate for each employer not qualified to be in the array shall be as follows:

(i) For employers whose array calculation factor rate is determined under (c)(i) of this subsection, the social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) For employers whose array calculation factor rate is determined under (c)(ii) of this subsection, the social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

Sec. 6. RCW 50.16.030 and 1999 c 36 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) and (c) of this subsection, moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he or she deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his or her warrants for the payment of benefits solely from such benefits account.

(b) Moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during fiscal years 2006 and 2007 in the following order:

(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters ending on June 30, 2006, for the fiscal year 2006 calculation, and ending on June 30, 2007, for the fiscal year 2007 calculation, because the social cost factor contributions that employers are subject to under RCW 50.29.025(2)(b)(ii)(B) are less than the social cost factor contributions that these employers would have been subject to if RCW 50.29.025(2)(b)(ii)(A) had applied to these employers; and

(ii) Second, after the requisitioning required under (b)(i) of this subsection in the respective fiscal year, from all other moneys credited to this state's account in the unemployment trust fund.

(c) After the requisitioning required under (b) of this subsection, if applicable, moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during calendar year 2007 in the following order:

(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits paid under RCW 50.20.120(2)(c)(ii) beginning on the first Sunday following the day on which the governor signs this act and ending on June 30, 2007, that exceed the amount of benefits that would have been paid if the weekly benefit amount had been determined as one percent of the total wages paid in the individual's base year; and

(ii) Second, after the requisitioning required under (c)(i) of this subsection in the respective calendar year, from all other moneys credited to this state's account in the unemployment trust fund.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall

bear the signature of the treasurer and the countersignature of the commissioner, or his or her duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6). However, moneys credited because of excess amounts in federal accounts in federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the legislature for any other purpose.

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

NEW SECTION. Sec. 7. A new section is added to chapter 50.29 RCW to read as follows:

(1) By October 1, 2006, and October 1, 2007, the employment security department must report to the appropriate committees of the legislature on the impact, or projected impact, of sections 2 and 3, chapter ..., Laws of 2005 (sections 2 and 3 of this act) on the unemployment trust fund in the three consecutive fiscal years beginning with the year before the report date.

(2) This section expires January 1, 2008.

NEW SECTION. Sec. 8. To establish additional capacity within the employment security department, the department is authorized to add two full-time equivalent employees to develop economic models for estimating the impacts of policy changes on the unemployment insurance system and the unemployment trust fund.

NEW SECTION. Sec. 9. (1)(a) The joint legislative task force on unemployment insurance benefit equity is established. The joint legislative task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house commerce and labor committee;

(iii) Four members representing business, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department shall cooperate with the task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the task force and provide information as the task force may reasonably request.

(2) The task force shall review the unemployment insurance system, including, but not limited to, whether the benefit structure provides for equitable benefits, whether the structure fairly accounts for changes in the work force and industry work patterns, including seasonality, and for claimants' annual work patterns, whether the tax structure provides for an equitable distribution of taxes, and whether the trust fund is adequate in the long term.

(3)(a) The task force shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2006.

(6) This section expires July 1, 2006.

NEW SECTION. Sec. 10. (1) Section 2 of this act expires June 30, 2007.

(2) It is the intent of the legislature that the expiration of sections or subsections of this act results in those sections of law being returned to the law in effect immediately before the effective date of this act.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kohl-Wells, Doumit and Franklin spoke in favor of adoption of the striking amendment.

Senators Honeyford, Parlette and Finkbeiner spoke against adoption of the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Doumit to Engrossed House Bill No. 2255.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators Kohl-Welles and Doumit and the striking amendment was adopted by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker, Wyss and Zarelli - 22

Excused: Senator Oke - 1

POINT OF ORDER

Senator Honeyford: "It appears the consideration of Engrossed House Bill No. 2255 is not proper at this point. According to Senate Concurrent Resolution No. 8400, Wednesday, March 26 was the final date to consider bills in the house of origin. This bill did not pass its house of origin until April 1. In addition, the final day for House bills in the Senate committee was April 1

and this bill did not move out of the Senate Labor, Commerce, Research & Development Committee until April 6. While there is an exception to the cut off resolution for bills necessary to implement the budget, that provision can not apply to Engrossed House Bill No. 2255. The bill's not referenced in the budget that passed the Senate nor does it provide any necessary revenue relied upon in that budget. While there is an appropriation in the House version of the budget, the appropriation does not appear to lapse if the bill is not passed. I would argue that the bill is not necessary to implement the House version of the budget. I therefore submit to you Mr. President that consideration of Engrossed House Bill No. 2255 is not proper and ask you to so rule."

Senator Brown spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed House Bill No. 2255 was deferred and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

SECOND READING

HOUSE BILL NO. 1364, by Representatives Green, Bailey and Cody

Requiring the department of social and health services to defend temporary managers in nursing homes.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1364.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1364 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Absent: Senators Brown and Hargrove - 2

Excused: Senator Oke - 1

HOUSE BILL NO. 1364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1708, by House Committee on Education (originally sponsored by Representatives Lovick, Quall, Dickerson, Cox, Haigh, Kenney, McDermott, O'Brien, Sells, B. Sullivan, Appleton, Simpson, Kagi, Darneille, Morrell, Green, P. Sullivan, Ormsby, McCoy, Chase and Moeller)

Regarding dropout prevention.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.175 RCW to read as follows:

The superintendent of public instruction shall review and evaluate promising programs and practices for dropout prevention. The superintendent may consult with education administrators and providers, parents, students, and researchers as appropriate, and shall include in the review dropout prevention programs using nonpunitive approaches to school discipline. The superintendent shall report to the legislature by December 1, 2005, and recommend:

(1) The most promising comprehensive dropout prevention programs and practices that encompass school-wide or district-wide restructuring of the delivery of educational services;

(2) The most promising targeted dropout prevention programs and practices designed to provide social and other services in coordination with educational services to students who are at risk of dropping out due to the presence of family, personal, economic, or cultural circumstances; and

(3) Policy and other changes to enhance the ability of career and technical education and skills center programs to further contribute to dropout prevention efforts.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the administrative office of the courts, shall convene a work group to evaluate the following:

(a) Review the implementation of the Becca bill and other school attendance measures to determine their consistent application across the state and their conformance with state law;

(b) The definition of excused and unexcused absences;

(c) Creating incentives for school districts to improve student attendance; and

(d) Related data collection requirements on graduation, dropouts, student transfer, and other issues related to student attendance.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

(a) The office of the superintendent of public instruction;

(b) The state board of education;

(c) Teachers;

(d) School administrators;

(e) School counselors;

(f) Truancy officers and truancy board members;

(g) The administrator for the courts;

(h) Court judges;

(i) Prosecuting attorneys;

(j) The office of attorney general;

(k) Institutions of higher education;

(l) Members of the legislature; and

(m) Other interested education organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group under this section to the governor, the state board of education, and the legislature no later than January 10, 2006.

Sec. 3. RCW 28A.175.010 and 1991 c 235 s 4 are each amended to read as follows:

Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students (~~eligible for graduation~~) who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) (~~The number of students who enter from other schools;~~

~~(f))~~ (f) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

~~((g))~~ (g) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades (~~nine~~) seven through twelve.

(3) Dropout rates for student populations in each of the grades (~~nine~~) seven through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

(4) The causes or reasons, or both, attributed to students for having dropped out of school in grades (~~nine~~) seven through twelve.

(5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the

superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section."

Senator Weinstein spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Substitute House Bill No. 1708.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 28A.175.010; adding a new section to chapter 28A.175 RCW; and creating a new section."

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 1708, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Schmidt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1708, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 48

Excused: Senator Oke - 1

SUBSTITUTE HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1687, by House Committee on Judiciary (originally sponsored by Representatives Moeller, Talcott, O'Brien, Ericks, Lovick, Tom, Roberts, Appleton, Kagi, Hunter and Chase)

Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.040 and 2003 c 53 s 26 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b)(i) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(ii) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

Sec. 2. RCW 9.41.047 and 1996 c 295 s 3 are each amended to read as follows:

(1) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.320, 71.34.090, or chapter

10.77 RCW for mental health treatment, the convicting or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

The convicting or committing court also shall forward a copy of the person's driver's license or identicard, or comparable information, to the department of licensing, along with the date of conviction or commitment.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction may, upon discharge, petition a court of record to have his or her right to possess a firearm restored. At the time of commitment, the court shall specifically state to the person that he or she is barred from possession of firearms.

(b) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that the person is no longer required to participate in an inpatient or outpatient treatment program, is no longer required to take medication to treat any condition related to the commitment, and does not present a substantial danger to himself or herself, others, or the public. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

(c) A person petitioning the court under this subsection (3) shall bear the burden of proving by a preponderance of the evidence that the circumstances resulting in the commitment no longer exist and are not reasonably likely to recur. If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

Sec. 3. RCW 9.41.060 and 1998 c 253 s 2 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to:

(1) Marshals, sheriffs, prison or jail wardens or their deputies, or other law enforcement officers of this state or another state;

(2) Members of the armed forces of the United States or of the national guard or organized reserves, when on duty;

(3) Officers or employees of the United States duly authorized to carry a concealed pistol;

(4) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of the person, if possessing, using, or carrying a pistol in the usual or ordinary course of the business;

(5) Regularly enrolled members of any organization duly authorized to purchase or receive pistols from the United States or from this state;

(6) Regularly enrolled members of clubs organized for the purpose of target shooting, when those members are at or are going to or from their places of target practice;

(7) Regularly enrolled members of clubs organized for the purpose of modern and antique firearm collecting, when those members are at or are going to or from their collector's gun shows and exhibits;

(8) Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(9) Any person while carrying a pistol unloaded and in a closed opaque case or secure wrapper; or

(10) Law enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted or found not guilty by reason of insanity of a crime making him or her ineligible for a concealed pistol license.

Sec. 4. RCW 9.41.075 and 1994 sp.s. c 7 s 408 are each amended to read as follows:

(1) The license shall be revoked by the license-issuing authority immediately upon:

(a) Discovery by the issuing authority that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;

(b) Conviction of the licensee, or the licensee being found not guilty by reason of insanity, of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;

(c) Conviction of the licensee for a third violation of this chapter within five calendar years; or

(d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).

(2)(a) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within fourteen days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.

(b) Upon discovering a person issued a concealed pistol license was ineligible for the license, the issuing authority shall contact the department of licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the issuing authority shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The issuing authority shall require the person to produce the evidence within fifteen days of the revocation of the license.

(3) When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the issuing authority shall:

- (a) On the first forfeiture, revoke the license for one year;
- (b) On the second forfeiture, revoke the license for two years; or
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

(4) The issuing authority shall notify, in writing, the department of licensing of the revocation of a license. The department of licensing shall record the revocation.

Sec. 5. RCW 71.05.390 and 2004 c 166 s 6, 2004 c 157 s 5, and 2004 c 33 s 2 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a county designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and

4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(d) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(e) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent

release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 6. RCW 71.34.200 and 2000 c 75 s 7 are each amended to read as follows:

The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent designates in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office.

However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, , agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ "

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

(13) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(14) Upon the death of a minor, to the minor's next of kin;

(15) To a facility in which the minor resides or will reside;

(16) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact

of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1687.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "firearms;" strike the remainder of the title and insert "amending RCW 9.41.040, 9.41.047, 9.41.060, 9.41.075, and 71.34.200; and reenacting and amending RCW 71.05.390."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1687, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1687, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1687, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Oke and Parlette - 2

SUBSTITUTE HOUSE BILL NO. 1687, as amended by Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1024, by Representatives Kirby and Campbell

Changing requirements for issuing salary warrants for judges.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1024.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Oke and Parlette - 2

HOUSE BILL NO. 1024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1872, by Representatives Ericks, O'Brien, Kretz, P. Sullivan, Buri, Sells and Simpson

Revising provisions relating to ignition interlock devices.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson, Benton, Jacobsen and Carrell spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1872.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1872 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Absent: Senators Brown, Doumit and Kohl-Welles - 3

Excused: Senators Oke and Parlette - 2

HOUSE BILL NO. 1872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Benton moved that the Senate recess until 2:00 p.m. for the purposes of lunch.

Senator Eide spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Benton that the Senate recess until 2:00 p.m. for the purposes of lunch.

Senator Benton demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the motion by Senator Benton that the Senate recess until 2:00 p.m. for the purposes of lunch and the motion failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker, Wyss and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator Oke - 1.

SECOND READING

HOUSE BILL NO. 1769, by Representatives P. Sullivan, Simpson and Williams

Authorizing jury source lists to be divided by jury assignment area.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, McCaslin, Johnson, Fairley, Rockefeller and Esser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1769.

MOTION

On motion of Senator Hewitt, Senator Mulliken was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1769 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 47

Excused: Senators Mulliken and Oke - 2

HOUSE BILL NO. 1769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1771, by Representatives McDermott, Nixon, Tom, Santos, Simpson, Chase, Quall and Kenney

Requiring school breakfast programs in certain schools.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.235.160 and 2004 c 54 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunch" means a lunch served by a school district participating in the national school lunch program to a student qualifying for national school lunch program benefits based on family size-income criteria.

(b) "School lunch program" means a meal program meeting the requirements defined by the superintendent of public instruction under subsection ~~((4))~~ (2)(b) of this section.

(c) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(d) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(e) "Summer food service program" means a meal or snack program meeting the requirements defined by the superintendent of public instruction under subsection ~~((5))~~ (4) of this section.

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades kindergarten through four and in which twenty-five percent or more of the enrolled students qualify for a free or reduced-price lunch. In developing and implementing its school lunch program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

~~((3))~~ (a) Applications to determine free or reduced-price lunch eligibility shall be distributed and collected for all households of children in schools containing any of the grades kindergarten through four and in which there are no United States department of agriculture child nutrition programs. The applications that are collected must be reviewed to determine eligibility for free or reduced-price lunches. Nothing in this section shall be construed to require completion or submission of the application by a parent or guardian.

~~((4))~~ (b) Using the most current available school data on free and reduced-price lunch eligibility, the superintendent of public instruction shall adopt a schedule for implementation of school lunch programs at each school required to offer such a program under subsection (2) of this section as follows:

~~((a))~~ (i) Schools not offering a school lunch program and in which twenty-five percent or more of the enrolled students are eligible for free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.

~~((b))~~ (ii) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.

~~((c))~~ (iii) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.

~~((5))~~ (3) To extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than forty percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement by the school year 2005-06. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where forty percent of students qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.

(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which fifty percent or more of the children enrolled in the school qualify for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or

(b) Beginning the summer following the school year during which a school implements a school lunch program under subsection ~~((4))~~ (2)(b) of this section.

~~((6))~~ (5) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (2)(b) and (4) ~~(and (5))~~ of this section through any of the following:

(a) Preparing the meals on-site;

(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or

(c) Contracting with a nonschool entity that is a licensed food service establishment under RCW 69.07.010.

~~((7))~~ (6) Requirements that school districts have a school lunch, breakfast, or summer nutrition program under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the state Constitution.

~~((8))~~ (7) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts, lunches, or summer food service programs is eliminated.

~~((9))~~ (8) School districts may be exempted from the requirements of this section by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law. The process and criteria by which school districts are exempted shall be developed by the office of the superintendent of public instruction in consultation with representatives of school directors, school food service, community-based organizations and the Washington state PTA.

Sec. 2. 2004 c 54 s 1 (uncodified) is amended to read as follows:

The legislature recognizes that hunger and food insecurity are serious problems in the state. Since the United States department of agriculture began to collect data on hunger and food insecurity in 1995, Washington has been ranked each year within the top ~~((five))~~ ten states with the highest levels of hunger. A significant number of these households classified as hungry are families with children.

The legislature recognizes the correlation between adequate nutrition and a child's development and school performance. This problem can be greatly diminished through improved access to federal nutrition programs.

The legislature also recognizes that improved access to federal nutrition and assistance programs, such as the federal food stamp program and child nutrition programs, can be a critical factor in enabling recipients to gain the ability to support themselves and their families. This is an important step towards self-sufficiency and decreased long-term reliance on governmental assistance and will serve to strengthen families in this state."

Senators Weinstein, Shin, Morton and Swecker spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner and Haugen were excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to House Bill No. 1771.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.235.160; and amending 2004 c 54 s 1 (uncodified)."

MOTION

On motion of Senator Weinstein, the rules were suspended, House Bill No. 1771, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Schoesler and Johnson spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senator Deccio was excused.

POINT OF INQUIRY

Senator Brandland: "Would Senator McAuliffe yield to a question? I'm looking at the bill report. I haven't had to chance to look at the bill itself but, basically, on page 2, it says that breakfast and some nutrition programs do not become a state funding obligation and is not included in basic education. Is that still a part of this bill? Am I reading this correctly? This is not a ..., we do not have a funding obligation at the state level?"

Senator McAuliffe: "That is right. This bill does not make school breakfast a basic education program."

Senator Brandland: "I have another question, and that is that I'm wondering, and I don't mean to put you on the spot here, but I'm looking at the bottom of page 112 and it says that if the school districts can show 'good cause.' Have we thought about that? Has 'good cause' been defined anywhere else in the statute? That is a pretty vague term – and I don't mean to put you on the spot. I'm not trying to do that, but...."

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "Senator Weinstein might be able to answer that question. Senator Weinstein."

Senator Weinstein: "Thank you Madam President. In answer to Senator Brandland's question, yes. In section eight of the bill, it says the process and criteria by which the school districts are exempted shall be developed by the Office of Superintendent of Public Instruction in consultation with representatives of the school district, school food service, community based organizations and Washington State P.T.A."

Senators Brandland and McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1771 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1771 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Wyss - 43

Voting nay: Senators Hewitt, Parlette and Zarelli - 3

Excused: Senators Deccio, Mulliken and Oke - 3

HOUSE BILL NO. 1771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Education (originally sponsored by Representatives McDermott, Kenney and Dickerson)

Providing for certification of teachers of the deaf and hard of hearing. Revised for 1st Substitute: Providing for a certification endorsement for teachers of the deaf and hard of hearing.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Early Learning, K-12 & Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the quality of education for children who are deaf or hard of hearing and the expectations for those children's achievement should be equivalent to those for children throughout the state. The legislature also finds that deaf and hard of hearing children can benefit greatly if they are taught by an educator who is trained to understand the learning and communication issues the children face. Educators who received teacher training in a program for the deaf and hard of hearing are sensitive to the needs of deaf and hard of hearing students and are able to provide appropriate strategies to assist students in reacting to and interacting with their environment. The legislature intends to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish a certification endorsement for teachers of the deaf and hard of hearing.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

The state board of education, with advice from the professional educator standards board, shall develop certification endorsement requirements for teachers of deaf and hard of hearing students. The endorsement shall be focused on the specific skills and knowledge necessary to serve the education and communication needs of deaf and hard of hearing students. In establishing rules for the endorsement of teachers who will be working almost exclusively with students who are deaf or hard of hearing, the state board of education shall consider applicants to have met state endorsement requirements if they possess a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.410 RCW to read as follows:

The definitions in this section apply throughout sections 4 and 5 of this act unless the context clearly requires otherwise.

(1) "Educational interpreters" means school district employees providing sign language translation and further explanation of concepts introduced by the teacher for students who are deaf, deaf-blind, or hard of hearing.

(2) "Educational interpreter written and performance assessment" means a national performance assessment offered by a national organization of professional sign language interpreters and transliterators, that is designed to evaluate more than one sign system or language.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.410 RCW to read as follows:

(1) By 2009, educational interpreters must have completed the educational interpreter written and performance assessments, and must achieve the standard on both, established by the office of the superintendent of public instruction. For those interpreters not achieving the established standard, the interpreter must continue training until he or she is able to pass the assessments.

(2) By 2012, all educational interpreters must pass the written assessment, meet the standard on the educational interpreter performance assessment, and become nationally certified by the national association of the deaf registry of interpreters for the deaf.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The state board of education, with advice from the professional educator standards board, shall develop educational staff associate certification requirements for educational interpreters of deaf and hard of hearing students. The certification shall focus on the specific skills and knowledge necessary to serve the educational and communication needs of deaf and hard of hearing students.

(2) In establishing rules of the educational staff associate certification for educational interpreters who will be working almost exclusively with students who are deaf or hard of hearing, the state board of education shall consider applicants to have met state endorsement requirements if they:

(a) Hold national certification and pass the educational interpreter performance assessment and written test at the standard established by the office of superintendent of public instruction; and

(b) Hold a bachelor's degree in education or educational interpreting from a regionally accredited institution of higher education; or a bachelor's degree in another field of study unrelated to education, from a regionally accredited institution of higher education and thirty hours of course work in education.

(3) The state board of education may adopt rules to implement this section."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning, K-12 & Higher Education to Substitute House Bill No. 1893.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "hearing;" strike the remainder of the title and insert "adding new sections to chapter 28A.410 RCW; and creating a new section."

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1893, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Delvin and Hewitt were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Excused: Senators Deccio, Delvin, Hewitt, Mulliken and Oke - 5

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1876, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Green, Haler, Moeller, Darneille, Haigh, Miloscia and Upthegrove)

Expanding voting rights of persons under guardianship.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 6, at the beginning of line 21, strike "2006" and insert "2007"

On page 6, on line 23, strike "2006" and insert "2007"

Senator Benton spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Kastama: "Would Senator Benton yield to a question?"

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "The Senator does not yield."

Senator Kastama spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 6, line 21 to Substitute House Bill No. 1876.

MOTION

Senator Benton demanded a division.

The motion by Senator Benton failed and the amendment was not adopted by a rising voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Kline and Johnson spoke in favor of passage of the bill.

Senators Benton and Carrell spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1876.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1876 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benton, Carrell, Delvin, Honeyford, Schoesler and Wyss - 6

Absent: Senator McCaslin - 1

Excused: Senators Deccio, Mulliken and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford that Engrossed House Bill 2255 is not properly before the body because it is beyond the cutoff dates established by Senate Concurrent Resolution 8400, the President finds and rules as follows:

The plain language of the cutoff resolution clearly exempts budget-related measures from all of the cutoff dates set forth in the resolution. To determine if the measure before us relates to the budget, the President begins by looking at the plain language of the budgets under consideration by the Legislature to date. Where a measure has passed the Senate, the President will consider that version first and foremost as the budget to be utilized for this determination. The President will take notice, however, of evolving budget negotiations within the Legislature as that budget is modified in the process, and can look beyond the exact version passed by this body where such an examination yields a more complete picture of the budget at issue.

Engrossed Substitute Senate Bill 6090, the budget passed by the Senate, contains a vague reference to House Bill 2255 in subsection (4) of Section 225. By itself, this reference is insufficient for the President to conclude that the measure is necessary for the budget. The President reminds the body that merely referencing a bill within the budget is not enough.

By contrast, the House version of the budget, proposed as a striking amendment to the Senate's budget, contains a more precise reference to the measure which enables the President to undertake a more complete analysis. Under this version, it is clear that specific appropriations are made to implement the mechanics and policies within House Bill 2255. The appropriations require that this measure be enacted in order to implement the policy limitations which are to govern this expenditure, including administration, reporting, and implementation of a major component of a program within the Employment Security Department.

For these reasons, the President finds that the bill is necessary to implement the budget, is exempt from cutoff, and is properly before this body for consideration."

The Senate resumed consideration of Engrossed House Bill No. 2255 which had been deferred earlier in the day.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 50.01.010, 50.20.120, 50.29.021, 50.29.025, and 50.16.030; adding a new section to chapter 50.29 RCW; creating new sections; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2255, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Shin, Franklin and Rockefeller spoke in favor of passage of the bill.

Senators Sheldon, Honeyford and Parlette spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Is it too late to amend this bill and call it 'the Boeing fix?'"

RESPONSE BY THE PRESIDENT

President Owen: "If you want to move it back to second reading. Senator Honeyford, the President is not crystal clear as to whether you were serious on that motion or not."

MOTION

Senator Honeyford moved that the rules be suspended and that Engrossed House Bill No. 2255 be returned to second reading for the purposes of amendment.

Senator Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the rules be suspended and that Engrossed House Bill No. 2255 be returned to second reading for the purposes of amendment.

The motion by Senator Honeyford failed by voice vote.

Senator Esser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2255, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2255, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker, Wyss and Zarelli - 20

Absent: Senator McCaslin - 1

Excused: Senators Deccio, Mulliken and Oke - 3

ENGROSSED HOUSE BILL NO. 2255, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed House Bill No. 2255 was immediately transmitted to the House of Representatives.

PARLIAMENTARY INQUIRY

Senator Eide: "I can't remember if I put Rule 15 down until the end of session or if I did it for just the day?"

RESPONSE BY THE PRESIDENT

President Owen: "We all agree that you did it for just the day."

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 2:26 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 3:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SENATE BILL NO. 5089,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5089

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1998, by Representatives P. Sullivan and Santos

Creating the apple award program.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the intent of the legislature, through the creation of the apple award, to honor and reward students in Washington's public elementary schools who have shown significant improvement in their school's results on the Washington assessment of student learning.

(2) The apple award program is created to honor and reward public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning each school year. The program shall be administered by the state board of education.

(3) Within the amounts appropriated for this purpose, each school that receives an apple award shall be provided with a twenty-five thousand dollar grant to be used for capital construction purposes that have been selected by students in the school and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1998.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "achievement;" strike the remainder of the title and insert "and adding a new section to chapter 28A.655 RCW."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 1998, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Deccio, Zarelli and Mulliken were excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1998, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1998, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Deccio, Mulliken and Oke - 3

ENGROSSED HOUSE BILL NO. 1998, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6097, by Senators Prentice, Hewitt, Eide, Delvin, Doumit and Schoesler

Regarding other tobacco products.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6097.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6097 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Wyss and Zarelli - 40

Voting nay: Senators Fairley, Franklin, Hargrove, Keiser, Shin and Weinstein - 6

Excused: Senators Deccio, Mulliken and Oke - 3

SENATE BILL NO. 6097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5916, by Senators Schmidt, Esser, Finkbeiner and Benson

Providing tax incentives for clean and alternative fuel vehicles. Revised for 2nd Substitute: Exempting clean alternative fuel vehicles from sales and use tax.

MOTIONS

On motion of Senator Poulsen, Second Substitute Senate Bill No. 5916 was substituted for Senate Bill No. 5916 and the second substitute bill was placed on the second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove and Poulsen be adopted.

On page 1, line 10, after "fuel" insert ", or pre-1970 model-year pick-up trucks"

On page 2, line 14, after "fuel" insert ", or pre-1970 model-year pick-up trucks"

Senator Hargrove spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Poulsen on page 1, line 10 to Second Substitute Senate Bill No. 5916.

MOTION

A division was demanded.

The motion by Senator Hargrove failed and the amendment was not adopted by a rising voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 1, line 14 after "hydrogen," insert "biodiesel,"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Kline: "Would author of the amendment yield to a question? First I want to assure him that it is a serious question. Is there, since the tax is taken on the nature of the car rather than the nature of the fuel, are you aware of any make or model that is expressly designed to use only bio-diesel and not ordinary gas?"

Senator Schoesler: "Thank you Senator Kline. I am not aware of that specific vehicle. That has yet to be developed."

Senator Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 14 to Second Substitute Senate Bill No. 5916.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 1, at the beginning of line 15, after "vehicle" strike all material through "ecology" on line 17

Senator Morton spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 1, line 15 to Second Substitute Senate Bill No. 5916.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Second Substitute Senate Bill No. 5916 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5916.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5916 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Voting nay: Senators Jacobsen and Schoesler - 2

Absent: Senator Benton - 1

Excused: Senators Mulliken and Oke - 2

SECOND SUBSTITUTE SENATE BILL NO. 5916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1133, by Representatives Nixon, Haigh and Shabro

Reorganizing public disclosure law.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Absent: Senator Deccio - 1

Excused: Senators Mulliken and Oke - 2

SUBSTITUTE HOUSE BILL NO. 1133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Stevens, Senator Benton was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1280, by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, P. Sullivan, Roach, Orcutt, Darneille, Morrell, Wallace and Santos)

Extending the kinship care oversight committee and its duties.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian

welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires January 1, 2010."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1280.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "adding a new section to chapter 74.13 RCW; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1280, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Deccio and Keiser were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1280, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1280, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Excused: Senators Benton, Deccio, Keiser, Mulliken and Oke - 5

SUBSTITUTE HOUSE BILL NO. 1280, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1756, by House Committee on Commerce & Labor (originally sponsored by Representatives P. Sullivan, B. Sullivan, Miloscia, Simpson, Nixon, Curtis, Conway and Wood)

Establishing objectives for certain fire department services.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"PART I - CITY FIRE DEPARTMENTS

NEW SECTION. Sec. 101. The legislature intends for city fire departments to set standards for addressing the reporting and accountability of substantially career fire departments, and to specify performance measures applicable to response time objectives for certain major services. The legislature acknowledges the efforts of the international city/county management association, the international association of fire chiefs, and the national fire protection association for the organization and deployment of resources for fire departments. The arrival of first responders with automatic external defibrillator capability before the onset of brain death, and the arrival of adequate fire suppression resources before flash-over is a critical event during the mitigation of an emergency, and is in the public's best interest. For these reasons, this chapter contains performance measures, comparable to that research, relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations by substantially career fire departments. This chapter does not, and is not intended to, in any way modify or limit the authority of cities and towns to set levels of service.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced life support" means functional provision of advanced airway management, including intubation, advanced cardiac monitoring, manual defibrillation, establishment and maintenance of intravenous access, and drug therapy.

(2) "Aircraft rescue and fire fighting" means the fire fighting actions taken to rescue persons and to control or extinguish fire involving or adjacent to aircraft on the ground.

(3) "Brain death" as defined by the American heart association means the irreversible death of brain cells that begins four to six minutes after cardiac arrest.

(4) "City" means a first class city or a second class city that provides fire protection services in a specified geographic area.

(5) "Fire department" means a city or town fire department responsible for fire fighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be a substantially career fire department, and not a substantially volunteer fire department.

(6) "Fire suppression" means the activities involved in controlling and extinguishing fires.

(7) "First responder" means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.

(8) "Flash-over" as defined by national institute of standards and technology means when all combustibles in a room burst into flame and the fire spreads rapidly.

(9) "Marine rescue and fire fighting" means the fire fighting actions taken to prevent, control, or extinguish fire involved in or adjacent to a marine vessel and the rescue actions for occupants using normal and emergency routes for egress.

(10) "Response time" means the time immediately following the turnout time that begins when units are en route to the emergency incident and ends when units arrive at the scene.

(11) "Special operations" means those emergency incidents to which the fire department responds that require specific and advanced training and specialized tools and equipment.

(12) "Town" means a town that provides fire protection services, which may include fire fighting actions, emergency medical services, and other special operations, in a specified geographic area.

(13) "Turnout time" means the time beginning when units receive notification of the emergency to the beginning point of response time.

NEW SECTION. Sec. 103. (1) Every city and town shall maintain a written statement or policy that establishes the following:

- (a) The existence of a fire department;
- (b) Services that the fire department is required to provide;
- (c) The basic organizational structure of the fire department;
- (d) The expected number of fire department employees; and
- (e) Functions that fire department employees are expected to perform.

(2) Every city and town shall include service delivery objectives in the written statement or policy required under subsection (1) of this section. These objectives shall include specific response time objectives for the following major service components, if appropriate:

- (a) Fire suppression;
- (b) Emergency medical services;
- (c) Special operations;
- (d) Aircraft rescue and fire fighting;
- (e) Marine rescue and fire fighting; and
- (f) Wild land fire fighting.

(3) Every city and town, in order to measure the ability to arrive and begin mitigation operations before the critical events of brain death or flash-over, shall establish time objectives for the following measurements:

- (a) Turnout time;
- (b) Response time for the arrival of the first arriving engine company at a fire suppression incident and response time for the deployment of a full first alarm assignment at a fire suppression incident;
- (c) Response time for the arrival of a unit with first responder or higher level capability at an emergency medical incident; and
- (d) Response time for the arrival of an advanced life support unit at an emergency medical incident, where this service is provided by the fire department.

(4) Every city and town shall also establish a performance objective of not less than ninety percent for the achievement of each response time objective established under subsection (3) of this section.

NEW SECTION. Sec. 104. (1) Every city and town shall evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the jurisdiction of the city or town.

(2) Beginning in 2007, every city and town shall issue an annual written report which shall be based on the annual evaluations required by subsection (1) of this section.

(a) The annual report shall define the geographic areas and circumstances in which the requirements of this standard are not being met.

(b) The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

PART II - CODE CITY FIRE DEPARTMENTS

NEW SECTION. Sec. 201. The legislature intends for code cities to set standards for addressing the reporting and accountability of substantially career fire departments, and to specify performance measures applicable to response time objectives for certain major services. The legislature acknowledges the efforts of the international city/county management association, the international association of fire chiefs, and the national fire protection association for the organization and deployment of resources for fire departments. The arrival of first responders with automatic external defibrillator capability before the onset of brain death, and the arrival of adequate fire suppression resources before flash-over is a critical event during the mitigation of an emergency, and is in the public's best interest. For these reasons, this chapter contains performance measures, comparable to that research, relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations by substantially career fire departments. This chapter does not, and is not intended to, in any way modify or limit the authority of code cities to set levels of service.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced life support" means functional provision of advanced airway management, including intubation, advanced cardiac monitoring, manual defibrillation, establishment and maintenance of intravenous access, and drug therapy.

(2) "Aircraft rescue and fire fighting" means the fire fighting actions taken to rescue persons and to control or extinguish fire involving or adjacent to aircraft on the ground.

(3) "Brain death" as defined by the American heart association means the irreversible death of brain cells that begins four to six minutes after cardiac arrest.

(4) "Code city" means a code city that provides fire protection services, which may include fire fighting actions, emergency medical services, and other special operations, in a specified geographic area.

(5) "Fire department" means a code city fire department responsible for fire fighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be a substantially career fire department, and not a substantially volunteer fire department.

(6) "Fire suppression" means the activities involved in controlling and extinguishing fires.

(7) "First responder" means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.

(8) "Flash-over" as defined by national institute of standards and technology means when all combustibles in a room burst into flame and the fire spreads rapidly.

(9) "Marine rescue and fire fighting" means the fire fighting actions taken to prevent, control, or extinguish fire involved in or adjacent to a marine vessel and the rescue actions for occupants using normal and emergency routes for egress.

(10) "Response time" means the time immediately following the turnout time that begins when units are en route to the emergency incident and ends when units arrive at the scene.

(11) "Special operations" means those emergency incidents to which the fire department responds that require specific and advanced training and specialized tools and equipment.

(12) "Turnout time" means the time beginning when units receive notification of the emergency to the beginning point of response time.

NEW SECTION. Sec. 203. (1) Every code city shall maintain a written statement or policy that establishes the following:

- (a) The existence of a fire department;

- (b) Services that the fire department is required to provide;
 - (c) The basic organizational structure of the fire department;
 - (d) The expected number of fire department employees; and
 - (e) Functions that fire department employees are expected to perform.
- (2) Every code city shall include service delivery objectives in the written statement or policy required under subsection (1) of this section. These objectives shall include specific response time objectives for the following major service components, if appropriate:
- (a) Fire suppression;
 - (b) Emergency medical services;
 - (c) Special operations;
 - (d) Aircraft rescue and fire fighting;
 - (e) Marine rescue and fire fighting; and
 - (f) Wild land fire fighting.
- (3) Every code city, in order to measure the ability to arrive and begin mitigation operations before the critical events of brain death or flash-over, shall establish time objectives for the following measurements:
- (a) Turnout time;
 - (b) Response time for the arrival of the first arriving engine company at a fire suppression incident and response time for the deployment of a full first alarm assignment at a fire suppression incident;
 - (c) Response time for the arrival of a unit with first responder or higher level capability at an emergency medical incident; and
 - (d) Response time for the arrival of an advanced life support unit at an emergency medical incident, where this service is provided by the fire department.
- (4) Every code city shall also establish a performance objective of not less than ninety percent for the achievement of each response time objective established under subsection (3) of this section.
- NEW SECTION. Sec. 204.** (1) Every code city shall evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the code city's jurisdiction.
- (2) Beginning in 2007, every code city shall issue an annual written report which shall be based on the annual evaluations required by subsection (1) of this section.
- (a) The annual report shall define the geographic areas and circumstances in which the requirements of this standard are not being met.
 - (b) The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

PART III - FIRE PROTECTION DISTRICTS AND REGIONAL FIRE PROTECTION SERVICE AUTHORITIES

NEW SECTION. Sec. 301. The legislature intends for fire protection districts and regional fire service authorities to set standards for addressing the reporting and accountability of substantially career fire departments, and to specify performance measures applicable to response time objectives for certain major services. The legislature acknowledges the efforts of the international city/county management association, the international association of fire chiefs, and the national fire protection association for the organization and deployment of resources for fire departments. The arrival of first responders with automatic external defibrillator capability before the onset of brain death, and the arrival of adequate fire suppression resources before flash-over is a critical event during the mitigation of an emergency, and is in the public's best interest. For these reasons, this chapter contains performance measures, comparable to that research, relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations by substantially career fire departments. This chapter does not, and is not intended to, in any way modify or limit the authority of fire protection districts and regional fire protection service authorities to set levels of service.

NEW SECTION. Sec. 302. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Advanced life support" means functional provision of advanced airway management, including intubation, advanced cardiac monitoring, manual defibrillation, establishment and maintenance of intravenous access, and drug therapy.
- (2) "Aircraft rescue and fire fighting" means the fire fighting actions taken to rescue persons and to control or extinguish fire involving or adjacent to aircraft on the ground.
- (3) "Brain death" as defined by the American heart association means the irreversible death of brain cells that begins four to six minutes after cardiac arrest.
- (4) "Fire department" means a fire protection district or a regional fire protection service authority responsible for fire fighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be a substantially career fire department, and not a substantially volunteer fire department.
- (5) "Fire suppression" means the activities involved in controlling and extinguishing fires.
- (6) "First responder" means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.

(7) "Flash-over" as defined by national institute of standards and technology means when all combustibles in a room burst into flame and the fire spreads rapidly.

(8) "Marine rescue and fire fighting" means the fire fighting actions taken to prevent, control, or extinguish fire involved in or adjacent to a marine vessel and the rescue actions for occupants using normal and emergency routes for egress.

(9) "Response time" means the time immediately following the turnout time that begins when units are en route to the emergency incident and ends when units arrive at the scene.

(10) "Special operations" means those emergency incidents to which the fire department responds that require specific and advanced training and specialized tools and equipment.

(11) "Turnout time" means the time beginning when units receive notification of the emergency to the beginning point of response time.

NEW SECTION. Sec. 303. (1) Every fire protection district and regional fire protection service authority shall maintain a written statement or policy that establishes the following:

- (a) The existence of a fire department;
- (b) Services that the fire department is required to provide;
- (c) The basic organizational structure of the fire department;
- (d) The expected number of fire department employees; and
- (e) Functions that fire department employees are expected to perform.

(2) Every fire protection district and regional fire protection service authority shall include service delivery objectives in the written statement or policy required under subsection (1) of this section. These objectives shall include specific response time objectives for the following major service components, if appropriate:

- (a) Fire suppression;
- (b) Emergency medical services;
- (c) Special operations;
- (d) Aircraft rescue and fire fighting;
- (e) Marine rescue and fire fighting; and
- (f) Wild land fire fighting.

(3) Every fire protection district and regional fire protection service authority, in order to measure the ability to arrive and begin mitigation operations before the critical events of brain death or flash-over, shall establish time objectives for the following measurements:

- (a) Turnout time;
- (b) Response time for the arrival of the first arriving engine company at a fire suppression incident and response time for the deployment of a full first alarm assignment at a fire suppression incident;
- (c) Response time for the arrival of a unit with first responder or higher level capability at an emergency medical incident; and
- (d) Response time for the arrival of an advanced life support unit at an emergency medical incident, where this service is provided by the fire department.

(4) Every fire protection district and regional fire protection service authority shall also establish a performance objective of not less than ninety percent for the achievement of each response time objective established under subsection (3) of this section.

NEW SECTION. Sec. 304. (1) Every fire protection district and regional fire protection service authority shall evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the jurisdiction of the fire protection district and regional fire protection service authority.

(2) Beginning in 2007, every fire protection district and regional fire protection service authority shall issue an annual written report which shall be based on the annual evaluations required by subsection (1) of this section.

(a) The annual report shall define the geographic areas and circumstances in which the requirements of this standard are not being met.

(b) The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

PART IV - PORT DISTRICTS

NEW SECTION. Sec. 401. The legislature intends for port districts to set standards for addressing the reporting and accountability of substantially career fire departments, and to specify performance measures applicable to response time objectives for certain major services. The legislature acknowledges the efforts of the international city/county management association, the international association of fire chiefs, and the national fire protection association for the organization and deployment of resources for fire departments. The arrival of first responders with automatic external defibrillator capability before the onset of brain death, and the arrival of adequate fire suppression resources before flash-over is a critical event during the mitigation of an emergency, and is in the public's best interest. For these reasons, this chapter contains performance measures, comparable to that research, relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations by substantially career fire departments. This chapter does not, and is not intended to, in any way modify or limit the authority of port districts to set levels of service.

NEW SECTION. Sec. 402. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced life support" means functional provision of advanced airway management, including intubation, advanced cardiac monitoring, manual defibrillation, establishment and maintenance of intravenous access, and drug therapy.

(2) "Aircraft rescue and fire fighting" means the fire fighting actions taken to rescue persons and to control or extinguish fire involving or adjacent to aircraft on the ground.

(3) "Brain death" as defined by the American heart association means the irreversible death of brain cells that begins four to six minutes after cardiac arrest.

(4) "Fire department" means a port district fire department responsible for fire fighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be a substantially career fire department, and not a substantially volunteer fire department.

(5) "Fire suppression" means the activities involved in controlling and extinguishing fires.

(6) "First responder" means provision of initial assessment and basic first-aid intervention, including cardiac pulmonary resuscitation and automatic external defibrillator capability.

(7) "Flash-over" as defined by national institute of standards and technology means when all combustibles in a room burst into flame and the fire spreads rapidly.

(8) "Marine rescue and fire fighting" means the fire fighting actions taken to prevent, control, or extinguish fire involved in or adjacent to a marine vessel and the rescue actions for occupants using normal and emergency routes for egress.

(9) "Port" means a port district that provides fire protection services, which may include fire fighting actions, emergency medical services, and other special operations, in a specified geographic area.

(10) "Response time" means the time immediately following the turnout time that begins when units are en route to the emergency incident and ends when units arrive at the scene.

(11) "Special operations" means those emergency incidents to which the fire department responds that require specific and advanced training and specialized tools and equipment.

(12) "Turnout time" means the time beginning when units receive notification of the emergency to the beginning point of response time.

NEW SECTION. Sec. 403. (1) Every port shall maintain a written statement or policy that establishes the following:

- (a) The existence of a fire department;
- (b) Services that the fire department is required to provide;
- (c) The basic organizational structure of the fire department;
- (d) The expected number of fire department employees; and
- (e) Functions that fire department employees are expected to perform.

(2) Every port shall include service delivery objectives in the written statement or policy required under subsection (1) of this section. These objectives shall include specific response time objectives for the following major service components, if appropriate:

- (a) Fire suppression;
- (b) Emergency medical services;
- (c) Special operations;
- (d) Aircraft rescue and fire fighting;
- (e) Marine rescue and fire fighting; and
- (f) Wild land fire fighting.

(3) Every port, in order to measure the ability to arrive and begin mitigation operations before the critical events of brain death or flash-over, shall establish time objectives for the following measurements:

- (a) Turnout time;
- (b) Response time for the arrival of the first arriving engine company at a fire suppression incident and response time for the deployment of a full first alarm assignment at a fire suppression incident;
- (c) Response time for the arrival of a unit with first responder or higher level capability at an emergency medical incident; and
- (d) Response time for the arrival of an advanced life support unit at an emergency medical incident, where this service is provided by the fire department.

(4) Every port shall also establish a performance objective of not less than ninety percent for the achievement of each response time objective established under subsection (3) of this section.

(5) An annual part 139 inspection and certification by the federal aviation administration shall be considered to meet the requirements of this section.

NEW SECTION. Sec. 404. (1) Every port shall evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the port's jurisdiction.

(2) Beginning in 2007, every port shall issue an annual written report which shall be based on the annual evaluations required by subsection (1) of this section.

(a) The annual report shall define the geographic areas and circumstances in which the requirements of this standard are not being met.

(b) The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

(3) An annual part 139 inspection and certification by the federal aviation administration shall be considered to meet the requirements of this section.

PART V - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 501. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 502. (1) Sections 101 through 104 of this act constitute a new chapter in Title 35 RCW.

(2) Sections 201 through 204 of this act constitute a new chapter in Title 35A RCW.

(3) Sections 301 through 304 of this act constitute a new chapter in Title 52 RCW.

(4) Sections 401 through 404 of this act constitute a new chapter in Title 53 RCW."

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted.

On page 10, after line 19, insert the following:

"**Sec. 305.** RCW 52.14.110 and 2001 c 79 s 1 are each amended to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ten thousand dollars. However, whenever the estimated cost does not exceed fifty thousand dollars, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

(2) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment;

(3) Contracts using the small works roster process under RCW 39.04.155; (~~and~~)

(4) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work; and

(5) Public work that the board of fire commissioners determines will be performed by fire district employees or community volunteers."

Renumber the sections consecutively and correct any internal references accordingly.

On page 14, on line 8 of the title amendment, after "53 RCW;", insert "amending RCW 52.14.110;"

Senators Schoesler and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kastama spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 10, after line 19 to the committee striking amendment to Substitute House Bill No. 1756.

MOTION

A division was demanded.

The motion by Senator Schoesler failed and the amendment to the committee striking amendment was not adopted by a rising voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1756.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new chapter to Title 35 RCW; adding a new chapter to Title 35A RCW; adding a new chapter to Title 52 RCW; adding a new chapter to Title 53 RCW; and creating a new section."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1756, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Delvin spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senators Hewitt, Fraser and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1756, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1756, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 36

Voting nay: Senators Deccio, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Stevens, Swecker, Wyss and Zarelli
- 10

Excused: Senators Benton, Mulliken and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1756, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

There being no objection, on motion of Senator Eide, House Bill No. 1557 was made a special order of business to be considered at 4:58 p.m pursuant to Rule 18.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1347, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Williams and Newhouse)

Changing provisions relating to dishonored checks.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) If a check as defined in RCW 62A.3-104 is dishonored by nonacceptance or nonpayment and the check is assigned or written to a collection agency as defined in RCW 19.16.100, the collection agency may collect a reasonable handling fee for each instrument. If the collection agency or its agent provides a notice of dishonor in the form provided in section 2 of this act to the drawer and the check amount plus the reasonable handling fee are not paid within thirty-three days after providing the notice of dishonor, then, unless the instrument otherwise provides, the drawer of the instrument is liable for payment of interest at the rate of twelve percent per annum from the date of dishonor, and a cost of collection of forty dollars or the face amount of the check, whichever is less, payable to the collection agency. In addition, in the event of court action on the check and after notice and the expiration of the thirty-three days, the court shall award reasonable attorneys' fees, and three times the face amount of the check or three hundred dollars, whichever is less, as part of the damages payable to the collection agency. This section does not apply to an instrument that is dishonored by reason of a justifiable stop payment order.

(2) Subsequent to the commencement of an action on the check under subsection (1) of this section but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the face amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court costs, service costs, and statutory attorneys' fees.

(3) Nothing in this section precludes the right to commence action in a court under chapter 12.40 RCW for small claims.

NEW SECTION. Sec. 2. (1) If a check is assigned or written to a collection agency as defined in RCW 19.16.100 and the collection agency or its agent provides a notice of dishonor, the notice of dishonor may be sent by mail to the drawer at the drawer's last known address. The collection agency may, as an alternative to providing a notice in the form described in RCW 62A.3-520, provide a notice in substantially the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated, and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check and a handling fee of within thirty-three days after the date this letter is postmarked or personally delivered, you may very well have to pay the following additional amounts:

(a) Costs of collecting the amount of the check in the lesser of the check amount or forty dollars, plus, in the event of legal action, court costs and attorneys' fees, which will be set by the court;

(b) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(c) Three hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within thirty-three days after the date this letter is postmarked.

You are advised to make your payment of \$. to at the following address:

(2) The cautionary statement regarding law enforcement in subsection (1) of this section need not be included in a notice of dishonor sent by a collection agency. However, if included and whether or not the collection agency regularly refers dishonored checks to law enforcement, the cautionary statement in subsection (1) of this section shall not be construed as a threat to take any action not intended to be taken or that cannot legally be taken; nor shall it be construed to be harassing, oppressive, or abusive conduct; nor shall it be construed to be a false, deceptive, or misleading representation; nor shall it be construed to be unfair or unconscionable; nor shall it otherwise be construed to violate any law.

(3) In addition to sending a notice of dishonor to the drawer of the check under this section, the person sending notice shall execute an affidavit certifying service of the notice by mail. The affidavit of service by mail must be substantially in the following form:

AFFIDAVIT OF SERVICE BY MAIL

I,, hereby certify that on the day of, 20., a copy of the foregoing Notice was served on by mailing via the United States Postal Service, postage prepaid, at, Washington.

Dated:

(Signature)

(4) The person enforcing a check under this section shall file the affidavit and check, or a true copy thereof, with the clerk of the court in which an action on the check is commenced as permitted by court rule or practice.

NEW SECTION. Sec. 3. No interest, collection costs, and attorneys' fees, except handling fees, are recoverable on any dishonored check under the provisions of section 1 of this act where a collection agency or its agent, employee, or assign has demanded:

(1) Interest or collection costs in excess of that provided by section 1 of this act; or

(2) Interest or collection costs prior to the expiration of thirty-three days after the serving or mailing of the notice of dishonor, as provided by section 1 or 2 of this act; or

(3) Attorneys' fees other than statutory attorneys' fees without having the fees set by the court, or any attorneys' fees prior to thirty-three days after the serving or mailing of the notice of dishonor, as provided by section 1 or 2 of this act.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 62A.3 RCW under the subchapter heading "DISHONOR."

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Fairley and Benton to the committee striking amendment be adopted.

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The legislature has directed the financial literacy public-private partnership to complete certain tasks to support efforts to increase the level of financial literacy in the common schools. In order to promote a greater

understanding by students of the consequences of a dishonored check, the legislature intends to extend by one year the date by which the financial literacy public-private partnership must identify strategies to increase the financial literacy of public school students in Washington.

Sec. 2. RCW 28A.300.455 and 2004 c 247 s 3 are each amended to read as follows:

(1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) By June 30, ~~((2005))~~ 2006, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. A final report shall be submitted to the same parties by June 30, 2007."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, after line 2 to the committee striking amendment to Substitute House Bill No. 1347.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Esser moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 1, line 17, after "and", strike "three times the face amount of the check or three hundred dollars, whichever is less, as part of the damages payable to the collection agency" and insert "may award damages in an amount the court deems appropriate"

Senator Esser spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Fairley spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 17 to the committee striking amendment to Substitute House Bill No. 1347.

The motion by Senator Esser failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection as amended to Substitute House Bill No. 1347.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "checks;" strike the remainder of the title and insert "and adding new sections to chapter 62A.3 RCW."

On page 4, line 2 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 28A.300.455; adding new sections to chapter 62A.3 RCW; and creating a new section."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1347, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1347, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1347, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Absent: Senator Pflug - 1

Excused: Senators Mulliken and Oke - 2

SUBSTITUTE HOUSE BILL NO. 1347, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1020, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

Regarding electrical transmission.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Environment be not adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 80.50.020 and 2001 c 214 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of ~~((200,000))~~ 115,000 volts to connect ~~((a thermal power))~~ an energy plant to the northwest power grid: PROVIDED, That common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission;

(c) Electrical transmission or distribution lines and related equipment designed for or capable of operating at a nominal voltage in excess of one hundred fifteen thousand volts.

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(12) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities that generate electricity using alternative energy resources as the source of power;

(c) Facilities which will have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

~~((e))~~ (d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

~~((e))~~ (e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

~~((e))~~ (f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter~~((s))~~ 35.63, 35A.63, ~~((e))~~ 36.70, or 36.70A RCW.

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter~~((s))~~ 35.63, 35A.63, ~~((e))~~ 36.70, or 36.70A RCW or Article XI of the state Constitution.

(17) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

Sec. 2. RCW 80.50.060 and 2001 c 214 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and (14). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3) The provisions of this chapter apply, consistent with section 4 of this act, to the construction of new electrical transmission facilities and the reconstruction or expansion of existing electrical transmission facilities where the person developing the new or expanded electrical transmission facilities chooses to receive certification under this chapter.

~~(4)~~ The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

~~((4))~~ (5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((5))~~ (6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 3. RCW 80.50.090 and 2001 c 214 s 7 are each amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification: PROVIDED, That the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the county or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) The council's jurisdiction under RCW 80.50.060(3) takes effect January 1, 2012.

(2) Effective January 1, 2012, for applications to site electrical transmission facilities under RCW 80.50.060(3), the council has jurisdiction in counties or cities that have not, before the applicant's submission of the application, identified corridors for electrical transmission facilities in accordance with applicable statutory or local land use planning requirements.

(3) Effective January 1, 2012, for applications to site electrical transmission facilities under RCW 80.50.060(3), the council must approve applications for siting of electrical transmission facilities in corridors identified for such purposes by a county or city under applicable statutory or local land use planning procedures.

(4) The provisions of this section are intended to limit the council's authority to certify the location of electrical transmission facilities but not the regulation, construction, and operational conditions of the electrical transmission facilities. The provisions of this section are not intended to limit the council's authority to certify transmission lines as associated facilities under RCW 80.50.060(1).

Sec. 5. RCW 80.50.110 and 1975-'76 2nd ex.s. c 108 s 37 are each amended to read as follows:

Except as provided in section 4 of this act:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule (~~(or regulation promulgated)~~) adopted thereunder, this chapter shall govern and control and such other law or rule (~~(or regulation promulgated thereunder)~~) shall be deemed superseded for the purposes of this chapter~~(-); and~~

(2) The state (~~(hereby)~~) preempts the regulation and certification of the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 (~~(as now or hereafter amended)~~).

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 80.50.020, 80.50.060, 80.50.090, and 80.50.110; and adding a new section to chapter 80.50 RCW."

The President declared the question before the Senate to be the motion by Senator Poulsen that the committee striking amendment by the Committee on Water, Energy & Environment to Substitute House Bill No. 1020 be not adopted.

The motion by Senator Poulsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Morton be adopted.

On page 1, line 5, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to read as follows:

(1) There is hereby created the interconnection technical advisory group.

(a) Membership of the group shall consist of one member from each of the investor-owned utilities in the state, one member representing small public utility districts, one member representing large public utility districts, one member representing small municipal electric utilities, one member representing large municipal electric utilities, one member representing electric cooperative utilities, one member each representing industrial customers of an investor owned utilities and consumer owned utilities. The members representing public utility districts, municipal utilities, electric cooperatives, and industrial customers shall each be appointed by their respective statewide associations.

(b) The group shall elect a chair from among its members.

(c) Additional nonvoting ex officio members may participate at no cost to the state.

(d) Members of the group shall serve without compensation.

(2) The group must review and study technical, engineering, operational, safety, liability, and procedural issues, and for investor-owned utilities regulatory issues, related to interconnecting customer-generator facilities for all utilities operating or serving customers in the state.

(3) By August 30, 2006, the group must establish, by majority agreement, recommendations for the items specified in subsection (2) of this section. The group must submit the recommendations to the appropriate committees of the legislature.

(4) For the purposes of this section, the following definitions apply.

(a) "Consumer-owned utility" means a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, or a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(b) "Customer-generator" means a residential, commercial, or industrial customer that generates electricity, including but not limited to a customer-generator as defined in RCW 80.60.010.

(c) "Customer-generator facility" means the equipment used by a customer-generator to generate, manage, and monitor electricity. A customer-generator facility includes an electric generator and/or an equipment package.

(d) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(e) "Electric distribution system" means the infrastructure constructed and maintained by an electric utility to deliver electric service to end-users.

(f) "Equipment package" means a group of components connecting an electric generator with an electric distribution system, and includes all interface equipment including switchgear, inverters, or other interface devices. An equipment package may include an integrated generator or electric source.

(g) "Interconnection" means the connection of a customer-generator facility to the electric distribution system, as well as the ongoing operation of the customer-generator facility after it is connected to the system.

(h) "Investor-owned utility" means a company owned by investors that meets the definition of electrical company in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(i) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(j) "Public utility district" means a district authorized by chapter 54.04 RCW.

NEW SECTION. Sec. 2. The legislature finds that the use of renewable energy resources generated from local sources such as solar and wind power benefit our state by reducing the load on the state's electric energy grid, by providing nonpolluting sources of electricity generation, and by the creation of jobs for local industries that develop and sell renewable energy products and technologies.

The legislature finds that Washington state has become a national and international leader in the technologies related to the solar electric markets. The state can support these industries by providing incentives for the purchase of locally made renewable energy products. Locally made renewable technologies benefit and protect the state's environment. The legislature also finds that the state's economy can be enhanced through the creation of incentives to develop additional renewable energy industries in the state.

The legislature intends to provide incentives for the greater use of locally created renewable energy technologies, support and retain existing local industries, and create new opportunities for renewable energy industries to develop in Washington state.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Customer-generated electricity" means the alternating current electricity that is generated from a renewable energy system located on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. A system located on a leasehold interest does not qualify under this definition. "Customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

(2) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

(3) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(4) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

(5) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(6) "Solar inverter" means the device used to convert direct current to alternating current in a photovoltaic cell system.

(7) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

NEW SECTION. Sec. 4. (1) Any individual, business, or local governmental entity, not in the light and power business or in the gas distribution business, may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system installed on its property. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2015.

(2)(a) Before submitting for the first time the application for the incentive allowed under this section, the applicant shall submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state; or

(E) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems;

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue shall advise the applicant in writing whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(3)(a) By August 1st of each year application for the incentive shall be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) The date of the letter from the department of revenue stating that the renewable energy system is eligible for the incentives under this section;

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system shall notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons receiving incentive payments shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records shall be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and shall add thereto interest on the amount. Interest shall be assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) The investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5) No individual, household, business, or local governmental entity is eligible for incentives for more than two thousand dollars per year.

(6) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments shall be reduced proportionately.

(7) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(8) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

NEW SECTION. Sec. 5. (1) A light and power business shall be allowed a credit against taxes due under this chapter in an amount equal to investment cost recovery incentive payments made in any fiscal year under section 4 of this act. The credit

shall be taken in a form and manner as required by the department. The credit under this section for the fiscal year shall not exceed twenty-five one-hundredths of one percent of the businesses' taxable power sales due under RCW 82.16.020(1)(b) or twenty-five thousand dollars, whichever is greater. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(2) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 4 of this act, the amount of tax against which credit was claimed for the excess payments shall be immediately due and payable. The department shall assess interest but not penalties on the taxes against which the credit was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the taxes against which the credit was claimed are repaid.

(3) The right to earn tax credits under this section expires June 30, 2016. Credits may not be claimed after June 30, 2017.

NEW SECTION. Sec. 6. (1) Using existing sources of information, the department shall report to the house appropriations committee, the house committee dealing with energy issues, the senate committee on ways and means, and the senate committee dealing with energy issues by December 1, 2013. The report shall measure the impacts of sections 2 through 5 this act, including the total number of solar energy system manufacturing companies in the state, any change in the number of solar energy system manufacturing companies in the state, and, where relevant, the effect on job creation, the number of jobs created for Washington residents, and such other factors as the department selects.

(2) The department shall not conduct any new surveys to provide the report in subsection (1) of this section.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 82.16 RCW.

NEW SECTION. Sec. 8. The legislature finds that the welfare of the people of the state of Washington is positively impacted through the encouragement and expansion of key growth industries in the state. The legislature further finds that targeting tax incentives to focus on key growth industries is an important strategy to enhance the state's business climate.

A recent report by the Washington State University energy program recognized the solar electric industry as one of the state's important growth industries. It is of great concern that businesses in this industry have been increasingly expanding and relocating their operations elsewhere. The report indicates that additional incentives for the solar electric industry are needed in recognition of the unique forces and issues involved in business decisions in this industry.

Therefore, the legislature intends to enact comprehensive tax incentives for the solar electric industry that address activities of the manufacture of these products and to encourage these industries to locate in Washington. Tax incentives for the solar electric industry are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this growth industry within our state, will create jobs, and will bring many indirect benefits to the state.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules, or silicon components of such systems; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(2) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules, or silicon components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules multiplied by the rate of 0.2904 percent.

(3) The definitions in this subsection apply throughout this section.

(a) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current output.

(b) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(c) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(4) This section expires June 30, 2014.

Sec. 10. RCW 82.04.440 and 2004 c 174 s 5 and 2004 c 24 s 7 are each reenacted and amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, section 9(2) of this act, or 82.04.260 (4) or (13) with respect to selling products in this state shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable under RCW 82.04.240 or 82.04.260(1)(b) shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), section 9(1) of this act, or 82.04.260 (1), (2), (4), (6), or (13) with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii)

manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), (~~and~~) 82.04.260 (1), (2), (4), and (13), and section 9(1) of this act; and (ii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed in RCW 82.04.230 and similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 11. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to charges made for labor and services rendered in respect to the constructing of investment projects, and tangible personal property that will be incorporated as an ingredient or component of investment projects during the course of constructing, either of which is used for the manufacture of solar energy systems using photovoltaic modules into a solar energy system or for the manufacture of silicon components of such systems, located in a rural county. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) To be eligible under this section the person must use the investment project for the manufacturing of solar energy systems using photovoltaic modules into a solar energy system or silicon components of such systems for an eight-year period, such period beginning the day the investment project commences commercial production, or a portion of tax otherwise due shall be immediately due and payable pursuant to subsection (3) of this section:

(a) Before commencing commercial production at the investment project, the person must meet with the department to determine the date on which commercial production commences. This date shall be used throughout the eight-year period to determine whether any tax is to be repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(b) No application is necessary for the tax exemption. The person is subject to all the requirements of chapter 82.32 RCW. A person taking the exemption under this section must report as required under section 15 of this act.

(3) If the investment project is not used for manufacturing solar energy systems using photovoltaic modules or silicon components of such systems for any one calendar year, one-eighth of the exempt sales and use taxes shall be due and payable by April 1st of the following year. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid.

(4) The definitions in this subsection apply throughout this section.

(a) "Commencement of commercial production" is deemed to have occurred when the equipment and process qualifications in the investment project are completed and production for sale has begun.

(b) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. An investment project does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part.

(c) "Manufacturing" means the same as defined in RCW 82.04.120.

(d) "Qualified buildings" means construction of new structures including parking facilities, and expansion or renovation of existing structures, for the purpose of increasing floor space or production capacity used for manufacturing, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, or plant, used for manufacturing. If a building is used partly for manufacturing and partly for other purposes, the applicable tax exemption shall be determined by apportionment of the costs of construction under rules adopted by the department.

(e) "Qualified machinery and equipment" means all new industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation. "Qualified machinery and equipment" includes manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(f) "Rural county" means a county with a population density of fewer than four persons per square mile.

(g) "Solar energy system" has the same meaning as provided in section 9 of this act.

(5) No exemption may be taken after June 30, 2014, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(6) This section expires June 30, 2014.

NEW SECTION. Sec. 12. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property that will be incorporated as an ingredient or component of investment projects, either of which is used for the manufacture of solar energy systems using photovoltaic modules into a solar energy system or for the manufacture of silicon components of such systems, located in a rural county, as defined in section 11 of this act, during the course of constructing such investment projects or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).

(2) The eligibility requirements, conditions, and definitions in section 11 of this act apply to this section.

(3) No exemption may be taken after June 30, 2014, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(4) This section expires June 30, 2014.

NEW SECTION. Sec. 13. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under section 9 of this act for each full-time employment position created by persons engaged in the business of manufacturing solar energy systems using photovoltaic modules into a solar energy system or the of manufacturing silicon components of such systems. For the purposes of this section "solar energy system" has the same meaning as provided in section 9 of this act.

(2)(a) The credit under this section shall equal three thousand dollars for each full-time employment position used in manufacturing process that takes place in investment projects exempt from sales and use tax under sections 11 and 12 of this act. A credit is earned for the calendar year a person fills a position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to eight years. Those positions that are not filled for the entire year are eligible for fifty percent of the credit if filled less than six months, and the entire credit if filled six months or more.

(b) To qualify for the credit, the manufacturing activity of the person must be conducted at an investment project that qualifies for the exemption from sales and use tax under sections 11 and 12 of this act.

(3) No application is necessary for the tax credit. The person is subject to all of the requirements of chapter 82.32 RCW. In no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(4) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be retroactive to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(5) A person taking the credit under this section must report under section 15 of this act.

(6) Credits may be taken after July 1, 2005, for those investment projects at which commercial production began before June 30, 2014, subject to all of the eligibility criteria and limitations of this section.

(7) This section expires June 30, 2014.

NEW SECTION. Sec. 14. A new section is added to chapter 84.36 RCW to read as follows:

(1) Machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 used exclusively in the manufacture of solar energy systems using photovoltaic modules into a solar energy system or the manufacture of silicon components of such systems, at an investment project exempt from sales and use tax under sections 11 and 12 of this act are exempt from property taxation. "Solar energy system" has the same meaning as provided in section 9 of this act.

(2) A person seeking this exemption must make application to the county assessor, on forms prescribed by the department.

(3) This section is effective for taxes levied for collection one year after the effective date of this section and thereafter.

(4) This section expires December 31, 2014, for taxes levied for collection in the following year.

NEW SECTION. Sec. 15. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under section 9 of this act shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under section 9 of this act. The report is due by March 31st following any year in which a preferential tax rate under section 9 of this act is used. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(b) If a person fails to submit an annual report under (a) of this subsection, the department shall declare the amount of taxes reduced for the previous calendar year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest, but not penalties, at the rate provided for delinquent taxes, as provided under this chapter. The department shall assess interest, retroactively to the date the preferential tax rate under section 9 of this act, was used. The interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, and shall accrue until the taxes for which the preferential tax rate was used are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

NEW SECTION. Sec. 16. (1) Using existing sources of information, the department shall report to the house appropriations committee, the house committee dealing with energy issues, the senate committee on ways and means, and the senate committee dealing with energy issues by December 1, 2013. The report shall measure the impacts of sections 9 through 14 this act, including the total number of solar energy system and silicon component manufacturing companies in the state, any change in the number of solar energy system and silicon component manufacturing companies in the state, and, where relevant, the effect on job creation, the number of jobs created for Washington residents, and any other factors the department selects.

(2) The department shall not conduct any new surveys to provide the report in subsection (1) of this section.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."
Correct the title.

Senators Poulsen and Morton spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Weinstein, Senator Fairley was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Morton on page 1, line 5 to Substitute House Bill No. 1020.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1020, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1020, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1020, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Fairley, Mulliken and Oke - 3

SUBSTITUTE HOUSE BILL NO. 1020, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1555, by Representatives Wallace, Newhouse, Haigh, Dunn, Takko, Grant, Blake, Quall, Linville, Conway, Orcutt and Kretz

Clarifying the valuation of land for monetary assessments by drainage, diking, flood control, and mosquito control districts.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1555.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1555 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 46

Excused: Senators Fairley, Mulliken and Oke - 3

HOUSE BILL NO. 1555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Transportation (originally sponsored by Representatives Jarrett, Moeller, Tom, Simpson, Appleton, Linville, Sommers, Lantz and Dunshee)

Addressing transportation concurrency strategies.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows:

(1) The transportation element required by RCW 36.70A.070 may include, in addition to improvements or strategies to accommodate the impacts of development authorized under RCW 36.70A.070(6)(b), multimodal transportation improvements or strategies that are made concurrent with the development. These transportation improvements or strategies may include, but are not limited to, measures implementing or evaluating:

(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

(2) Nothing in this section or RCW 36.70A.070(6)(b) shall be construed as prohibiting a county or city planning under RCW 36.70A.040 from exercising existing authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of this chapter.

(3) Nothing in this section is intended to affect or otherwise modify the authority of jurisdictions planning under RCW 36.70A.040.

Sec. 2. RCW 47.80.030 and 1998 c 171 s 9 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

NEW SECTION. Sec. 3. (1)(a) The department of transportation shall administer a study to examine multimodal transportation improvements and strategies to comply with the concurrency requirements of RCW 36.70A.070(6), subject to the availability of amounts appropriated for this specific purpose. The study shall be completed by one or more regional transportation planning organizations established under chapter 47.80 RCW electing to participate in the study.

(b) The department of community, trade, and economic development shall provide technical assistance with the study to the department of transportation and participating regional transportation planning organizations.

(2) The department of transportation shall, in consultation with members from each of the two largest caucuses of the senate, appointed by the president of the senate, and members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, approve the scope of the study established by this section.

(3) The study shall, at a minimum, include:

(a) An assessment and comprehensive summary of studies or reports examining concurrency requirements and practices in Washington;

(b) An examination of existing or proposed multimodal transportation improvements or strategies employed by a city in a county with a population of one million or more residents;

(c) An examination of transit services and how these services promote multimodal transportation improvements or strategies for jurisdictions planning under RCW 36.70A.070(6)(b);

(d) Recommendations for statutory and administrative rule changes that will further the promotion of effective multimodal transportation improvements and strategies that are consistent with the provisions of RCW 36.70A.070 and 36.70A.020(3);

(e) Recommendations for improving the coordination of concurrency practices in jurisdictions subject to RCW 36.70A.215;

(f) Recommendations on a methodology that jurisdictions may use to evaluate the effectiveness of multimodal concurrency strategies in jurisdictions subject to the provisions of RCW 36.70A.070 and 36.70A.020(3);

(g) An identification of effective multimodal transportation improvements and strategies employed by jurisdictions subject to RCW 36.70A.215;

(h) Recommendations for model multimodal transportation improvements and strategies that may be employed by counties and cities; and

(i) An examination of multimodal infrastructure needs, such as bus pull outs and pedestrian crosswalks and overpasses, and how these needs can be better identified in the plans required by RCW 36.70A.070(6).

(4) The department of transportation shall, in coordination with participating regional transportation planning organizations completing the study established by this section, submit a report of findings and recommendations to the appropriate committees of the legislature by December 31, 2006."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of sections 1 and 2

Renumber the remaining section consecutively.

On page 4, line 30 of the amendment, after "in" insert "all"

On page 4, line 30 of the amendment, after "jurisdictions" strike all material through "RCW 36.70A.215"

Senators Benton and Jacobsen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 3 to the committee striking amendment to Second Substitute House Bill No. 1565.

The motion by Senator Benton carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Second Substitute House Bill No. 1565.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "amending RCW 47.80.030; adding a new section to chapter 36.70A RCW; and creating a new section."

On page 5, line 13 of the title amendment, after "insert" strike the remainder of the title amendment and insert "and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1565, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1565, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1565, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 44

Absent: Senators Deccio and Delvin - 2

Excused: Senators Fairley, Mulliken and Oke - 3
SECOND SUBSTITUTE HOUSE BILL NO. 1565, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5755, by Senators Sheldon, Shin and Delvin

Modifying provisions of the small business incubator program. Revised for 1st Substitute: Modifying grant provisions for small business incubators.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5755 was substituted for Senate Bill No. 5755 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Shin and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President called the Senate to order pursuant to Rule 18.

The Senate deferred further consideration of Substitute Senate Bill No. 5755 to allow consideration of the special order of business.

SPECIAL ORDER OF BUSINESS SECOND READING

HOUSE BILL NO. 1557, by Representatives Conway, Ericks, Kessler, Campbell, Blake, Simpson, Ormsby, Morrell, Chase, P. Sullivan and Kenney

Expanding membership of the electrical board by appointment of one outside line worker.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 8, after "~~fourteen~~" strike "fifteen" and insert "sixteen"

On page 2, line 18, after "worker:" insert "one member shall be a professional electrical engineer:"

On page 1, beginning on line 1 of the title, after "board" strike all material through "worker" on line 2

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 8, after "~~fourteen~~" strike "fifteen" and insert "sixteen"

On page 2, line 18, after "worker:" insert "one member shall be a licensed telecommunications contractor:"

On page 1, beginning on line 1 of the title, after "board" strike all material through "worker" on line 2

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 8, after "~~fourteen~~" strike "fifteen" and insert "sixteen"

On page 2, line 18, after "worker," insert "one member shall be a small contractor employing fewer than five journeymen electricians;"

On page 1, beginning on line 1 of the title, after "board" strike all material through "worker" on line 2

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved to table the remaining amendments to House Bill No. 1557 with the exception of the striking amendment by Senator Honeyford.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Is it possible to lay all the amendments in the pack on the table at one time or does it have to be done individually?"

REPLY BY THE PRESIDENT

President Owen: "They can be all laid on at one time."

MOTION

Senator Honeyford moved to divide the question.

REMARKS BY THE PRESIDENT

President Owen: "The question that I have is; in what form do you want to divide the question?"

REPLY BY SENATOR HONEYFORD

Senator Honeyford: "Each individual amendment."

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to lay upon the table the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Kohl-Welles carried and the amendment was laid upon the table.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to lay upon the table the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Kohl-Welles carried and the amendment was laid upon the table.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to lay upon the table the amendment by Senator Honeyford on page 1, line 8 to House Bill No. 1557.

The motion by Senator Kohl-Welles carried and the amendment was laid upon the table.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to lay upon the table the amendment by Senator Honeyford on page 2, line 17 to House Bill No. 1557.

The motion by Senator Kohl-Welles carried and the amendment was laid upon the table.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to lay upon the table the amendment by Senator Honeyford on page 2, line 17 to House Bill No. 1557.

The motion by Senator Kohl-Welles carried and the amendment was laid upon the table.

MOTIONS

On motion of Senator Honeyford, the motion by Senator Honeyford to divide the question was withdrawn.

Senator Honeyford moved that remaining amendments by Senator Honeyford to House Bill No. 1557 be laid upon the table with the exception of the striking amendment by Senator Honeyford.

The President declared the question before the Senate to be the motion by Senator Honeyford that the remaining amendments to House Bill No. 1557 be tabled with the exception of the striking amendment by Senator Honeyford.

The motion by Senator Honeyford to table the remaining amendments to House Bill No. 1557 with the exception of the striking amendment by Senator Honeyford carried by voice vote.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.311 and 2000 c 238 s 3 are each amended to read as follows:

There is hereby created an electrical board, consisting of ~~((fourteen))~~ sixteen members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical and telecommunications installation, minimum inspection procedures, and the adoption of rules pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules shall be amended or repealed until the electrical board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member must be an employee or officer of a facilities-based telecommunications service provider regulated by the Washington state utilities and transportation commission; three members shall be licensed electrical contractors: PROVIDED, That one of these members may be a representative of a trade association in the electrical industry; one member shall be a licensed telecommunications contractor; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical and telecommunications materials, equipment, or devices; one member shall be a person with knowledge of the electrical industry, not related to the electrical industry, to represent the public; three members shall be certified electricians; one member shall be a telecommunications worker; one member shall be a licensed professional electrical engineer qualified to do business in the state of Washington and designated as a registered communications distribution designer; one member shall be an outside line worker; one member shall be a specialty electrical contractor engaged in appliance repair, a specialty electrical contractor engaged in heating, ventilations, and air conditioning, or a representative of an industrial manufacturer that employs plant electricians; and one nonvoting member must be a building official from an incorporated city or town with an electrical inspection program established under RCW 19.28.141. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed on June 9, 1988, for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; two members representing licensed electrical contractors shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing licensed electrical contractors shall serve two years; the three members selected as certified electricians shall serve for terms of one, two, and three years, respectively; the member selected as the licensed professional electrical engineer shall serve for one year. In appointing the original board, the governor shall give due consideration to the value of continuity in membership from predecessor boards. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. When new positions are created, the governor may appoint the initial members to the new positions to staggered terms of one to three years. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his or her tenure as chief state inspector. Meetings of the board shall be held at least quarterly in accordance with a schedule established by the board. Each member of the board shall receive compensation in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in

accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "expanding membership of the electrical board by appointing two additional members with one new member being an outside line worker and one new member being a specialty electrical contractor engaged in appliance repair, a specialty electrical contractor engaged in heating, ventilations, and air conditioning, or a representative of an industrial manufacturer that employs plant electricians; and amending RCW 19.28.311."

Senators Honeyford and Hargrove spoke in favor of adoption of the striking amendment.

Senator Kohl-Welles spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to House Bill No. 1557.

MOTION

A division was demanded.

The motion by Senator Honeyford failed and the striking amendment was not adopted by a rising vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1557.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1557 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 30

Voting nay: Senators Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Wyss - 16

Absent: Senator Swecker - 1

Excused: Senators Mulliken and Oke - 2

HOUSE BILL NO. 1557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Swecker was excused.

The Senate resumed consideration of Substitute Senate Bill No. 5755 which had been deferred earlier in the day by the special order of business.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5755.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 45

Voting nay: Senator Fraser - 1

Excused: Senators Mulliken, Oke and Swecker - 3
SUBSTITUTE SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "Well, we've come close to cut off point here, another important one in the legislative session. I just want to thank everyone, staff, Lt. Governor and all the members of the Senate for their hard work. I know that we don't agree on every issue that comes before us. That is the nature of this place. We've all come to Olympia representing different constituencies and different places on the political spectrum, but I'm sure you feel as honored as I do to be elected to do just that. For all of us, no matter how long we've been or how short a time we've been here, I hope that you feel that there's something we've done in this last bit of time that you feel proud of when you go back home. I know we've also all experienced some disappointments. So, once again, thank you very much for all your hard work and as we think about the next couple of weeks lets just get back to work and resolve our differences, I mean one week, and resolve our differences with the other body so that we can get out of here on time or possibly even make a little legislative history and do it early."

MOTION

At 5:29 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, April 16, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 15, 2005

2005 REGULAR SESSION

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 16, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Delvin, Doumit, Hargrove, Mulliken, Oke and Prentice.

The Sergeant at Arms Color Guard consisting of the 81st Brigade Combat Team, Staff Sergeant Allen Hale, Specialist Don Gaffney, Specialist Karl Leggett and Specialist Dereck DeBruler presented the Colors. Father James Johnson, Pastor of Our Lady of Fatima Parish of the Roman Catholic Archdiocese of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 9:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 10:00 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8024 by Senators Carrell, Rasmussen, Kastama, Swecker, Franklin, Schmidt, Regala, Sheldon, Esser, Stevens, Schoesler, Brandland, Honeyford, Parlette, Zarelli, Roach, Finkbeiner, Johnson, Morton and McCaslin

Requesting the state transportation commission to rename the Berkeley Street crossing the "Freedom Bridge."

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Carrell moved adoption of the following resolution:

SENATE RESOLUTION

8679

By Senators Carrell and Rasmussen

WHEREAS, World events catapulted the United States of America into an overseas military deployment of scores of American troops of historic proportions; and

WHEREAS, Citizens and residents of Washington State have continued to participate in Operation Enduring Freedom and Operation Iraqi Freedom; and

WHEREAS, The United States Military Services all-volunteer force has also been deployed on behalf of all Americans all over the world in capacities other than military action as evidenced by their work during the recent tsunami disaster; and

WHEREAS, The State of Washington serves as a key strategic site for the nation's military, hosting major military bases and significant installations for all branches of the military; and

WHEREAS, Ft. Lewis is home to the Army's new Stryker Combat Brigade Teams that are meeting the demands for the nation's ground forces to be high-tech, quickly deployable, and totally interoperable, making Ft. Lewis and Washington State the subject of innumerable media reports during times of war; and

WHEREAS, The Washington State Senate wishes to recognize those members of the Army, Navy, Air Force, Marines, Coast Guard, National Guard, and Reserve Forces who have participated in these actions, and to recognize their families who have also borne the burden of a duty that has called them away from loved ones and communities and jobs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and remember those Americans and Washingtonians who have served, fought, and died in the service of this country and the principles for which it stands in the Middle East, Asia, and around the world; and

BE IT FURTHER RESOLVED, That the Washington State Senate does hereby recognize the members of the Army, Navy, Air Force, Marines, Coast Guard, National Guard, and Reserve Forces for their patriotism and loyalty to the United States of America and to the State of Washington and express its appreciation to them and their families for their service; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Major General Timothy J. Lowenberg, Adjutant General, Washington National Guard; Lieutenant General James M. Dubik, Commanding General, 1st Corps and Fort Lewis; Brigadier General Rose Loper, Deputy Commanding General, 70th Regional Readiness Command; Rear Admiral Leendert R. Hering, Commander, Navy Region Northwest; Rear Admiral Jeffrey Garrett, Commander, 13th Coast Guard District; Colonel Rowayne Schatz, Commander, 62nd Airlift Wing, McChord AFB; Colonel Eric Crabtree, Commander 446th Airlift Wing, Reserve Component at McChord AFB; and Colonel Anthony Mauer, Wing Commander, 92nd Air Refueling Wing, Fairchild AFB.

Senators Carrell, Rasmussen, Schmidt, Shin and Wyss spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

The motion by Senator Carrell carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the military, Colonel Rowayne Schatz, Brigadier General Rose Loper, Colonel Anthony Mauer, Colonel Eric Crabtree, Lt. General James Dubik and Major General Timothy Lowenberg who were seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Staff Sgt. Frederick Raul, who was seated at the rostrum with his wife Mrs. Darlene Raul and children Brianna and Savannah who were seated in the gallery. Staff Sgt. Raul received the Silver Star for gallantry in action while serving with the U.S. Army in Iraq, awarded by President George Bush on June 18, 2004 at a ceremony at Fort Lewis, Washington.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Brigadier General Oscar B. Hilman of the Washington Army National Guard's 81st Armor Brigade (Separate) and his wife, Patty, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the men and women of the nation's and state's armed forces who were present in the gallery.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Major General Timothy J. Lowenberg, who was seated at the rostrum.

REMARKS BY THE PRESIDENT

President Owen: "It is my great privilege and honor to turn the microphone and dais over to a very outstanding public servant, outstanding General of the National Guard and many of us have served with several Generals. We have been very, very fortunate to have excellent representatives for us serving as the head of the National Guard. Here is one of the most outstanding, General Timothy Lowenberg."

With permission of the Senate, business was suspended to allow Major General Timothy J. Lowenberg, Adjutant General of the Washington National Guard to address the Senate.

REMARKS BY MAJOR GENERAL TIMOTHY LOWENBERG

Major General Lowenberg: "Lt. Governor Owen, Senators Carrell and Rasmussen, members of the Washington State Senate, Lt. General Dubik, Brigadier Generals Loper and Hilman, Colonels Schatz, Mauer, and Crabtree, Command Sgts. Majors, Command Chief Master Sgts. and other non-commissioned officers. It is an honor to, once again, address this body in open session and a special privilege to do so today on behalf of all of the military services and service component members, our families and, in the case of the Guard and Reserve, our employers to whom you have paid tribute with the enactment of Senate Resolution No. 8679. On their behalf, I say a very humble and heartfelt thank you. Thank you for standing with and supporting your National Guard soldiers and airmen as we have mobilized and deployed our community sons and daughters, fathers and mothers and, in some cases, grandfathers and grandmothers abroad in support of operations 'Enduring Freedom' and our 'Operation Iraqi Freedom.' From Afghanistan to Iraq to countries throughout the horn of Africa, from Cuba to the jungles of the Philippines, to South Korea, in the past three years we have mobilized and deployed more than four times the number of Washington National Guard soldiers and airmen than were deployed in the Korean War and Vietnam conflict combined. We have answered our countries call side by side with all of our colleagues in arms as part of a far larger and equally historic deployment of the patriot sons and daughters of all Reserve components and with all of our active-duty counterparts in the Army, Navy, Air Force, Marines and Coast Guard. In short, we have answered our country's call as a total force. A total force totally dedicated to our nation's defense. The Washington State-based senior commanders and their soldiers, sailors, airmen, marines and coast guardsmen are very proud to be with you today and have asked me to express their deep respect and appreciation to you today. The state of Washington has been blessed with a rich and unique bounty of natural resources: deep water ports; land and maritime training ranges; open air space; strategic proximity to polar routes; and time-sensitive air and maritime access to the Asia Pacific region; and other points of strategic importance to the United States. All of which make the State of Washington a critical power projection platform and a key partner with our central Federal Government in providing for our Nation's defense. Simply put, the state of Washington is essential to America's global reach and global power. Our native sons and daughters who serve in various armed services and all service members who are privileged to be based here are especially grateful for the leadership of Governor Gregoire and the members of the Washington State Legislature who have recognized the state of Washington's solemn responsibility for preserving, protecting and, when given the opportunity, enhancing and expanding our military installations and our specialized training facilities. We are grateful for you commitment to our military missions and to the special needs of service members and their families. Our success in past and ongoing operations, including combat, combat support and humanitarian relief operations, would simply not be possible without the earnest and steadfast support of the citizens, employers and elected leaders of the state of Washington. Your Senate Resolution this day is an unequivocal affirmation of that

support. It reminds each of us how blessed we are to be part of such a supportive community and how deeply honored we are to serve you and this land we all love. May God continue to bless each of you in this great State Senate. May God continue to bless the state of Washington and United States of America. Thank you ladies and gentlemen."

PERSONAL PRIVILEGE

Senator Rasmussen: "There is a display from the, from our military out on the grounds, campus grounds and I want to make sure that all of my colleagues take part and recognize what is going on out at the memorials. I would like to personally thank the Adjutant General, Tim Lowenberg for what he has done for, personally, he put the striping on my son. He's with the 446th and when he got his E8 many years ago and he came – and I need to tell this body what this is like. When you get a striping, it's a big privilege for a member of the military and he's with the 446th at McChord. Anyway, of course mom is going to the striping, right, this is a big deal. He said, 'Mom, were you going to bring a friend?' and I said, 'Yeah.' and he said, 'Who are you bringing?'" I said 'Well, Tim is coming.' He said, 'Mom, he's a two-star general. You just don't bring a two-star general onto the base.' They had to go through all the protocol, but it was really exciting for him to have his, to get his E8 with the striping with the Adjutant General and wanted to thank him for that. He was also pretty much involved when my son retired in February after twenty-one years with the Air Force. I was real pleased with that and I wanted to take this chance to be able to tell him that. Thank you."

PERSONAL PRIVILEGE

Senator Schmidt: "I wanted to make an announcement. I was hoping to have done this sooner, but I think this a very appropriate time. I would just like to take a couple of minutes to mention to a major endeavor that we're going to take on here in the state. The story behind this. There's a personal friend of mine, Major Rick Jimenez whose the commander of the 941st personnel support battalion right now in Iraq. He sent me an email a few months ago. He said that in his company headquarters he had the Washington State flag flying there along with the unit flag. An active duty command Sgt. Major came around and told him he had to take that flag down. Now, first problem I had was, why is this Sgt. Major telling a Major what to do? That was my concern. But then the joke was, okay they did it for the day and the Sgt. Major leaves and the flag, the state flag, goes right back up. Well, General Dubik, we have a little bone of contention here. I know in the active components, the units all go around with unit patches and that's where the camaraderie is. But for those of us in the National Guard, it's the state that we come from and I know over there in Iraq there's a lot of National Guard units that are wanting to have their state flags flown with them as the sign of their unit that they come from. Well, first of all, you see this flag here? That was flown over Camp Anaconda where our 81st Brigade headquarters was and it was a gift to us, here, from General Hilman so we have that flag here in our chambers as long as we're in session recognizing our 81st Brigade soldiers that are in Iraq and the rest of them. But what happened out of this, he, Major Jimenez sent me an email says, 'Can you send me some more state flags?' I went down to the Secretary of State's office to find out what I could do. Well, they had one that was there, so I sent one off to him and sent him another email. I said 'Rick, you tell me how many flags you want and shoot for the moon.' He sends the email back and he said 'I want to give a state flag to every single one of the soldiers in my unit before they come home.' Well, that got the ball rolling. We were hoping to announce this a couple of weeks ago but there's been some logistics. We are going to set up a fund that people can donate to and it will be the Washington State flag fund that anybody can donate to so that we can give a Washington State flag to every one of our National Guard soldiers that served overseas during this conflict. The State of Oregon is already doing it, so we're somewhat copying that. We're having to get the logistics set up. How the fund can be operated. It will be worked through the Secretary of State's office because the Secretary of State is the guardian of our state flag and state seal. So, they'll be able to go to the Secretary of State's web site, click on it, make a donation. We anticipate this being a major media campaign. We want to do this. It's our way for the State of Washington showing the support. So, General Dubik, I don't know if there's going to be a conflict there, sir, but you know, we're going to do it and we would like to have, to see our folks be able to fly their flags over there as well because for us in the Guard, that's where our unit of support is, our camaraderie builds around, and thank you for considering that, sir."

REMARKS BY THE PRESIDENT

President Owen: "Colonel Phil Dyer, welcome back to the Legislature. It's always good to have you here and your service to the military and certainly your service that you had with the Legislature. Would you please be so kind as to come up and direct these fine officers to their next place? Thank you."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE SENATE BILL NO. 6064,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6064.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5035, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The Washington state forensic investigations council shall study and make recommendations to the legislature regarding the need for a state forensic pathologist program. The council may include in its recommendations information regarding the state forensic pathologist's annual salary, budget, and duties.

The study and recommendations shall be presented to the legislature by December 1, 2005.

Sec. 2. RCW 43.103.030 and 1999 c 40 s 4 are each amended to read as follows:

There is created the Washington state forensic investigations council. The council shall oversee the bureau of forensic laboratory services and, in consultation with the chief of the Washington state patrol or the chief's designee, control the operation and establish policies of the bureau of forensic laboratory services. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

~~((Further, the council shall, jointly with the chairperson of the pathology department of the University of Washington's School of Medicine, or the chairperson's designee, oversee the state forensic pathology fellowship program, determine the budget for the program and set the fellow's annual salary, and take those steps necessary to administer the program.))~~

The forensic investigations council shall be responsible for the oversight of any state forensic pathology program authorized by the legislature.

The forensic investigations council shall be actively involved in the preparation of the bureau of forensic laboratory services budget and shall approve the bureau of forensic laboratory services budget prior to its formal submission to the office of financial management pursuant to RCW 43.88.030.

Sec. 3. RCW 43.79.445 and 1997 c 454 s 901 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, ~~((the University of Washington to fund the state forensic pathology fellowship program,))~~ the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of statewide child mortality reviews administered by the department of health.

~~((The University of Washington and the Washington state forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.))~~

NEW SECTION. **Sec. 4.** RCW 28B.20.426 (Fellowship program in forensic pathology--Funding--Recipient's services to county coroners) and 1991 c 176 s 3 & 1986 c 31 s 1 are each repealed."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5035.
Senator Keiser spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senators Brown and Doumit were excused.
On motion of Senator Hewitt, Senators Delvin, Mulliken and Oke were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5035.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5035 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Absent: Senators Carrell, Hargrove and Prentice - 3

Excused: Senators Brown, Delvin, Doumit, Mulliken and Oke - 5

SUBSTITUTE SENATE BILL NO. 5035, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator McCaslin, Senator Deccio was excused.
On motion of Senator Regala, Senators Prentice and Hargrove were excused.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5085, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 2003 c 353 s 5 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(7)(a) Except as provided in (b) of this subsection, a person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The immunity provided in this subsection does not apply to a certified child passenger safety technician who is employed by a retailer of child passenger restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child passenger restraint systems."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5085.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5085.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5085.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 42

Excused: Senators Brown, Deccio, Delvin, Doumit, Mulliken, Oke and Prentice - 7

SUBSTITUTE SENATE BILL NO. 5085, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5110, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the ~~((three))~~ four largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5110.

Senators Haugen and Pridemore spoke in favor of the motion.

Senator Benton spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5110.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5110.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5110, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 8; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Carrell, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Benton, Hewitt, Honeyford, Parlette, Schoesler, Stevens, Wyss and Zarelli - 8

Excused: Senators Brown, Deccio, Delvin, Doumit, Mulliken, Oke and Prentice - 7

ENGROSSED SENATE BILL NO. 5110, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5140, with the following amendment{s}:
On page 2, line 6, after "to" strike "a public school, school district, or educational service district, or to"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5140.
Senators Berkey and Roach spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5140.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5140.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5140, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5140, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Berkey, Brandland, Carrell, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 39

Absent: Senators Benton and Fairley - 2

Excused: Senators Brown, Deccio, Delvin, Doumit, Mulliken, Oke, Prentice and Schmidt - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 5140, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5145, with the following amendment{s}:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish a boating safety education program that contributes to the reduction of accidents and increases the enjoyment of boating by all operators of all recreational vessels on the waters of this state. Based on the 2003 report to the legislature titled "Recreational Boating Safety in Washington, A Report on Methods to Achieve Safer Boating Practices," the legislature recognizes that boating accidents also occur in nonmotorized vessels in this state, but, at this time there is no national educational standard for nonmotorized vessels. Therefore, the commission is hereby authorized and directed to work with agencies and organizations representing nonmotorized vessel activities and individuals operating nonmotorized vessels to decrease accidents of operators in these vessels. It is also the intent of the legislature to encourage boating safety education programs that use volunteer and private sector efforts to enhance boating safety and education for operators of nonmotorized vessels to work closely with the state parks and recreation commission in its efforts to reduce all boating accidents in this state.

Sec. 2. RCW 79A.60.010 and 2003 c 39 s 45 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited course" means a mandatory course of instruction on boating safety education that has been approved by the commission.

(2) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

~~((2))~~ (3) "Boater" means any person on a vessel on waters of the state of Washington.

~~((3))~~ (4) "Boater education card" means a card issued to a person who has successfully completed a boating safety education test and has paid the registration fee for a serial number record to be maintained in the commission's data base.

(5) "Boating educator" means a person providing an accredited course.

(6) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

~~((4))~~ (7) "Certificate of accomplishment" means a form of certificate approved by the commission and issued by a boating educator to a person who has successfully completed an accredited course.

(8) "Commission" means the state parks and recreation commission.

~~((5))~~ (9) "Darkness" means that period between sunset and sunrise.

~~((6))~~ (10) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

~~((7))~~ (11) "Guide" means any individual, including but not limited to subcontractors and independent contractors, engaged for compensation or other consideration by a whitewater river outfitter for the purpose of operating vessels. A person licensed under RCW 77.65.480 or 77.65.440 and acting as a fishing guide is not considered a guide for the purposes of this chapter.

~~((8))~~ (12) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

~~((9))~~ (13) "Motor driven boats and vessels" means all boats and vessels which are self propelled.

~~((10))~~ (14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission in accordance with section 3 of this act.

(15) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

~~((11))~~ (16) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

~~((12))~~ (17) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

~~((13))~~ (18) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

~~((14))~~ (19) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

~~((15))~~ (20) "Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity located within or outside this state.

~~((16))~~ (21) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

~~((17))~~ (22) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

~~((18))~~ (23) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

~~((19))~~ (24) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

~~((20))~~ (25) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

~~((21))~~ (26) "Rental motor vessel" means a motor vessel that is legally owned by a person that is registered as a rental and leasing agency for recreational motor vessels, and for which there is a written and signed rental, charter, or lease agreement between the owner, or owner's agent, of the vessel and the operator of the vessel.

(27) "Sewage pumpout or dump unit" means:

- (a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and
- (b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

~~((22))~~ (28) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

~~((23))~~ (29) "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.

~~((24))~~ (30) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

~~((25))~~ (31) "Waters of the state" means any waters within the territorial limits of Washington state.

~~((26))~~ (32) "Whitewater river outfitter" means any person who is advertising to carry or carries passengers for hire on any whitewater river of the state, but does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

~~((27))~~ (33) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 79A.60.470 or as designated by the commission under RCW 79A.60.495.

NEW SECTION. Sec. 3. A new section is added to chapter 79A.60 RCW to read as follows:

(1) The commission shall establish and implement by rule a program to provide required boating safety education. The boating safety education program shall include training on preventing the spread of aquatic invasive species. The program shall be phased in so that all boaters not exempted under section 4(3) of this act are required to obtain a boater education card by January 1, 2016. To obtain a boater education card, a boater shall provide a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission.

(2) As part of the boating safety education program, the commission shall:

(a) Establish a program to be phased over eleven years starting July 1, 2005, with full implementation by January 1, 2016. The period July 1, 2005, through December 31, 2007, will be program development, boater notification of the new requirements for mandatory education, and processing cards to be issued to individuals having taken an accredited course prior to January 1, 2008. The schedule for phase-in of the mandatory education requirement by age group is as follows:

January 1, 2008 - All boat operators twenty years old and younger;

January 1, 2009 - All boat operators twenty-five years old and younger;

January 1, 2010 - All boat operators thirty years old and younger;

January 1, 2011 - All boat operators thirty-five years old and younger;

January 1, 2012 - All boat operators forty years old and younger;

January 1, 2013 - All boat operators fifty years old and younger;

January 1, 2014 - All boat operators sixty years old and younger;

January 1, 2015 - All boat operators seventy years old and younger;

January 1, 2016 - All boat operators;

(b) Establish a minimum standard of boating safety education accomplishment. The standard must be consistent with the applicable standard established by the national association of state boating law administrators;

(c) Adopt minimum standards for boating safety education course of instruction and examination that ensures compliance with the national association of state boating law administrators minimum standards;

(d) Approve and provide accreditation to boating safety education courses operated by volunteers, or commercial or nonprofit organizations, including, but not limited to, courses given by the United States coast guard auxiliary and the United States power squadrons;

(e) Develop an equivalency examination that may be taken as an alternative to the boating safety education course;

(f) Establish a fee of ten dollars for the boater education card to fund all commission activities related to the boating safety education program created by this act, including the initial costs of developing the program. Any surplus funds resulting from the fees received shall be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.040;

(g) Establish a fee for the replacement of the boater education card that covers the cost of replacement;

(h) Consider and evaluate public agency and commercial opportunities to assist in program administration with the intent to keep administrative costs to a minimum;

(i) Approve and provide accreditation to boating safety education courses offered online; and

(j) Provide a report to the legislature by January 1, 2008, on its progress of implementation of the mandatory education program.

NEW SECTION. Sec. 4. A new section is added to chapter 79A.60 RCW to read as follows:

(1) No person shall operate or permit the operation of motor driven boats and vessels with a mechanical power of fifteen horsepower or greater unless the person:

(a) Is at least twelve years of age, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190; and

(b)(i) Has in his or her possession a boater education card, unless exempted under subsection (3) of this section; or

(ii) Is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a boater education card, or who is not yet required to possess the card as provided in the program phase in section 3(2)(a) of this act.

(2) Any person who can demonstrate they have successfully completed, prior to the effective date of this act, a boating safety education course substantially equivalent to the standards adopted by the commission shall be eligible for a boater education card upon application to the commission and payment of the fee, without having to take a course or equivalency exam as provided in section 3(1) of this act. Successful completion of a boating safety education course could include an original or copy of an original certificate issued by the commission, the United States coast guard auxiliary, or the United States power squadrons, or official certification by these organizations that the individual successfully completed a course substantially equivalent to the standards adopted by the commission.

(3) The following persons are not required to carry a boater education card:

(a) The operator of a vessel engaged in a lawful commercial fishery operation as licensed by the department of fish and wildlife under Title 77 RCW. However, the person when operating a vessel for recreational purposes must carry either a valid commercial fishing license issued by the department of fish and wildlife or a boater education card;

(b) Any person who possesses a valid marine operator license issued by the United States coast guard when operating a vessel authorized by such coast guard license. However, the person when operating a vessel for recreational purposes must carry either a valid marine operator license issued by the United States coast guard or a boater education card;

(c) Any person who is legally engaged in the operation of a vessel that is exempt from vessel registration requirements under chapter 88.02 RCW and applicable rules and is used for purposes of law enforcement or official government work. However, the person when operating a vessel for recreational purposes must carry a boater education card;

(d) Any person at least twelve years old renting, chartering, or leasing a motor driven boat or vessel with an engine power of fifteen horsepower or greater who completes a commission-approved motor vessel safety operating and equipment checklist each time before operating the motor driven boat or vessel, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190;

(e) Any person who is not a resident of Washington state and who does not operate a motor driven boat or vessel with an engine power of fifteen horsepower or greater in waters of the state for more than sixty consecutive days;

(f) Any person who is not a resident of Washington state and who holds a current out-of-state or out-of-country certificate or card that is equivalent to the rules adopted by the commission;

(g) Any person who has purchased the boat or vessel within the last sixty days, and has a bill of sale in his or her possession to document the date of purchase;

(h) Any person, including those less than twelve years of age, who is involved in practicing for, or engaging in, a permitted racing event where a valid document has been issued by the appropriate local, state, or federal government agency for the event, and is available for inspection on-site during the racing event;

(i) Any person who is not yet required to have a boater education card under the phased schedule in section 3(2)(a) of this act; and

(j) Any person born before January 1, 1955.

(4) Except as provided in subsection (3)(a) through (i) of this section, a boater must carry a boater education card while operating a vessel and is required to present the boater education card, or alternative license as provided in subsection (3)(a) and (b) of this section, to a law enforcement officer upon request.

(5) Failure to possess a boater education card required by this section is an infraction under chapter 7.84 RCW. The penalty shall be waived if the boater provides proof to the court within sixty days that he or she has received a boater education card.

(6) No person shall permit the rental, charter, or lease of a motor driven boat or vessel with an engine power of fifteen horsepower or greater to a person without first reviewing with that person, and all other persons who may be permitted by the person to operate the vessel, all the information contained in the motor vessel safety operating and equipment checklist.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.60 RCW to read as follows:

The boating safety education certification account is created in the custody of the state treasurer. All receipts from fees collected for the issuance of a boater education card shall be deposited in the account and shall be used only for the administration of sections 3 and 4 of this act. Only the state parks and recreation commission may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5145.

Senator Jacobsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5145.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5145.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5145, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 13; Absent, 1; Excused, 7.

Voting yea: Senators Berkey, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Brandland, Hargrove, Hewitt, Honeyford, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Wyss and Zarelli - 13

Absent: Senator Carrell - 1

Excused: Senators Brown, Delvin, Doumit, Mulliken, Oke, Prentice and Schmidt - 7

SUBSTITUTE SENATE BILL NO. 5145, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5182, with the following amendment{s}:

On page 2, beginning on line 1, after "must" strike all material through "interment" on line 2, and insert "include the following disclosure on the written statement, contract, or other document in conspicuous bold face type no smaller than other text provisions in the written statement, contract, or other document, to be initialed by the person making the cemetery arrangements in immediate proximity to the space reserved for the signature lines:

"DISCLOSURE OF MULTIPLE INTERMENT

State law provides that "multiple interment" means two or more noncremated human remains are buried in the ground, in outer burial enclosures or chambers, placed one on top of another, with a ground level surface the same size as a single grave or right of interment""
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5182.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5182.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5182.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5182, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli – 42

Excused: Senators Brown, Delvin, Doumit, Kastama, Mulliken, Oke and Prentice – 7

SUBSTITUTE SENATE BILL NO. 5182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5266, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that consumers, financial services providers, and financial institutions need uniformity and certainty in their financial transactions. It is the intent of the legislature to reserve the authority to regulate customer financial transactions involving consumers, financial services providers, and financial institutions.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

A city, town, or governmental entity subject to this title may not regulate the terms, conditions, or disclosures of any lawful financial transaction between a consumer and (1) a business or professional under the jurisdiction of the department of financial institutions, or (2) any financial institution as defined under RCW 30.22.041.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

A code city or governmental entity subject to this title may not regulate the terms, conditions, or disclosures of any lawful financial transaction between a consumer and (1) a business or professional under the jurisdiction of the department of financial institutions, or (2) any financial institution as defined under RCW 30.22.041.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

A county or governmental entity subject to this title may not regulate the terms, conditions, or disclosures of any lawful financial transaction between a consumer and (1) a business or professional under the jurisdiction of the department of financial institutions, or (2) any financial institution as defined under RCW 30.22.041."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5266.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5266.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5266.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5266, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Keiser, Kline, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein, Wyss and Zarelli - 39

Voting nay: Senators Jacobsen, Kohl-Welles and Thibaudeau - 3

Excused: Senators Brown, Delvin, Doumit, Kastama, Mulliken, Oke and Prentice - 7

SUBSTITUTE SENATE BILL NO. 5266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1460,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1460

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5311, with the following amendment{s}:

On page 2, line 2, after "needs of" strike "children" and insert "individuals"

On page 2, line 4, after "Washington" strike "children" and insert "individuals"

On page 2, line 8, after "(2) The" strike "committee" and insert "task force"

On page 2, line 23, after "district;" strike "and"

On page 2, line 24, after "district" insert "; and"

(h) An expert in the field of early intervention services"

On page 3, after line 8, insert the following:

"(5) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5311.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Senate Bill No. 5311.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5311.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5311, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5311, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 42

Excused: Senators Brown, Delvin, Doumit, Kastama, Mulliken, Oke and Prentice - 7

SENATE BILL NO. 5311, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5355, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.200 and 2001 c 135 s 1 are each amended to read as follows:

(1) A program for salmon and steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat areas classified as the lower Columbia evolutionarily significant ~~((unit 4))~~ units by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for ~~((implementing the habitat portion of the approved))~~ developing and overseeing the implementation of the habitat portion of the salmon and steelhead recovery ((initiative) plan and is empowered to receive and disburse funds for the ~~((approved))~~ salmon and steelhead recovery initiatives. The management board created pursuant to this section shall constitute the lead entity and the committee established under RCW 77.85.050 responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within the lower Columbia evolutionarily significant ~~((unit 4))~~ units. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within the lower Columbia evolutionarily significant ~~((unit 4))~~ units as a voting member selected by the cities in the lower Columbia evolutionarily significant ~~((unit 4))~~ units; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within the lower Columbia evolutionarily significant ~~((unit 4))~~ units selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in the lower Columbia evolutionarily significant ~~((unit 4))~~ units appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the members of the management board by the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a habitat recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the development and implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for ~~((implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service))~~ the development of a lower Columbia salmon and steelhead habitat recovery plan and for coordinating and monitoring the implementation of the plan. The management board will submit all future plans and amendments to plans to the governor's salmon recovery office for the incorporation of hatchery, harvest, and hydropower components of the statewide salmon recovery strategy for all submissions to the national marine fisheries service. In developing and implementing the habitat recovery plan, the management board will work with appropriate federal and state agencies, tribal governments, local governments, and the public to make sure hatchery, harvest, and hydropower components receive consideration in context with the habitat component. The management board may work in cooperation with the state and the national marine fisheries service to modify the ~~((initiative))~~ plan, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river salmon and steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in salmon and steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each ~~((prioritized stream as listed))~~ tributary basin in the lower Columbia ~~((steelhead conservation initiative))~~. The management board is encouraged to take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a ~~((quarterly))~~ biennial basis to the legislative bodies of the five participating counties and the state natural resource-related agencies. The management board shall prepare a final report at the conclusion of the program describing its efforts and successes in developing and implementing the ~~((habitat portion of the))~~ lower Columbia salmon and steelhead ~~((conservation initiative))~~ recovery plan. The final report shall be transmitted to the appropriate committees of the legislature, the legislative bodies of the participating counties, and the state natural resource-related agencies.

(5) The program terminates on July 1, ~~((2006))~~ 2010.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.)." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5355.

Senators Jacobsen and Morton spoke in favor of the motion.

MOTION

On motion of Senator Esser, Senators Honeyford and Parlette were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5355.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5355.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein, Wyss and Zarelli - 38

Absent: Senators Finkbeiner and Swecker - 2

Excused: Senators Brown, Delvin, Doumit, Honeyford, Kastama, Mulliken, Oke, Parlette and Prentice - 9

ENGROSSED SENATE BILL NO. 5355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5381, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that public policies and programs will be improved when informed by independent scientific analysis and communication with state and local policymakers. Throughout the state there are highly

qualified persons in a wide range of scientific disciplines who are willing to contribute their time and expertise in such reviews, but that presently there is lacking an organizational structure in which the entire scientific community may most effectively respond to requests for assessments of complex public policy questions. Therefore it is the purpose of this act to authorize the creation of the Washington academy of sciences as a nonprofit entity independent of government, whose principal mission will be the provision of scientific analysis and recommendations on questions referred to the academy by the governor, the governor's designee, or the legislature.

NEW SECTION. Sec. 2. The Washington academy of sciences authorized to be formed under section 3 of this act shall serve as a principal source of scientific investigation, examination, and reporting on scientific questions referred to the academy by the governor or the legislature under the provisions of section 4 of this act. Nothing in this section or this chapter supersedes or diminishes the responsibilities performed by scientists employed by the state or its political subdivisions.

NEW SECTION. Sec. 3. (1) The presidents of the University of Washington and Washington State University shall jointly form and serve as the cochaIRS of an organizing committee for the purpose of creating the Washington academy of sciences as an independent entity to carry out the purposes of this chapter. The committee should be representative of appropriate disciplines from the academic, private, governmental, and research sectors.

(2) Staff from the University of Washington and Washington State University, and from other available entities, shall provide support to the organizing committee under the direction of the cochaIRS.

(3)(a) The committee shall investigate organizational structures that will ensure the participation or membership in the academy of scientists and experts with distinction in their fields, and that will ensure broad participation among the several disciplines that may be called upon in the investigation, examination, and reporting upon questions referred to the academy by the governor or the legislature.

(b) The organizational structure shall include a process by which the academy responds to inquiries from the governor or the legislature, including but not limited to the identification of research projects, past or present, at Washington or other research institutions and the findings of such research projects.

(4) The committee cochaIRS shall use their best efforts to form the committee by January 1, 2006, and to complete the committee's review by April 30, 2007. By April 30, 2007, the committee, or such individuals as the committee selects, shall file articles of incorporation to create the academy as a Washington independent organizational entity. The articles shall expressly recognize the power and responsibility of the academy to provide services as described in section 4 of this act upon request of the governor, the governor's designee, or the legislature. The articles shall also provide for a board of directors of the academy that includes distinguished scientists from the range of disciplines that may be called upon to provide such services to the state and its political subdivisions, and provide a balance of representation from the academic, private, governmental, and research sectors.

(5) The articles shall provide for all such powers as may be appropriate or necessary to carry out the academy's purposes under this chapter, to the full extent allowable under the proposed organizational structure.

NEW SECTION. Sec. 4. (1) The academy shall investigate, examine, and report on any subject of science requested by the governor, the governor's designee, or the legislature. The procedures for selecting panels of experts to respond to such requests shall be set forth in the bylaws or other appropriate operating guidelines. In forming review panels, the academy shall endeavor to assure that the panel members have no conflicts of interest and that proposed panelists first disclose any advocacy positions or financial interest related to the questions to be addressed by the panel that the candidate has held within the past ten years.

(2) The governor shall provide funding to the academy for the actual expense of such investigation, examination, and reports. Such funding shall be in addition to state funding assistance to the academy in its initial years of operation as described in section 6 of this act.

NEW SECTION. Sec. 5. The academy may carry out functions or provide services to its members and the public in addition to the services provided under section 4 of this act, such as public education programs, newsletters, web sites, science fairs, and research assistance.

NEW SECTION. Sec. 6. The organizational committee shall recommend procedures and funding requirements for receiving and disbursing funding in support of the academy's programs and services in a report to the governor and the appropriate committees of the senate and house of representatives no later than April 30, 2007.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5381.
Senators Kohl-Welles and Schmidt spoke in favor of the motion.

MOTIONS

On motion of Senator Brandland, Senators Carrell and Stevens were excused.
On motion of Senator Regala, Senator Poulsen was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5381.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5381.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5381, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5381, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 37

Excused: Senators Brown, Carrell, Delvin, Doumit, Honeyford, Kastama, Mulliken, Oke, Parlette, Poulsen, Prentice and Stevens - 12

ENGROSSED SENATE BILL NO. 5381, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5042, with the following amendment{s}:

On page 1, strike everything after the enacting clause and insert

"**Sec. 1.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4))((-));

(vii) Rape in the first and second degree if the victim is under the age of eighteen at the time the crime is committed (RCW 9A.44.040 and 9A.44.050);

(viii) Rape of a child in the first and second degree (RCW 9A.44.073 and 9A.44.076).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission, and the victim is eighteen years or older on the date the crime is committed; ~~((except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its~~

~~commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later.)~~ If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, and the victim is eighteen years or older on the date the crime is committed, the rape may not be prosecuted (~~(A)~~) more than three years after its commission ~~if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age).~~

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW (~~9A.44.073, 9A.44.076,~~) 9A.44.083, 9A.44.086, *9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5042 and ask the House to recede therefrom.

Senators Kline and McCaslin spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5042 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5042 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5370, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.330 RCW to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) The governor, with the approval of the public works board and the Washington economic development finance authority, may authorize expenditures from the account, subject to appropriation by the legislature. If the public works board or

the Washington economic development finance authority disapproves an expenditure, the governor may not fund a project using funds from the economic development strategic reserve account.

(3) Funding for a minimum of one full-time equivalent staff position for the economic development commission and to cover any other operational costs of the commission may be provided only through an operating appropriation to the account.

(4) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Contingent on the funding of the account, expenditures may be authorized for:

(a) Work force development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(5) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(6) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

Sec. 2. RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. In addition to other appropriations, beginning July 1, 2007, and continuing until June 30, 2011, ten million dollars from the public works assistance account will be appropriated each biennium to the economic development strategic reserve account to be used for public infrastructure expenditures only.

NEW SECTION. Sec. 3. If this act and Engrossed Substitute House Bill No. 1903 both pass the legislature, no more than \$50 million in total per biennium may be appropriated from the public works assistance account for the purposes of both this act and Engrossed Substitute House Bill No. 1903."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5370 and ask the House to recede therefrom.

Senators Shin and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5370 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5370 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5565, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.40.150 and 2003 c 111 s 1015 are each amended to read as follows:

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors. The information on the envelopes or instructions must explain that:

(1) Return postage is free if the ballot is mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy;

(2) The date of the signature is considered the date of mailing;

(3) The envelope must be signed by election day;

(4) The signed declaration on the envelope is the equivalent of voter registration;

(5) A voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. The ballot will be counted if the original documents are received before certification of the election; and

(6) A voter may obtain a ballot via electronic mail, which the voter may print out, vote, and return by mail. In order to facilitate the electronic acquisition of ballots by out-of-state, overseas, and service voters, the ballot instructions shall include the web site of the office of the secretary of state."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5565.

Senator Berkey spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Senate Bill No. 5565.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5565.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 39

Absent: Senators Hargrove and Haugen - 2

Excused: Senators Carrell, Delvin, Honeyford, Mulliken, Oke, Parlette, Poulsen and Stevens - 8

SENATE BILL NO. 5565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5664, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.415.023 and 1997 c 90 s 1 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW ((~~28A.320.205~~)) 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the state board of education;

(d) Is specifically required to obtain advanced levels of certification; ((~~or~~))

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff; or

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under RCW 28A.150.210, as applicable and appropriate for individual certificated instructional staff.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5664.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Morton, Senators McCaslin and Deccio were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5664.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5664.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5664, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5664, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Deccio, Delvin, Honeyford, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5664, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5707, with the following amendment{s}:

On page 3, line 11, after "available" insert ", including topics related to motherhood and the accomplishments of mothers in Washington" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5707.

Senator Fraser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment(s) to Senate Bill No. 5707.

The motion by Senator Fraser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5707.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5707, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5707, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 43

Excused: Senators Deccio, Delvin, McCaslin, Mulliken, Oke and Stevens - 6

SENATE BILL NO. 5707, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5733, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.06.010 and 2002 c 338 s 1 are each amended to read as follows:

In counties with a population of more than one hundred (~~(fifty)~~) thousand, mandatory arbitration of civil actions under this chapter shall be required. In counties with a population of one hundred (~~(fifty)~~) thousand or less, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter.

Sec. 2. RCW 7.06.020 and 1987 c 212 s 101 and 1987 c 202 s 127 are each reenacted and amended to read as follows:

(1) All civil actions, except for appeals from municipal or district courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of fifteen thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to (~~(thirty five)~~) fifty thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved.

NEW SECTION. **Sec. 3.** Section 2 of this act applies to any case in which a notice of arbitrability is filed on or after the effective date of this act."

Correct the title.

and the same are herewith transmitted.

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5733.

Senators Kline and Esser spoke in favor of the motion.

Senator Carrell spoke against the motion.

PERSONAL PRIVILEGE

Senator Benton: "Thank you, Mr. President. I know that some of the members have been asking about Senator Oke and our chief of staff has just gotten off the phone with him so I wanted to give a report. Senator Oke is at home even though they would of liked for him to stay in the hospital for a couple of days. He decided he wanted to go home and rest. He has pneumonia but he's doing well. Some of you asked about visitors and he said that he would love to have visitors as long as they bring vanilla milkshakes. So, he's in good spirits and he'll be undergoing his bone strengthening exercise on Monday and hopes to be back with us on Tuesday. He's looking very much forward to an early adjournment on Friday so that he can get ready for his treatment the following week. So, he's at home, he's in good spirits and is doing well and sends his regards."

PERSONAL PRIVILEGE

Senator Rockefeller: "I'd like to thank the gentlemen for the report on the well-being of Senator Oke and join with him in expressing our best wishes for his recovery and return to the office, here, as soon as possible. We miss him and if possible I'm going to try to deliver one of those milkshakes. Thank you very much."

MOTIONS

On motion of Senator Honeyford, Senator Parlette was excused.

On motion of Senator Regala, Senator Prentice was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5733.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5733.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5733, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5733, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 13; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Finkbeiner, Hewitt, Honeyford, Morton, Schmidt, Schoesler, Sheldon, Swecker, Wyss and Zarelli - 13

Excused: Senators Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette, Prentice and Stevens - 8

SENATE BILL NO. 5733, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT

The House has passed SUBSTITUTE SENATE BILL NO. 5752, with the following amendment{s}:

On page 67, beginning on line 3, strike all of section 151

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 69, line 3, after "director" strike "~~((or person in charge of interment))~~" and insert "or person ~~((in charge of interment))~~ having the right to control the disposition of the human remains under RCW 68.50.160"

On page 69, line 5, after "director" strike "~~((or person in charge of interment))~~" and insert "or person ~~((in charge of interment))~~ having the right to control the disposition of the human remains under RCW 68.50.160"

On page 71, beginning on line 25, strike all of section 159 and insert the following:

"Sec. 159. RCW 70.58.240 and 1961 ex.s. c 5 s 17 are each amended to read as follows:

Each funeral director or person ~~((acting as such))~~ having the right to control the disposition of the human remains under RCW 68.50.160 shall obtain a certificate of death, sign and file the ~~((same))~~ certificate with the local registrar, and secure a burial-transit permit, prior to any permanent disposition of the ~~((body))~~ human remains. He or she shall obtain the personal and statistical particulars required, from the person best qualified to supply them. He or she shall present the certificate to the attending physician or in case the death occurred without any medical attendance, to the proper official for certification for the medical certificate of the cause of death and other particulars necessary to complete the record. He or she shall supply the information required relative to the date and place of disposition and he or she shall sign and present the completed certificate to the local registrar, for the issuance of a burial-transit permit. He or she shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the ~~((body))~~ human remains; or shall attach the transit permit to the box containing the corpse, when shipped by any transportation company, and the permit shall accompany the corpse to its destination."

On page 6, beginning on line 32, after "board" strike all material through "chapter" on line 34, and insert "may recognize licenses issued to funeral directors or embalmers from other states and extend reciprocity to an applicant if the ~~((applicant's qualifications are comparable to the requirements of this chapter))~~ applicant furnishes satisfactory evidence that the applicant holds a valid license issued by another licensing authority recognized by the board as having qualifications for licensure that are substantially equivalent to those required by this chapter on the date of original licensure or licensure with the other licensing authority"

On page 7, line 3, after "board" strike "must" and insert "may"

On page 11, line 22, before "Every" strike "~~((4))~~" and insert "(1)"

On page 11, line 26, before "If" strike "~~((a))~~ (1)" and insert "(a)"

On page 11, line 26, after "by" strike "telephone" and insert "~~((telephone))~~ voice, data, text, electronic, or other similar transmission"

On page 11, line 29, before "At" strike "~~((b))~~ (2)" and insert "(b)"

On page 12, beginning on line 1, strike all material through "~~director~~)" on line 4, and insert "(2) No such funeral director, his or her agent, or his or her employee, shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral director is the same amount as is billed to such funeral director."

On page 64, line 18, after "~~((one year))~~" strike "sixty" and insert "ninety" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5752.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5752.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5752 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5752, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5752, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette, Prentice and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5752, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5828, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.150 RCW to read as follows:

The legislature finds that digital learning courses and programs can provide students with opportunities to study subjects that may not otherwise be available within the students' schools, school districts, or communities. These courses can also meet the instructional needs of students who have scheduling conflicts, students who learn best from technology-based instructional methods, and students who have a need to enroll in schools on a part-time basis. Digital learning courses can also meet the needs of students and families seeking nontraditional learning environments. The legislature further finds that the state rules used by school districts to support some digital learning courses were adopted before these types of courses were created, so the rules are not well-suited to the funding and delivery of digital instruction. It is the intent of the legislature to clarify the funding and delivery requirements for digital learning courses.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through digital programs. "Digital programs" means electronically delivered learning that occurs primarily away from the classroom. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, a digital program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;

(3) Requiring each school district offering or contracting to offer a digital program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the digital program be provided by certificated instructional staff;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in a digital program, a learning plan that includes a description of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with certificated instructional staff at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning programs to receive accreditation through the state accreditation program or through the regional accreditation program;

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more digital courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5828.

Senator Eide spoke in favor of the motion.

MOTION

On motion of Senator Esser, Senator Brandland was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5828.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5828.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5828, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5939, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.182.160 and 2001 c 217 s 6 are each amended to read as follows:

(1) Within thirty days of receipt of proof of the consumer's identification and a copy of a (~~filed~~) police report, filed by the consumer, evidencing the consumer's claim to be a victim of a violation of RCW 9.35.020, a consumer reporting agency shall permanently block reporting any information the consumer identifies on his or her consumer report is a result of a violation of RCW 9.35.020, so that the information cannot be reported, except as provided in subsection (2) of this section. The consumer reporting agency shall promptly notify the furnisher of the information that a police report has been filed, that a block has been requested, and the effective date of the block.

(2) A consumer reporting agency may decline to block or may rescind any block of consumer information if, in the exercise of good faith and reasonable judgment, the consumer reporting agency believes:

(a) The information was blocked due to a misrepresentation of fact by the consumer relevant to the request to block under this section;

(b) The consumer agrees that the blocked information or portions of the blocked information were blocked in error; or

(c) The consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions or the consumer should have known that he or she obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions.

(3) If the block of information is declined or rescinded under this section, the consumer shall be notified promptly in the same manner as consumers are notified of the reinsertion of information pursuant to section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as amended. The prior presence of the blocked information in the consumer reporting agency's file on the consumer is not evidence of whether the consumer knew or should have known that he or she obtained possession of any goods, services, or moneys.

(4) In order to facilitate the exercise of a consumer's right to block information in his or her consumer report, all police and sheriff's departments in Washington state shall provide to the consumer, at the consumer's request, a copy of any police report, filed by the consumer, evidencing the consumer's claim to be a victim of a violation of RCW 9.35.020.

Nothing in this section shall be construed to require a law enforcement agency to investigate reports claiming identity theft."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5939.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5939.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5939 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5939, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5939, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5939, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6078, with the following amendments{s}.

On page 1, of the amendment, after line 2, strike the remainder of the amendment and insert:

"NEW SECTION. Sec. 1. The legislature finds that the citizens of the state benefit from a state expenditure limit that ensures that the state budget operates with stability and predictability, while encouraging the establishment of budget priorities and a periodic review of state programs and the delivery of state services. A state expenditure limit can prevent budgeting crises that can occur because of increased spending levels during periods of revenue surplus followed by drastic reductions in state services in lean years. The citizens of the state are best served by an expenditure limit that keeps pace with the growth in the state's economy yet ensures budget discipline and taxpayer protection. For these reasons, the legislature finds that modifications to the state expenditure limit, after ten years of experience following the initial implementation of Initiative Measure No. 601, will recognize the economic productivity of the state's economy and better balance the needs of the citizens for essential government services with the obligation of the legislature for strict spending accountability and protection of its taxpayers.

Sec. 2. RCW 43.135.035 and 2001 c 3 s 8 and 2000 2nd sp.s. c 2 s 2 are each reenacted and amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. However, for legislation enacted between the effective date of this 2005 act and June 30, 2007, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The ((office of financial management)) state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken (~~(after July 1, 2000,)~~) that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 3. RCW 43.135.010 and 1994 c 2 s 1 are each amended to read as follows:

The people of the state of Washington hereby find and declare:

(1) The continuing increases in our state tax burden and the corresponding growth of state government is contrary to the interest of the people of the state of Washington.

(2) It is necessary to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as defined by the legislature.

(3) The current budgetary system in the state of Washington lacks stability. The system encourages crisis budgeting and results in cutbacks during lean years and overspending during surplus years.

(4) It is therefore the intent of this chapter to:

(a) Establish a limit on state expenditures that will assure that the growth rate of state expenditures does not exceed the growth rate (~~(of inflation and state population)~~) in Washington personal income;

(b) Assure that local governments are provided funds adequate to render those services deemed essential by their citizens;

(c) Assure that the state does not impose responsibility on local governments for new programs or increased levels of service under existing programs unless the costs thereof are paid by the state;

(d) Provide for adjustment of the limit when costs of a program are transferred between the state and another political entity;

(e) Establish a procedure for exceeding this limit in emergency situations;

(f) Provide for voter approval of tax increases; and

(g) Avoid overfunding and underfunding state programs by providing stability, consistency, and long-range planning.

Sec. 4. RCW 43.135.025 and 2000 2nd sp.s. c 2 s 1 are each amended to read as follows:

(1) The state shall not expend from the general fund and related funds during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund or related fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, (~~(1995))~~ 2007, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds, not including federal funds, for the fiscal year beginning July 1, (~~(1989))~~ 2006, plus the fiscal growth factor. (~~(This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).))~~)

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least (~~(three))~~ four members.

(6) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit

adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average ~~((of the sum of inflation and population change for each of the prior three fiscal years))~~ growth in state personal income for the prior ten fiscal years.

(8) ~~("Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.~~

~~(9) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.)~~ "General fund" means the state general fund.

(9) "Related fund" means the health services account, violence reduction and drug enforcement account, public safety and education account, water quality account, or student achievement fund.

Sec. 5. RCW 43.135.035 and 2005 c ... s 2 (section 2 of this act) are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

~~((However, for legislation enacted between the effective date of this 2005 act and June 30, 2007, any action or combination of actions by the legislature that raises state revenue or requires revenue neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.))~~

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for ~~((inflation and population increases))~~ personal income growth?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund ~~((on or after January 1, 1993,))~~ or a related fund to another source of funding, or if moneys are transferred from the state general fund or a related fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund or a related fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund or a related fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function ~~((is))~~ and the ongoing revenue necessary to fund the program or function are shifted to the state general fund or a related fund on or after January 1, ~~((2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account))~~ 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 6. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall ~~((deposit in the emergency reserve fund all general fund state revenues in excess of the state expenditure limit for that fiscal year. Deposits))~~ transfer an amount from the state general fund to the emergency reserve fund. The amount transferred shall equal the amount by which total state revenue for the general fund and related funds exceeds the state expenditure limit, multiplied by the percentage that general fund expenditures are of total expenditures from the general fund and related funds. Transfers shall be made at the end of each fiscal quarter based on projections of state revenues, expenditures, and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

~~((6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.))~~

NEW SECTION. Sec. 7. (1) Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 3 through 6 of this act take effect July 1, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6078.

POINT OF ORDER

Senator Zarelli: "I would submit to the body and the President that Substitute Senate Bill No. 6078 as amended by the House is not properly before the Senate. I would like to explain that. Thank you Mr. President. Senate Concurrent Resolution No. 8400 provides that after five p.m. on Friday, April 15, 2005, neither House may consider any bills, memorials or joint resolutions, except those necessary to implement the budget. Yesterday, the House considered Substitute Senate Bill No. 6078 as its special order of business, the last bill heard before 5:00 p.m. At about 6:00 p.m., the bill was voted upon and the Speaker ruled that the bill failed as it did not receive the constitutional required fifty votes. At this point the bill failed and nothing in the Concurrent Resolution contemplates any further action on a bill that is not necessary to implement the budget. At about 7:00 p.m., some two hours after the cut-off the House took up consideration of the bill for a the second time. This was in direct contravention of the cut-off resolution which states that neither House may consider any bills not necessary to implement the budget after 5:00 p.m. on April 15. Mr. President, I would further like to say that under the joint rules and under the concurrent resolution, that, though this action was taken in another body and the President may feel that he doesn't have jurisdiction over that decision, I would argue to the President that, in fact, he does. That both bodies have agreed to the rules, to the concurrent resolution and therefore both bodies including the President, who presides over this body, should have a say as to one body or the other's decision to, in my mind, breach those rules, Mr. President. I think that at the end of the day, the legitimacy of joint rules and concurrent resolutions is in doubt in an action like this and would ask the President for these reasons to rule that the bill is not properly before us."

POINT OF ORDER

Senator Brown: "I would ask the President to rule that, in fact, that Substitute Senate Bill No. 6078 is properly before the Senate. That the actions that took place in the House when they considered this bill, temporarily went at ease, and ultimately passed this bill. That if such an objection were to be raised about the bill that it's properly raised in the House and not in the Senate and would ask the President to rule thus."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6078 was deferred and the bill held its place on the concurrence calendar.

The President Pro Tempore assumed the chair.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5951, with the following amendment{s}:

On page 7, line 23, after "for a" strike all material through "license" on line 25 and insert "horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5951.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5951.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5951.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5951, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5951, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 40

Voting nay: Senator Fairley - 1

Excused: Senators Brandland, Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5951, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5997, with the following amendment{s):

On page 11, after line 13, insert the following:

"NEW SECTION. Sec. 6. This act does not prohibit any merger of a domestic stock savings bank, organized under Title 32 RCW, with any out-of-state national bank having total assets of less than two hundred million dollars that is directly, or indirectly through a registered bank holding company, controlled, through ownership of the majority of voting stock or otherwise, by residents of the state of Washington, if an application for approval by the department of financial institutions of the proposed merger has been submitted on or prior to the effective date of this act."

Renumber the remaining section consecutively and correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5997.

Senator Spanel spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5997.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5997.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5997, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5997, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6037, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl, such as a connection to an existing sewer line where such connection serves only the recreational or tourist use and is not available to adjacent nonrecreational or nontourist use parcels;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(14). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(14). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null

and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 3. Section 1 of this act expires August 31, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6037.

Senators Sheldon and Roach spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6037.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6037.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6037, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6037, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein, Wyss and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6037, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5902, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that small technology-based firms are the source of approximately one-half of the economy's major innovations and that it is in the interest of the state to increase participation by Washington state small businesses in the federal small business innovation research program by assisting them in becoming small business innovation research program grant recipients.

The legislature further finds that many small business innovators lack the grant-writing skills necessary to prepare a successful small business innovation research program proposal, and the federal program that funded grant-writing assistance has stopped operations. Nearly fifty percent of small businesses trained under the federal program won grants compared to less than ten percent of those that did not receive training.

(2) As used in this section:

(a) "Small business innovation research program" means the program, enacted pursuant to the small business innovation development act of 1982, P.L. 97-219, that provided funds to small businesses to conduct innovative research having commercial application.

(b) "Small business" means a corporation, partnership, sole proprietorship, or individual, operating a business for profit, with two hundred fifty employees or fewer, including employees employed in a subsidiary or affiliated corporation, that otherwise meets the requirements of the federal small business innovation research program.

(3) The Washington technology center shall establish a small business innovation research assistance program, including a proposal review process, to train and assist Washington small businesses to win phase I small business innovation research program awards.

(a) The Washington technology center shall give priority to first-time small business innovation research program applicants, new businesses, and firms with fewer than ten employees.

(b) The Washington technology center may charge a fee for this service."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5902 and ask the House to recede therefrom.

Senators Eide spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Eide that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5902 and ask the House to recede therefrom.

The motion by Senator Eide carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5902 and asked the House to recede therefrom.

MOTION

On motion of Senator Hewitt, Senator Carrell was excused.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6025, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint legislative oversight committee on trade policy shall examine and analyze the current structure of trade policy development and implementation, including whether the office of the state trade representative should be enhanced by removing it from the office of the governor as a stand-alone office and whether the trade policy professional appointed by the governor to serve as the state trade representative should be subject to senate confirmation. The committee shall submit recommendations to the appropriate standing committees of the legislature by December 15, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede therefrom.

Senator Shin spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6025 and asked the House to recede therefrom.

President Owen assumed the chair.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Zarelli that Substitute Senate Bill 6078 is not properly before us because the House did not act upon it in time to comply with the cutoff dates set forth in Senate Concurrent Resolution 8400, the President finds and rules as follows:

Matters of difference between the Senate and the House must generally be resolved by the processes set forth for passage of bills within the Constitution, applicable codes, and any concurrent resolutions by and between the two bodies, such as the Joint Rules or the cutoff resolution. Conduct of affairs and conclusions reached within the House are not matters on which the President should properly rule. The President will make rulings, such as scope and object, with respect to bills passed from the House over to the Senate, where such a ruling is necessary to determine the actual text of the bill to be considered, or to determine the votes needed or similar parliamentary necessities. Beyond this, the President will defer to the House on the conduct of its affairs.

When the House reports a measure out or otherwise sends an official message to the Senate, the President will generally take this message as a proper communication as to the disposition of the House's business, and not look beyond this. Any other analysis risks generating bad will between the bodies and invites endless 'second guessing' of procedural matters already decided. To avoid this and promote comity between the two chambers, the President follows an approach similar to the enrolled bill doctrine found at law, under which the body promulgating a measure is the final authority as to whether it followed its own applicable procedures. The President reserves the right, of course to consider any substantial irregularities in process between the bodies. In general, however, the President will confine himself to ruling on the parliamentary merits of the matters before us, not the process followed in the House.

For these reasons, the President finds that Senator Zarelli's point is not well-taken and the measure is properly before this body for consideration."

The Senate resumed consideration of Substitute Senate Bill No. 6078 which had been deferred earlier in the day.

MOTION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6078.

Senator Zarelli spoke against the motion.

Senator Prentice spoke in favor of the motion.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6078 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6078, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 16; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benton, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Pflug, Roach, Schmidt, Schoesler, Sheldon, Swecker, Wyss and Zarelli - 16

Excused: Senators Brandland, Carrell, Delvin, McCaslin, Mulliken, Oke, Parlette and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:05 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 18, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SEVENTH DAY, APRIL 16, 2005

2005 REGULAR SESSION

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 18, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Oke and Pridemore.

MOTION

On motion of Senator Eide, Rule 46 was suspended for the purpose of allowing the Committee on Ways & Means Committee to continue to meet during the session.

EDITOR'S NOTE: Senate Rule 46 prohibits committees from sitting during the daily session of the senate unless granted special leave.

The Sergeant at Arms Color Guard consisting of Pages Corey Page and Kirsten Miner, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

April 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REUVEN CARLYLE, appointed April 5, 2005, for the term ending April 3, 2009, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

March 23, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CINDI YATES, appointed April 11, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Revenue.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

May 2, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVE HILL, appointed May 2, 2005, for the term ending at the governor's pleasure, as Administrator of the Administrator of the Washington State Health Care Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SUBSTITUTE SENATE BILL NO. 5463,
SUBSTITUTE SENATE BILL NO. 5552,
SENATE BILL NO. 5582,
SUBSTITUTE SENATE BILL NO. 5644,
SUBSTITUTE SENATE BILL NO. 5729,
SENATE BILL NO. 5926,
SUBSTITUTE SENATE BILL NO. 5953,
SUBSTITUTE SENATE BILL NO. 6043,
SENATE JOINT MEMORIAL NO. 8014,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5060,
ENGROSSED SENATE BILL NO. 5089,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5832,
SENATE BILL NO. 6012,
SUBSTITUTE SENATE BILL NO. 6064,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5058,
SUBSTITUTE SENATE BILL NO. 5242,

SUBSTITUTE SENATE BILL NO. 5309,
SENATE BILL NO. 5340,
SENATE BILL NO. 5347,
SENATE BILL NO. 5461,
SENATE BILL NO. 5501,
SENATE BILL NO. 5518,
SENATE BILL NO. 5564,
SUBSTITUTE SENATE BILL NO. 5623,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL 5035

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 11:30 a.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to acknowledge the return of Senator Brad Benson to the chamber. I would acknowledge that Senator Wyss did a fine job, Senator Benson. Also I would like to thank you for your service to the people of this great nation and finally I'd like to let you know that there was a vote taken on whether to reseat you or not. We chose to do it as a secret ballot but I won't tell you what the outcome was. Welcome back, we're very pleased to have you back."

PERSONAL PRIVILEGE

Senator Deccio: "When I came in this morning, Senator Benson had a whole contingent of people with him, must have been about fifty or twenty. I thought maybe he rescued them in Iraq and brought them back to the state of Washington. Come to find out, it was a very famous baseball player and but I am glad he's back. I'm glad that he brought them with him."

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5038, with the following amendment{s}:

On page 1, line 5, strike all of section 1

Renumber the sections consecutively and correct any internal references accordingly

On page 2, after line 27, delete section 3 in its entirety

On page 2, after line 27, insert

"**Sec. 3** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for

failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (4) of this section has been paid.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060."

Correct the title
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5038.

Senator Kline spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5038.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5038 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5038, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Brown, Oke and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 5038, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Regala, Senators Brown and Pridemore were excused.
On motion of Senator Mulliken, Senators McCaslin and Oke were excused.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5052, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the Washington Uniform Estate Tax Apportionment Act of 2005.

NEW SECTION. Sec. 2. DEFINITIONS. The following definitions apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apportionable estate" means the value of the gross estate as finally determined for purposes of the estate tax to be apportioned reduced by:

(a) Any claim or expense allowable as a deduction for purposes of the tax;

(b) The value of any interest in property that, for purposes of the tax, qualifies for a marital or charitable deduction or otherwise is deductible or is exempt; and

(c) Any amount added to the decedent's gross estate because of a gift tax on transfers made before death.

(2) "Estate tax" means a federal, state, or foreign tax imposed because of the death of an individual and interest and penalties associated with the tax. The term does not include an inheritance tax, income tax, or generation-skipping transfer tax other than a generation-skipping transfer tax incurred on a direct skip taking effect at death.

(3) "Gross estate" means, with respect to an estate tax, all interests in property subject to the tax.

(4) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(5) "Ratable" means apportioned or allocated pro rata according to the relative values of interests to which the term is to be applied. "Ratably" has a corresponding meaning.

(6) "Time-limited interest" means an interest in property which terminates on a lapse of time or on the occurrence or nonoccurrence of an event or which is subject to the exercise of discretion that could transfer a beneficial interest to another person. The term does not include a cotenancy unless the cotenancy itself is a time-limited interest.

(7) "Value" means, with respect to an interest in property, fair market value as finally determined for purposes of the estate tax that is to be apportioned, reduced by any outstanding debt secured by the interest without reduction for taxes paid or required to be paid or for any special valuation adjustment.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered as of January 1, 2005.

NEW SECTION. Sec. 3. APPORTIONMENT BY WILL OR OTHER DISPOSITIVE INSTRUMENT. (1) Except as otherwise provided in subsection (3) of this section, the following rules apply:

(a) To the extent that a provision of a decedent's will provides for the apportionment of an estate tax, the tax must be apportioned accordingly.

(b) Any portion of an estate tax not apportioned pursuant to (a) of this subsection must be apportioned in accordance with any provision of a revocable trust of which the decedent was the settlor which provides for the apportionment of an estate tax. If conflicting apportionment provisions appear in two or more revocable trust instruments, the provision in the most recently dated instrument prevails. For purposes of this subsection (1)(b):

(i) A trust is revocable if it was revocable immediately after the trust instrument was executed, even if the trust subsequently becomes irrevocable; and

(ii) The date of an amendment to a revocable trust instrument is the date of the amended instrument only if the amendment contains an apportionment provision.

(c) If any portion of an estate tax is not apportioned pursuant to (a) or (b) of this subsection, and a provision in any other dispositive instrument provides that any interest in the property disposed of by the instrument is or is not to be applied to

the payment of the estate tax attributable to the interest disposed of by the instrument, the provision controls the apportionment of the tax to that interest.

(2) Subject to subsection (3) of this section, and unless the decedent provides to the contrary, the following rules apply:

(a) If an apportionment provision provides that a person receiving an interest in property under an instrument is to be exonerated from the responsibility to pay an estate tax that would otherwise be apportioned to the interest:

(i) The tax attributable to the exonerated interest must be apportioned among the other persons receiving interests passing under the instrument; or

(ii) If the values of the other interests are less than the tax attributable to the exonerated interest, the deficiency must be apportioned ratably among the other persons receiving interests in the apportionable estate that are not exonerated from apportionment of the tax.

(b) If an apportionment provision provides that an estate tax is to be apportioned to an interest in property a portion of which qualifies for a marital or charitable deduction, the estate tax must first be apportioned ratably among the holders of the portion that does not qualify for a marital or charitable deduction and then apportioned ratably among the holders of the deductible portion to the extent that the value of the nondeductible portion is insufficient.

(c) Except as otherwise provided in (d) of this subsection, if an apportionment provision provides that an estate tax be apportioned to property in which one or more time-limited interests exist, other than interests in specified property under section 7 of this act, the tax must be apportioned to the principal of that property, regardless of the deductibility of some of the interests in that property.

(d) If an apportionment provision provides that an estate tax is to be apportioned to the holders of interests in property in which one or more time-limited interests exist and a charity has an interest that otherwise qualifies for an estate tax charitable deduction, the tax must first be apportioned, to the extent feasible, to interests in property that have not been distributed to the persons entitled to receive the interests. No tax shall be paid from a charitable remainder annuity trust or a charitable remainder unitrust described in section 664 of the Internal Revenue Code and created during the decedent's life.

(3) A provision that apportions an estate tax is ineffective to the extent that it increases the tax apportioned to a person having an interest in the gross estate over which the decedent had no power to transfer immediately before the decedent executed the instrument in which the apportionment direction was made. For purposes of this section, a testamentary power of appointment is a power to transfer the property that is subject to the power.

NEW SECTION. Sec. 4. STATUTORY APPORTIONMENT OF ESTATE TAXES. To the extent that apportionment of an estate tax is not controlled by an instrument described in section 3 of this act and except as otherwise provided in sections 6 and 7 of this act, the following rules apply:

(1) Subject to subsections (2), (3), and (4) of this section, the estate tax is apportioned ratably to each person that has an interest in the apportionable estate.

(2) A generation-skipping transfer tax incurred on a direct skip taking effect at death is charged to the person to which the interest in property is transferred.

(3) If property is included in the decedent's gross estate because of section 2044 of the Internal Revenue Code or any similar estate tax provision, the difference between the total estate tax for which the decedent's estate is liable and the amount of estate tax for which the decedent's estate would have been liable if the property had not been included in the decedent's gross estate is apportioned ratably among the holders of interests in the property. The balance of the tax, if any, is apportioned ratably to each other person having an interest in the apportionable estate.

(4) Except as otherwise provided in section 3(2)(d) of this act and except as to property to which section 7 of this act applies, an estate tax apportioned to persons holding interests in property subject to a time-limited interest must be apportioned, without further apportionment, to the principal of that property.

(5) If the court finds that it is inequitable to apportion interest and penalties in the manner provided in this chapter because of special circumstances, it may direct apportionment thereon in the manner it finds equitable.

NEW SECTION. Sec. 5. CREDITS AND DEFERRALS. Except as otherwise provided in sections 6 and 7 of this act, the following rules apply to credits and deferrals of estate taxes:

(1) A credit resulting from the payment of gift taxes or from estate taxes paid on property previously taxed inures ratably to the benefit of all persons to which the estate tax is apportioned.

(2) A credit for state or foreign estate taxes inures ratably to the benefit of all persons to which the estate tax is apportioned, except that the amount of a credit for a state or foreign tax paid by a beneficiary of the property on which the state or foreign tax was imposed, directly or by a charge against the property, inures to the benefit of the beneficiary.

(3) If payment of a portion of an estate tax is deferred because of the inclusion in the gross estate of a particular interest in property, the benefit of the deferral inures ratably to the persons to which the estate tax attributable to the interest is

apportioned. The burden of any interest charges incurred on a deferral of taxes and the benefit of any tax deduction associated with the accrual or payment of the interest charge is allocated ratably among the persons receiving an interest in the property.

NEW SECTION. Sec. 6. INSULATED PROPERTY--ADVANCEMENT OF TAX. (1) As used in this section:

(a) "Advanced fraction" means a fraction that has as its numerator the amount of the advanced tax and as its denominator the value of the interests in insulated property to which that tax is attributable.

(b) "Advanced tax" means the aggregate amount of estate tax attributable to interests in insulated property which is required to be advanced by uninsulated holders under subsection (3) of this section.

(c) "Insulated property" means property subject to a time-limited interest which is included in the apportionable estate and is unavailable for payment of an estate tax because of impossibility or impracticability. Insulated property does not include property from which the beneficial holder has the unilateral right to cause distribution to himself or herself.

(d) "Uninsulated holder" means a person who has an interest in uninsulated property.

(e) "Uninsulated property" means property included in the apportionable estate other than insulated property.

(2) If an estate tax is to be advanced pursuant to subsection (3) of this section by persons holding interests in uninsulated property subject to a time-limited interest other than property to which section 7 of this act applies, the tax must be advanced, without further apportionment, from the principal of the uninsulated property.

(3) Subject to section 9 (2) and (4) of this act, an estate tax attributable to interests in insulated property must be advanced ratably by uninsulated holders.

(4) A court having jurisdiction to determine the apportionment of an estate tax may require a beneficiary of an interest in insulated property to pay all or part of the estate tax otherwise apportioned to the interest if the court finds that it would be substantially more equitable for that beneficiary to bear the tax liability personally than for that part of the tax to be advanced by uninsulated holders.

(5) Upon payment by an uninsulated holder of estate tax required to be advanced, a court may require the beneficiary of an interest in insulated property to provide a bond or other security, including a recordable lien on the property of the beneficiary, for repayment of the advanced tax.

(6) When a distribution of insulated property is made, each uninsulated holder may recover from the distributee a ratable portion of the advanced fraction of the property distributed. To the extent that undistributed insulated property ceases to be insulated, each uninsulated holder may recover from the property a ratable portion of the advanced fraction of the total undistributed property.

NEW SECTION. Sec. 7. APPORTIONMENT AND RECAPTURE OF SPECIAL ELECTIVE BENEFITS. (1) As used in this section:

(a) "Special elective benefit" means a reduction in an estate tax obtained by an election for:

(i) A reduced valuation of specified property that is included in the gross estate;

(ii) A deduction from the gross estate, other than a marital or charitable deduction, allowed for specified property; or

(iii) An exclusion from the gross estate of specified property.

(b) "Specified property" means property for which an election has been made for a special elective benefit.

(2) If an election is made for one or more special elective benefits, an initial apportionment of a hypothetical estate tax must be computed as if no election for any of those benefits had been made. The aggregate reduction in estate tax resulting from all elections made must be allocated among holders of interests in the specified property in the proportion that the amount of deduction, reduced valuation, or exclusion attributable to each holder's interest bears to the aggregate amount of deductions, reduced valuations, and exclusions obtained by the decedent's estate from the elections. If the estate tax initially apportioned to the holder of an interest in specified property is reduced to zero, any excess amount of reduction reduces ratably the estate tax apportioned to other persons that receive interests in the apportionable estate.

(3) An additional estate tax imposed to recapture all or part of a special elective benefit must be charged to the persons that are liable for the additional tax under the law providing for the recapture.

NEW SECTION. Sec. 8. SECURING PAYMENT OF ESTATE TAX FROM PROPERTY IN POSSESSION OF FIDUCIARY. (1) A fiduciary may defer a distribution of property until the fiduciary is satisfied that adequate provision for payment of the estate tax has been made.

(2) A fiduciary may withhold from a distributee the estate tax apportioned to and the estate tax required to be advanced by the distributee.

(3) As a condition to a distribution, a fiduciary may require the distributee to provide a bond or other security for the estate tax apportioned to and the estate tax required to be advanced by the distributee.

NEW SECTION. Sec. 9. COLLECTION OF ESTATE TAX BY FIDUCIARY. (1) A fiduciary responsible for payment of an estate tax may collect from any person the estate tax apportioned to and the estate tax required to be advanced by the person.

(2) Except as otherwise provided in section 6 of this act, any estate tax due from a person that cannot be collected from the person may be collected by the fiduciary from other persons in the following order of priority:

- (a) Any person having an interest in the apportionable estate which is not exonerated from the tax;
- (b) Any other person having an interest in the apportionable estate;
- (c) Any person having an interest in the gross estate.

(3) A domiciliary fiduciary may recover from an ancillary personal representative the estate tax apportioned to the property controlled by the ancillary personal representative.

(4) The total tax collected from a person pursuant to this chapter may not exceed the value of the person's interest.

NEW SECTION. Sec. 10. RIGHT OF REIMBURSEMENT. (1) A person required under section 9 of this act to pay an estate tax greater than the amount due from the person under section 3 or 4 of this act has a right to reimbursement from another person to the extent that the other person has not paid the tax required by section 3 or 4 of this act and a right to reimbursement ratably from other persons to the extent that each has not contributed a portion of the amount collected under section 9(2) of this act.

(2) A fiduciary may enforce the right of reimbursement under subsection (1) of this section on behalf of the person that is entitled to the reimbursement and shall take reasonable steps to do so if requested by the person.

NEW SECTION. Sec. 11. ACTION TO DETERMINE OR ENFORCE CHAPTER--APPLICATION OF CHAPTER 11.96A RCW. Chapter 11.96A RCW applies to issues, questions, or disputes that arise under or that relate to this chapter. Any and all such issues, questions, or disputes may be resolved judicially or nonjudicially under chapter 11.96A RCW.

NEW SECTION. Sec. 12. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 13. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. APPLICATION DATE. (1) This act takes effect for estate tax due on account of decedents who die on or after January 1, 2006.

(2) Sections 2 through 7 of this act do not apply to a decedent who dies after December 31, 2005, if the decedent continuously lacked testamentary capacity from January 1, 2006, until the date of death. For such a decedent, estate tax must be apportioned pursuant to the law in effect immediately before the effective date of this act.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 83.110.010 (Definitions) and 2000 c 129 s 1, 1998 c 292 s 402, 1994 c 221 s 71, 1993 c 73 s 10, 1989 c 40 s 1, & 1986 c 63 s 1;
- (2) RCW 83.110.020 (Apportionment of tax) and 2000 c 129 s 2, 1989 c 40 s 2, & 1986 c 63 s 2;
- (3) RCW 83.110.030 (Apportionment procedure) and 2000 c 129 s 3, 1990 c 180 s 6, 1989 c 40 s 3, & 1986 c 63 s 3;
- (4) RCW 83.110.040 (Collection of tax from persons interested in the estate--Security) and 1986 c 63 s 4;
- (5) RCW 83.110.050 (Allowance for exemptions, deductions, and credits) and 2000 c 129 s 4, 1993 c 73 s 11, 1989 c 40 s 4, & 1986 c 63 s 5;
- (6) RCW 83.110.060 (Apportionment between temporary and remainder interests) and 2000 c 129 s 5, 1989 c 40 s 5, & 1986 c 63 s 6;
- (7) RCW 83.110.070 (Time for recovery of tax from persons interested in the estate--Exoneration of fiduciary--Recovery of uncollectible taxes) and 1986 c 63 s 7;
- (8) RCW 83.110.080 (Action by nonresident--Reciprocity) and 1986 c 63 s 8;
- (9) RCW 83.110.090 (Coordination with federal law) and 2000 c 129 s 6, 1989 c 40 s 6, & 1986 c 63 s 9;
- (10) RCW 83.110.900 (Construction) and 1986 c 63 s 10;
- (11) RCW 83.110.901 (Short title) and 1986 c 63 s 11;
- (12) RCW 83.110.902 (Captions) and 1986 c 63 s 13;
- (13) RCW 83.110.903 (Application) and 1988 c 64 s 26 & 1986 c 63 s 14; and
- (14) RCW 83.110.904 (Severability--1986 c 63) and 1986 c 63 s 12.

NEW SECTION. Sec. 16. CAPTIONS NOT LAW. Captions used in this chapter are not part of the law.

NEW SECTION. Sec. 17. This act takes effect January 1, 2006.

NEW SECTION. Sec. 18. The repealed sections of law in section 15 of this act shall not be construed as affecting any existing right, liability, or obligation incurred, under the repealed sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 19. Sections 1 through 14 and 16 of this act constitute a new chapter in Title 83 RCW."

On page 1, line 1 of the title, after "apportionment;" strike the remainder of the title and insert "adding a new chapter to Title 83 RCW; creating a new section; repealing RCW 83.110.010, 83.110.020, 83.110.030, 83.110.040, 83.110.050, 83.110.060, 83.110.070, 83.110.080, 83.110.090, 83.110.900, 83.110.901, 83.110.902, 83.110.903, and 83.110.904; and providing an effective date."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5052.

Senators Kline and Johnson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5052.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5052 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5052, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, McCaslin and Oke - 3

SUBSTITUTE SENATE BILL NO. 5052, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5035,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1000,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,

HOUSE BILL NO. 1072,

SUBSTITUTE HOUSE BILL NO. 1133,

HOUSE BILL NO. 1432,

HOUSE BILL NO. 1598,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1000,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1432,
HOUSE BILL NO. 1598,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1050,
SUBSTITUTE HOUSE BILL NO. 1132,
ENGROSSED HOUSE BILL NO. 1146,
HOUSE BILL NO. 1160,
HOUSE BILL NO. 1170,
HOUSE BILL NO. 1180,
HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1237,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1337,
HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1732,
SUBSTITUTE HOUSE BILL NO. 1876,
SUBSTITUTE HOUSE BILL NO. 2061,
SUBSTITUTE HOUSE BILL NO. 2225,
ENGROSSED HOUSE BILL NO. 2241,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE BILL NO. 2282,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1050,
SUBSTITUTE HOUSE BILL NO. 1132,
ENGROSSED HOUSE BILL NO. 1146,
HOUSE BILL NO. 1160,
HOUSE BILL NO. 1170,
HOUSE BILL NO. 1180,
HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1210,
HOUSE BILL NO. 1237,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1337,
HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1732,
SUBSTITUTE HOUSE BILL NO. 1876,
SUBSTITUTE HOUSE BILL NO. 2061,
SUBSTITUTE HOUSE BILL NO. 2225,
ENGROSSED HOUSE BILL NO. 2241,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE BILL NO. 2282.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1113,
HOUSE BILL NO. 1130,
HOUSE BILL NO. 1141,
SUBSTITUTE HOUSE BILL NO. 1208,
HOUSE BILL NO. 1259,
HOUSE BILL NO. 1296,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,
HOUSE BILL NO. 1364,
SUBSTITUTE HOUSE BILL NO. 1406,
HOUSE BILL NO. 1457,
HOUSE BILL NO. 1555,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1872,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896,
SUBSTITUTE HOUSE BILL NO. 1936,
HOUSE BILL NO. 2131,
SUBSTITUTE HOUSE BILL NO. 2223,
HOUSE BILL NO. 2271,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1113,
HOUSE BILL NO. 1130,
HOUSE BILL NO. 1141,
SUBSTITUTE HOUSE BILL NO. 1208,
HOUSE BILL NO. 1259,
HOUSE BILL NO. 1296,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,
HOUSE BILL NO. 1364,
SUBSTITUTE HOUSE BILL NO. 1406,
HOUSE BILL NO. 1457,
HOUSE BILL NO. 1555,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1872,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1896,
SUBSTITUTE HOUSE BILL NO. 1936,
HOUSE BILL NO. 2131,
SUBSTITUTE HOUSE BILL NO. 2223,
HOUSE BILL NO. 2271.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6078.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6078,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Benson moved adoption of the following resolution:

SENATE RESOLUTION
8603

By Senators Benson, McCaslin and Brown

WHEREAS, Ryne Dee Sandberg was born in Spokane, Washington, on September 18, 1959; and
WHEREAS, Ryne Sandberg was a standout athlete in baseball, football, and basketball at North Central High School (the "Indians") in Spokane; and
WHEREAS, Ryne Sandberg led the Indians to a 25-3 record and the 1978 state baseball championship game, hitting .417 with 4 home runs his senior season; and
WHEREAS, Ryne Sandberg was drafted by the Philadelphia Phillies in the twentieth round of the 1978 major league baseball draft; and
WHEREAS, Ryne Sandberg was traded to the Chicago Cubs in 1982, where his unique combination of power and consistency made him one of the greatest second basemen in the history of baseball; and
WHEREAS, Ryne Sandberg was a ten-time All-Star and nine-time Gold Glove second baseman; and
WHEREAS, Ryne Sandberg is only the tenth player in history to hit at least 250 home runs and steal at least 250 bases;
and
WHEREAS, Ryne Sandberg holds the major league record for fielding percentage for a second baseman, at .989; and
WHEREAS, Ryne "Ryno" Sandberg became a Cubs legend on June 23, 1984, when he hit two game-tying home runs off All-Star closer Bruce Sutter in the Cubs' extra-innings victory over the St. Louis Cardinals at Wrigley Field, evoking the nickname "Baby Ruth" from opposing manager Whitey Herzog, who called it one of the greatest performances he had ever seen;
and
WHEREAS, Ryne Sandberg gained even more respect and admiration from fans for his willingness to give back to the community through charities and other activities; and
WHEREAS, Ryne Sandberg was elected to the Baseball Hall of Fame on January 4, 2005; and
WHEREAS, Ryne Sandberg is only the second graduate of a Washington high school to be elected to the Baseball Hall of Fame;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ryne Sandberg on his long and wonderful career with the Chicago Cubs and thank him for giving so much back to the team's fans and to the community.

Senators Benson, Esser and Brandland spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8603.
The motion by Senator Benson carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family and friends of Mr. Ryne Sandberg, sister Meryl Nance; brother Del and wife Julie; daughter Jill and fiancé Ruben Andrews; Mr. Sandberg's high school coach, Ken Eilmes; high school teammate Marty Hare and his daughter Kalena; and Mr. Sandberg's wife, Margaret, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ryne Sandberg who was seated on the rostrum.

With permission of the Senate, business was suspended to allow Mr. Ryne Sandberg, Major League Baseball's 2005 inductee to the Baseball Hall of Fame, to address the Senate.

REMARKS BY MR. RYNE SANDBERG

Mr. Ryne Sandberg: "I believe that passed in a land slide, didn't it. That was good to hear. I have great pride growing up in Spokane, spending my first eighteen years there. It was a great opportunity for me to grow up. It had great opportunities for the athletes. I got to play my basketball at the coliseum, which was a big thrill. I played all my football games at Joe Albi Stadium, for high school, it doesn't get any better than that. Of course, I played American Legion baseball at Shadle Park under the lights. So, I felt like I was in the right place for me to flourish and to work and play at the game that I love. I loved all sports. In 1978, I was fortunate enough to be drafted by the Philadelphia Phillies. An interesting story growing up in Spokane, we didn't have the Seattle Mariners yet, so I was a big Cincinnati Red's fan because they seemed to be on the Saturday Games of the Week quite often in the '70s. My favorite player was Pete Rose growing up and besides a family vacation trip where we went to Fenway Park and saw the Minnesota Twins play once and then the Oakland A's play. Those were my only three times in a major league ballpark. Until the fourth time, I was in uniform with the Philadelphia Phillies after spending four years in the minor league with the Phillies and my locker was next to Pete Rose. So just a lot of great thrills along the way. That was definitely a big one but playing for the team, the Chicago Cubs, I also felt very, very lucky and very fortunate. A lot of our games, as you know, were on WGN TV so that my relatives could watch me. My friends could watch. Hanging out with Harry Caray wasn't too bad, a lot of laughs there. The Cubs have always been a team that's had a great following of fans and I saw that all across the United States when we played, so that was a big thrill. Also playing our games at Wrigley Field was I thought was a treat. We had a lot, most of our games were day baseball which I enjoyed as a hitter being able to see the ball very well. I was actually there when we finally put lights up in 1988. That was a big thrill. I hit a two-run home run my first at bat under the lights. So, all in all it's just been like a dream come true for me. I always played sports, played a lot out in the front yard by myself, actually. We had a house, a two-story house with two-tiered grass going up. And we had the nice steps up there and I used to throw the ball up against the steps and field the ball coming back and imagine that I was playing in the major leagues. Emulated players that were on the major games of the week back then and so to have everything happen as it did is just remarkable to me. This is a great honor being here today and throughout the State of Washington I feel like I always had great support and especially out of Spokane. This is an honor here today also. Thank you very much."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5094, with the following amendment{s}:

On page 3, line 5, after "over" strike "one million"

On page 4, line 10 after "work." strike all material through "section." on line 13 and insert: "All remaining collected funds shall be used for conservation district purposes."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and ask the House to recede therefrom.

Senators Rasmussen and Schoesler spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senator Zarelli was excused.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and ask the House to recede therefrom.

The motion by Senator Rasmussen carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5308, with the following amendment{s):
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.030 and 2003 c 207 s 4 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b)(i) When any person who is an employee or regular-service volunteer of a for-profit entity that provides services to children as a primary mission or purpose of the entity, or nonprofit entity as defined in RCW 84.36.800, has reasonable cause to believe that a child has suffered abuse or neglect, and the alleged perpetrator is an employee, contractor, or regular-service or occasional-service volunteer of the same for-profit or nonprofit entity, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(ii) Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

~~((c))~~ (d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

~~((4))~~ (e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2)(a) The reporting requirement of subsection (1) of this section does not apply to a member of the clergy with regard to information obtained by the member of the clergy in his or her professional character as a religious or spiritual advisor when the information is obtained solely as a result of a confession made pursuant to the clergy-penitent privilege as provided in RCW 5.60.060(3), and the member of the clergy is authorized to hear such confession, and has a duty under the discipline, tenets, doctrine, or custom of his or her church, religious denomination, religious body, spiritual community, or sect to keep the confession secret. The privilege shall not apply, and the member of the clergy shall report child abuse or neglect pursuant to this section, if the member of the clergy has received the information from any source other than from a confession.

(b) Nothing in this subsection shall exempt a member of the clergy from making a report of child abuse or neglect as required in subsection (1) of this section when the member of the clergy is acting in some other capacity that would otherwise require him or her to make a report.

(3) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

~~((3))~~ (4) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~((4))~~ (5) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

~~((5))~~ (6) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

~~((6))~~ (7) Any county prosecutor or city attorney receiving a report under subsection ~~((5))~~ (6) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

~~((7))~~ (8) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

~~((8))~~ (9) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

~~((9))~~ (10) Persons or agencies exchanging information under subsection ~~((7))~~ (8) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

~~((10))~~ (11) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

~~((11))~~ (12) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((12))~~ (13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((13))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

(17) For the purposes of this section, the following definitions apply:

(a) "Volunteer" means any person who, of his or her own free will, provides goods or services without any financial gain to any agency, instrumentality, political subdivision, or school district of the state of Washington;

(b) "Occasional-service volunteer" means any person who provides a one-time or occasional volunteer service; and

(c) "Regular-service volunteer" means any person engaged in specific volunteer service activities on an ongoing or continuing basis."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5308 and ask the House to recede therefrom.

Senators Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5308 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5308 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5513, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the interest of the state to restructure the roles and responsibilities of the state's transportation agencies in order to improve efficiency and accountability. The legislature also finds that continued citizen oversight of performance of the state's transportation system remains an important priority. To achieve these purposes, the legislature intends to provide direct accountability of the department of transportation to the governor, in his or her role as chief executive officer of state government, by making the secretary of transportation a cabinet-level official. Additionally, it is essential to clearly delineate between the separate and distinct roles and responsibilities of the executive and legislative branches of government. The role of executive is to oversee the implementation of transportation programs, while the legislature reserves to itself the role of policy making. Finally, consolidating public outreach and auditing of the state's transportation agencies under a single citizen-governed entity, the transportation accountability commission, will provide the public with information about the performance of the transportation system and an avenue for direct participation in its oversight.

Departmental Governance

Sec. 2. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission))~~ governor with the advice and consent of the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the transportation commission without a vote. ~~((The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it.))~~ The secretary shall serve ~~((until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final))~~ at the pleasure of the governor.

Sec. 4. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

(1) There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

(2) This section expires July 1, 2006.

Sec. 5. RCW 47.01.061 and 1987 c 364 s 2 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or

motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 6. RCW 47.01.071 and 1981 c 59 s 2 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

~~(c) Propose a transportation policy for the state((, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session));~~

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

~~(2) ((To establish the policy of the department to be followed by the secretary on each of the following items:~~

~~(a)) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;~~

~~((b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;~~

~~(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;~~

~~(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;))~~

(3) To ~~((direct the secretary to))~~ prepare ~~((and submit to the commission))~~ a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. ~~((After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session.))~~ The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter. ~~((A preliminary plan shall be submitted to such committees by January 1, 1979.))~~

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~(5) ((To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;~~

~~(6) To review and authorize all departmental requests for legislation;~~

~~(7) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(8)) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~((9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;~~

~~(10)) (6) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.~~

Sec. 7. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are each reenacted and amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the ~~((commission))~~ governor and the legislature:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide, under contract or interagency agreement, full staff support to the commission to assist it in carrying out its functions, powers, and duties ~~((and to execute the policy established by the commission pursuant to its legislative authority));~~

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation ~~((and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and II highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances.));~~

(9) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(10) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and

(11) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 8. RCW 47.05.021 and 2002 c 56 s 301 are each amended to read as follows:

(1) The ~~((transportation commission is hereby directed to))~~ department shall conduct periodic analyses of the entire state highway system, report ~~((thereon))~~ to the commission and the chairs of the transportation committees of the senate and house of representatives, ~~((including one copy to the staff of each of the committees, biennially and based thereon,))~~ any subsequent recommendations to subdivide, classify, and subclassify ~~((according to their function and importance))~~ all designated state highways ~~((and those added from time to time and periodically review and revise the classifications))~~ into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) (~~In making the functional classification~~) The transportation commission shall adopt ~~(and)~~ a functional classification of highways. The commission shall consider the recommendations of the department and testimony from the public and local municipalities. The commission shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

- (a) Urban population centers within and without the state stratified and ranked according to size;
- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;
- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 47.05.030 and 2002 c 5 s 402 are each amended to read as follows:

The transportation commission shall adopt a comprehensive (~~six-year~~) ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and legislature for final adoption. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program must be revised (~~biennially, effective on July 1st of odd-numbered years~~) based on directions by the office of financial management. The investment program must be based upon the needs identified in the state-owned highway component of the statewide transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive (~~six-year~~) ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining (~~four~~) eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The (~~six-year~~) ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the (~~six-year~~) ten-year period giving consideration to relative benefits and life cycle

costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive ~~((six-year))~~ ten-year investment program to the governor and the legislature ~~((in support of the biennial budget request under RCW 44.40.070 and 44.40.080))~~ as directed by the office of financial management.

Sec. 10. RCW 47.05.035 and 2002 c 5 s 403 are each amended to read as follows:

(1) The department ~~((and the commission))~~ shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department ~~((and the commission))~~ can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the ~~((transportation commission))~~ department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the ~~((commission))~~ department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The ~~((commission))~~ department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The commission shall review the results of the department's findings and shall consider those findings in the development of the ten-year program.

Sec. 11. RCW 47.05.051 and 2002 c 189 s 3 are each amended to read as follows:

(1) The comprehensive ~~((six-year))~~ ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

(ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ~~((six-year))~~ ten-year program.

(b) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

(i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

- (iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.
- (c) Priority programming for the improvement program may also take into account:
 - (i) Support for the state's economy, including job creation and job preservation;
 - (ii) The cost-effective movement of people and goods;
 - (iii) Accident and accident risk reduction;
 - (iv) Protection of the state's natural environment;
 - (v) Continuity and systematic development of the highway transportation network;
 - (vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:
 - (A) Support for development in and revitalization of existing downtowns;
 - (B) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;
 - (C) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;
 - (D) Opportunities for multimodal transportation; and
 - (E) Extent to which the project accommodates planned growth and economic development;
 - (vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;
 - (viii) Public views concerning proposed improvements;
 - (ix) The conservation of energy resources;
 - (x) Feasibility of financing the full proposed improvement;
 - (xi) Commitments established in previous legislative sessions;
 - (xii) Relative costs and benefits of candidate programs.
- (d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.
- (e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.
- (2) After final adoption of the ten-year investment program by the legislature, the commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.
- (3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

Joint Transportation Committee

NEW SECTION. Sec. 12. The joint transportation committee is created. The executive committee of the joint committee consists of the chairs and ranking members of the house and senate transportation committees. The chairs of the house and senate transportation committees shall serve as cochairs of the joint committee. All members of the house and senate standing committees on transportation are eligible for membership of the joint committee and shall serve when appointed by the executive committee.

The joint transportation committee shall review and research transportation programs and issues. All four members of the executive committee shall approve the annual work plan. Membership of the committee may vary depending on the subject matter of oversight and research projects. The committee may also make recommendations for functional or performance audits to the transportation accountability commission.

Staff support of the joint transportation committee will be provided by the staffs of the house and senate transportation committees.

NEW SECTION. Sec. 13. The members of the joint transportation committee and the house and senate transportation committees will receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the

committee, and the house and senate transportation committees must be paid upon voucher forms as provided by the office of financial management and signed by the cochairs of the joint committee, or their authorized designees, and the authority of the chair or vice chair to sign vouchers continues until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

NEW SECTION. Sec. 14. The joint transportation committee shall conduct a review of state level governance of transportation, with a focus on the appropriate roles of the separate branches of government. The committee shall review the statutory duties, roles, and functions of the transportation commission and the department. In that review the committee shall determine which responsibilities may be transferred to the executive and which may be transferred to the legislature. By December 15, 2005, the joint transportation committee shall make its recommendations to the house and senate transportation committees. The joint transportation committee shall consult with affected agencies and other stakeholders in conducting its analysis. The committee may consult with and retain private professional and technical experts as necessary to ensure an independent review and analysis.

Transfers

NEW SECTION. Sec. 15. (1)(a) All reports, documents, surveys, books, records, files, papers, or written material relating to the conduct of performance reviews and audits in the possession of the legislative transportation committee must be delivered to the custody of the transportation accountability commission. Any remaining documents, books, records, files, papers, and written materials must be delivered to the custody of the joint transportation committee. All funds, credits, or other assets held by the legislative transportation committee for the purposes of staffing the transportation performance audit board are assigned to the transportation accountability commission. Any remaining funds, credits, or other assets held by the legislative transportation committee are assigned to the joint transportation committee.

(b) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(2) All employees of the legislative transportation committee are transferred to the jurisdiction of the transportation accountability commission.

(3) All existing contracts and obligations remain in full force and must be performed by the transportation accountability commission.

Transportation Accountability Commission

Sec. 16. RCW 44.75.010 and 2003 c 362 s 1 are each amended to read as follows:

It is essential that the legislature improve the accountability and efficiency of transportation-related agencies and measure transportation system performance against benchmarks established in chapter 5, Laws of 2002. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects and services. To accomplish this, the transportation (~~performance audit board~~) accountability commission is created and a system of transportation functional and performance audits is established to provide oversight and accountability of transportation-related agencies. Furthermore, the transportation accountability commission will provide a public forum for the citizens of the state to contribute to the formation of state transportation policy.

Sec. 17. RCW 44.75.020 and 2003 c 362 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Economy and efficiency audit" has the meaning contained in chapter 44.28 RCW.

(2) "Joint legislative audit and review committee" means the agency created in chapter 44.28 RCW, or its statutory successor.

(3) "Legislative auditor" has the meaning contained in chapter 44.28 RCW.

(4) (~~"Legislative transportation committee" means the agency created in chapter 44.40 RCW, or its statutory successor.~~

~~(5))~~ "Performance audit" has the meaning contained in chapter 44.28 RCW.

~~((6))~~ (5) "Performance review" means an outside evaluation of how a state agency uses its performance measures to assess the outcomes of its legislatively authorized activities.

~~((7))~~ (6) "Program audit" has the meaning contained in chapter 44.28 RCW.

~~((8))~~ "Transportation performance audit board" or "board" means the board created in RCW 44.75.030.

~~(9))~~ (7) "Transportation accountability commission" or "commission" means the commission created in RCW 44.75.030 (as recodified by this act).

(8) "Transportation-related agencies" or "agency" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

Sec. 18. RCW 44.75.030 and 2003 c 362 s 3 are each amended to read as follows:

(1) The transportation (~~(performance audit board)~~) accountability commission is created.

(2) The (~~(board)~~) commission will consist of four legislative members, (~~(five)~~) three citizen members with transportation-related expertise, (~~(one)~~) three citizen members with performance measurement expertise, and one ex officio nonvoting member, and one at large member. The legislative auditor is the ex officio nonvoting member. The majority and minority leaders of the house and senate transportation committees, or their designees, are the legislative members. The governor shall appoint the at large member to serve for a term of four years. The citizen members must be (~~(nominated by professional associations chosen by the board's legislative members and)~~) appointed by the governor for terms of four years, except that at least half the initial appointments will be for terms of two years. The citizen members may not be currently, or within one year, employed by the Washington state department of transportation. The (~~(citizen members will consist of)~~) governor, when appointing the citizen members with transportation-related expertise, may consult with appropriate professional associations and shall consider the following transportation-related experiences:

(a) (~~(One member with expertise in)~~) Construction project planning, including permitting and assuring regulatory compliance;

(b) (~~(One member with expertise in)~~) Construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) (~~(One member with expertise in)~~) Construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(d) (~~(One member with expertise in)~~) Project management, including design estimating, contract packaging, and procurement; and

(e) (~~(One member with expertise in)~~) Transportation planning and congestion management.

(3) The governor may not remove citizen members from the (~~(board)~~) commission before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, (~~(of)~~) or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the (~~(board member)~~) commissioner in question.

(4) No member may be appointed for more than three consecutive terms.

Sec. 19. RCW 44.75.040 and 2003 c 362 s 4 are each amended to read as follows:

(1) The (~~(board)~~) commission shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members.

(2) Each member of the (~~(transportation performance audit board)~~) commission will be compensated (~~(from the general appropriation for the legislative transportation committee)~~) in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the (~~(board)~~) commission or that are incurred in the discharge of duties requested by the chair. However, in no event may a (~~(board)~~) commission member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the (~~(board)~~) commission does not qualify as a service credit for the purposes of a public retirement system.

(3) The (~~(transportation performance audit board)~~) commission shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) (~~(Staff support to the transportation performance audit board must be provided by the legislative transportation committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.)~~) The commission may appoint an administrative secretary and may from time to time retain consultants and other technical personnel to advise it in the performance of its duties.

(5) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding all performance reviews and performance audits conducted under this chapter.

NEW SECTION. Sec. 20. A new section is added to chapter 47.-- RCW (new chapter created in section 149 of this act) to read as follows:

(1) The transportation accountability commission shall provide a public forum for the development of transportation policy in Washington state. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in transportation accountability policy formulation. It may further hold hearings and explore ways to enhance the accountability of transportation programs.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide transportation accountability progress report that evaluates progress towards transportation performance goals and outlines the transportation priorities of the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Consider the results of performance measure reviews and performance audits performed in the two-year period leading up to that review;

(c) Be developed with the assistance of transportation-related agencies and organizations;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

(e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

Sec. 21. RCW 44.75.050 and 2003 c 362 s 5 are each amended to read as follows:

(1) The transportation (~~(performance audit board)~~) accountability commission may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the governor and the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, these reviews can also determine whether effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems, and administration of grants and loans.

(2) The commission shall, as soon as practicable, conduct a review of the comprehensive ten-year investment program process, including the required criteria, under RCW 47.05.030 and 47.05.051.

(3) In conducting these reviews, the (~~(transportation performance audit board)~~) commission may work in consultation with the (~~(legislative transportation committee, the)~~) joint legislative audit and review committee, the office of financial management, and other state agencies.

Sec. 22. RCW 44.75.060 and 2003 c 362 s 6 are each amended to read as follows:

The performance and outcome measures and benchmarks of each agency or department may be reviewed at the discretion of the transportation (~~(performance audit board)~~) accountability commission. In setting the schedule and the extent of performance reviews, the (~~(board)~~) commission shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year.

Sec. 23. RCW 44.75.080 and 2003 c 362 s 8 are each amended to read as follows:

After reviewing the performance or outcome measures and benchmarks of an agency or department, or at any time it so determines, the (~~(transportation performance audit board shall recommend to the executive committee of the legislative transportation committee whether)~~) commission may direct a full performance or functional audit of the agency or department, or a specific program within the agency or department (~~(, is appropriate. Upon the request of the legislative transportation committee or its executive committee, the joint legislative audit and review committee shall add the full performance or functional audit to its biennial performance audit work plan. If the request duplicates or overlaps audits already in the work plan, or was performed under the previous biennial work plan, the executive committees of the legislative transportation committee and the joint legislative audit and review committee shall meet to discuss and resolve the duplication or overlap)~~).

Sec. 24. RCW 44.75.090 and 2003 c 362 s 9 are each amended to read as follows:

(~~(H)~~) To the greatest extent possible, (~~(or when requested by the executive committee of the legislative transportation committee)~~) and to the extent funds are appropriated, the (~~(legislative auditor)~~) commission administrator shall, subject to commission approval, contract with and consult with private independent professional and technical experts to optimize the independence of the reviews and performance audits. In determining the need to contract with private experts, the (~~(legislative auditor)~~) commission administrator shall consider the degree of difficulty of the review or audit, the relative cost of contracting for expertise, and the need to maintain auditor independence from the subject agency or program. The commission administrator

may, subject to commission approval, contract with the legislative auditor to serve as the contract manager of the reviews and performance audits.

~~((2) After consultation with the executive committee of the legislative transportation committee on the appropriateness of costs, the legislative transportation committee shall reimburse the joint legislative audit and review committee or the legislative auditor for the costs of carrying out any requested performance audits, including the cost of contracts and consultant services.~~

~~(3) The executive committee of the legislative transportation committee must review and approve the methodology for performance audits recommended by the transportation performance audit board.)~~

Sec. 25. RCW 44.75.100 and 2003 c 362 s 10 are each amended to read as follows:

(1) When the commission has completed a performance audit, the commission shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the commission within thirty days after receipt of the preliminary report unless a different time period is approved by the commission. The commission shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report. The commission may also include an addendum with commission comments on the management of the audit.

(2) Before releasing the results of a performance audit originally requested by the joint transportation committee to the legislature or the public, the commission administrator shall submit the preliminary performance audit report to the joint committee for review and comments solely on the management of the audit. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. However, the commission administrator is not required to submit the preliminary performance audit report if the legislative auditor submits it under RCW 44.28.088.

(3) Completed performance audits must be presented to the ~~((transportation performance audit board and the legislative transportation committee))~~ commission. Published performance audits must be made available to the public through the ~~((legislative transportation committee and the joint legislative audit and review committee's))~~ commission's web site and through customary public communications. Final reports must also be transmitted to the affected agency, the director of financial management, and the appropriate policy and fiscal standing committees of the legislature.

Sec. 26. RCW 44.75.110 and 2003 c 362 s 11 are each amended to read as follows:

The ~~((legislative auditor))~~ commission administrator, or the legislative auditor if contracted under RCW 44.75.090 (as recodified by this act), shall determine in writing the scope of any performance audit ~~((requested))~~ directed by the ~~((legislative transportation committee or its executive committee))~~ commission, subject to the review and approval of the final scope of the audit by the ~~((transportation performance audit board, and the legislative transportation committee or its executive committee))~~ commission. In doing so, the ~~((legislative auditor,))~~ commission administrator, or legislative auditor if contracted under RCW 44.75.090 (as recodified by this act), and the ~~((transportation performance audit board, and the legislative transportation committee or its executive committee))~~ commission shall consider inclusion of the following elements in the scope of the audit:

- (1) Identification of potential cost savings in the agency, its programs, and its services;
- (2) Identification and recognition of best practices;
- (3) Identification of funding to the agency, to programs, and to services that can be eliminated or reduced;
- (4) Identification of programs and services that can be eliminated, reduced, or transferred to the private sector;
- (5) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (6) Analysis and recommendations for pooling information technology systems;
- (7) Analysis of the roles and functions of the agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (8) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions expressly vested in the department by statute; and
- (9) Verification of the reliability and validity of department performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090.

Sec. 27. RCW 44.75.120 and 2003 c 362 s 12 are each amended to read as follows:

When conducting a full performance audit of an agency or department, or a specific program within an agency or department, or multiple agencies, in accordance with RCW 44.75.110 (as recodified by this act), the ~~((legislative auditor))~~ commission administrator shall solicit input from appropriate industry representatives or experts. The audit report must make recommendations regarding the continuation, abolition, consolidation, or reorganization of each affected agency, department, or

program. The audit report must identify opportunities to develop government partnerships, and eliminate program redundancies that will result in increased quality, effectiveness, and efficiency of state agencies.

Sec. 28. RCW 44.28.161 and 2003 c 362 s 13 are each amended to read as follows:

In addition to any other audits developed or included in the audit work plan under this chapter, the legislative auditor shall manage transportation-related performance audits (~~(directed by the executive committee of the legislative transportation committee under RCW 44.75.080. If directed to perform or contract for audit services under RCW 44.75.080, the legislative auditor or joint legislative audit and review committee will receive from the legislative transportation committee an interagency reimbursement equal to the cost of the contract or audit services.)~~) if contracted to do so under RCW 44.75.090 (as recodified by this act).

References to LTC and Commission

Sec. 101. RCW 35.58.2796 and 1989 c 396 s 2 are each amended to read as follows:

The department of transportation shall develop an annual report summarizing the status of public transportation systems in the state. By September 1st of each year, copies of the report shall be submitted to the ~~((legislative transportation committee))~~ transportation committees of the legislature and to each municipality, as defined in RCW 35.58.272, and to individual members of the municipality's legislative authority. ~~((The department shall prepare and submit a preliminary report by December 1, 1989.))~~

To assist the department with preparation of the report, each municipality shall file a system report by April 1st of each year with the state department of transportation identifying its public transportation services for the previous calendar year and its objectives for improving the efficiency and effectiveness of those services. The system report shall address those items required for each public transportation system in the department's report.

The department report shall describe individual public transportation systems, including contracted transportation services and dial-a-ride services, and include a statewide summary of public transportation issues and data. The descriptions shall include the following elements and such other elements as the department deems appropriate after consultation with the municipalities and the ~~((legislative transportation committee))~~ transportation committees of the legislature:

- (1) Equipment and facilities, including vehicle replacement standards;
- (2) Services and service standards;
- (3) Revenues, expenses, and ending balances, by fund source;
- (4) Policy issues and system improvement objectives, including community participation in development of those objectives and how those objectives address statewide transportation priorities;
- (5) Operating indicators applied to public transportation services, revenues, and expenses. Operating indicators shall include operating cost per passenger trip, operating cost per revenue vehicle service hour, passenger trips per revenue service hour, passenger trips per vehicle service mile, vehicle service hours per employee, and farebox revenue as a percent of operating costs.

Sec. 102. RCW 36.78.070 and 1999 c 269 s 1 are each amended to read as follows:

The county road administration board shall:

- (1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;
- (2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;
- (3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;
- (4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;
- (5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the ~~((legislative transportation committee and the))~~ house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;
- (6) Administer the rural arterial program established by chapter 36.79 RCW and the program funded by the county arterial preservation account established by RCW 46.68.090, as well as any other programs provided for in law.

Sec. 103. RCW 41.40.037 and 2004 c 242 s 63 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that

month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) Except as provided in (b) of this subsection, a retiree from plan 1 who enters employment with an employer at least one calendar month after his or her accrual date may continue to receive pension payments while engaged in such service for up to eight hundred sixty-seven hours of service in a calendar year without a reduction of pension.

(b) A retiree from plan 1 who enters employment with an employer at least three calendar months after his or her accrual date and:

(i) Is hired into a position for which the employer has documented a justifiable need to hire a retiree into the position;

(ii) Is hired through the established process for the position with the approval of: A school board for a school district; the chief executive officer of a state agency employer; the secretary of the senate for the senate; the chief clerk of the house of representatives for the house of representatives; the secretary of the senate and the chief clerk of the house of representatives jointly for the joint legislative audit and review committee, ~~((the legislative transportation committee,))~~ the joint committee on pension policy, the legislative evaluation and accountability program, the legislative systems committee, and the statute law committee; or according to rules adopted for the rehiring of retired plan 1 members for a local government employer;

(iii) The employer retains records of the procedures followed and decisions made in hiring the retiree, and provides those records in the event of an audit; and

(iv) The employee has not already rendered a cumulative total of more than one thousand nine hundred hours of service while in receipt of pension payments beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a calendar year. The one thousand nine hundred hour cumulative total under this subsection applies prospectively to those retiring after July 27, 2003, and retroactively to those who retired prior to July 27, 2003, and shall be calculated from the date of retirement.

(c) When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(d) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

Sec. 104. RCW 43.10.101 and 1995 2nd sp.s. c 14 s 527 are each amended to read as follows:

The attorney general shall prepare annually a report to the ~~((legislative))~~ transportation committees of the legislature comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

(1) A summary of the factual background of the case;

(2) Identification of the attorneys representing the state and the opposing parties;

(3) A synopsis of the legal theories asserted and the defenses presented;

(4) Whether the case was tried, settled, or dismissed, and in whose favor;

(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 105. RCW 43.79.270 and 1998 c 177 s 1 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate~~((, if the legislature is in session,))~~ at the same time as it is transmitted to the governor. ~~((During the legislative interim, any such proposal must be submitted to the legislative transportation committee.))~~

Sec. 106. RCW 43.79.280 and 1998 c 177 s 2 are each amended to read as follows:

(1) If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate. ~~((During the legislative interim, all estimate approvals endorsed by the governor along with a statement of the amount approved in the form of an allotment amendment must be transmitted simultaneously to the legislative transportation committee.))~~

Sec. 107. RCW 43.88.020 and 2000 2nd sp.s. c 4 s 11 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives(~~(, and, where appropriate, the legislative transportation committee)~~).

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast (~~(including estimates of revenues to support financial plans under RCW 44.40.070)~~), that are prepared by the office of financial management in consultation with the transportation revenue forecast council.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

Sec. 108. RCW 43.88.030 and 2004 c 276 s 908 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. ~~((The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided.))~~ The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast ~~((, including those revenues anticipated to support the six year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council))~~. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources ~~((and at existing rates for those agencies required to submit six year program and financial plans under RCW 44.40.070))~~. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium ~~((, and those anticipated for the ensuing six year period to support the six year programs and financial plans required under RCW 44.40.070))~~;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2005-07 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of

beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

- (a) Interest, amortization and redemption charges on the state debt;
 - (b) Payments of all reliefs, judgments, and claims;
 - (c) Other statutory expenditures;
 - (d) Expenditures incident to the operation for each agency;
 - (e) Revenues derived from agency operations;
 - (f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium(~~(, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070)~~);
 - (g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;
 - (h) Common school expenditures on a fiscal-year basis;
 - (i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and
 - (j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.
- (3) A separate capital budget document or schedule shall be submitted that will contain the following:
- (a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;
 - (b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;
 - (c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;
 - (d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;
 - (e) A statement of the reason or purpose for a project;
 - (f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;
 - (g) A statement about the proposed site, size, and estimated life of the project, if applicable;
 - (h) Estimated total project cost;
 - (i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;
 - (j) Estimated total project cost for each phase of the project as defined by the office of financial management;
 - (k) Estimated ensuing biennium costs;
 - (l) Estimated costs beyond the ensuing biennium;
 - (m) Estimated construction start and completion dates;
 - (n) Source and type of funds proposed;
 - (o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;
 - (p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;
 - (q) Such other information bearing upon capital projects as the governor deems to be useful;
 - (r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, ~~((legislative transportation committee,))~~ legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 109. RCW 43.88.230 and 1996 c 288 s 40 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the joint legislative audit and review committee, ~~((the legislative transportation committee,))~~ the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

Sec. 110. RCW 43.105.160 and 1999 c 80 s 9 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor~~((;))~~ and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives~~((, and, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the approved plan must be submitted to the legislative transportation committee, instead of the standing transportation committees)).~~

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190;

(e) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

(f) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor~~((;))~~ and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives~~((, and, during the legislative session, the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the report must be submitted to the legislative transportation committee, instead of the standing transportation committees)).~~

Sec. 111. RCW 43.105.190 and 1999 c 80 s 12 are each amended to read as follows:

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects based on the demonstrated business needs and benefits; cost; technology scope and feasibility; impact on the agency's information technology portfolio and on the statewide infrastructure; and final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted ~~((, during the legislative session,))~~ to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. ~~((During the legislative interim, the project evaluations must be submitted to the legislative transportation committee.))~~

Sec. 112. RCW 44.04.260 and 2003 c 295 s 12 are each amended to read as follows:

The joint legislative audit and review committee, ~~((the legislative transportation committee,))~~ the select committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

Sec. 113. RCW 44.28.088 and 2003 c 362 s 14 are each amended to read as follows:

(1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Except as provided in subsection (3) of this section, before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report

available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

(3) ~~If contracted to manage a transportation-related performance audit under RCW 44.75.090 (as recodified by this act), before releasing the results of a performance audit originally ((requested) directed by the ((executive committee of the legislative transportation committee))~~ transportation accountability commission to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the ~~((executive committee of the joint committee and the executive committee of the legislative transportation committee))~~ transportation accountability commission for review and comments solely on the management of the audit. Any comments by the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation accountability commission must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review and comments of the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation accountability commission, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public.

Sec. 114. RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

~~((In addition to the powers and duties authorized in RCW 44.40.020, the committee and))~~ The standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, ~~((and/or))~~ and analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the ~~((legislative))~~ transportation committees of the legislature in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

Sec. 115. RCW 46.01.320 and 1996 c 315 s 2 are each amended to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations ~~((when requested by the legislative transportation committee, or on its own initiative,))~~ about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(3).

Sec. 116. RCW 46.01.325 and 1996 c 315 s 3 are each amended to read as follows:

(1) The director shall prepare, with the advice of the title and registration advisory committee, an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions approved by the title and registration advisory committee to the ~~((legislative))~~ senate and house transportation committees by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation, and requested by the title and registration advisory committee.

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

- (a) Unique and significant financial, legislative, or other relevant developments that may impact fees;
- (b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;
- (c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;
- (d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;
- (e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

Sec. 117. RCW 46.16.705 and 2003 c 196 s 101 are each amended to read as follows:

- (1) The special license plate review board is created.
- (2) The board will consist of seven members: One member appointed by the governor and who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.
- (3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. No member may be appointed for more than three consecutive terms.
- (4) The ~~((legislative transportation committee))~~ respective appointing authority may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

Sec. 118. RCW 46.16.715 and 2003 c 196 s 102 are each amended to read as follows:

- (1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.
- (2) The board will be compensated from the general appropriation for the ~~((legislative transportation committee))~~ department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.
- (3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.
- (4) The department of licensing shall provide administrative support to the board, which must include at least the following:
 - (a) Provide general staffing to meet the administrative needs of the board;
 - (b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;
 - (c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization;
 - (d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.
- ~~((5) The legislative transportation committee shall provide general oversight of the board, which must include at least the following:
 - (a) Process and approve board member compensation requests;
 - (b) Review the annual financial reports submitted to the board by sponsoring organizations;
 - (c) Review annually the list of the board's approved and rejected special license plate proposals submitted by sponsoring organizations;))~~

Sec. 119. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

- (1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.
- (2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.
- (3) Duties of the board include but are not limited to the following:
 - (a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the ~~((legislative))~~ senate and house transportation committees;
 - (b) Report annually to the ~~((legislative))~~ senate and house transportation committees on the special license plate applications that were considered by the board;
 - (c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;
 - (d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees.

Sec. 120. RCW 46.73.010 and 1985 c 333 s 1 are each amended to read as follows:

The Washington state patrol may adopt rules establishing standards for qualifications and hours of service of drivers for private carriers as defined by RCW 81.80.010(6). Such standards shall correlate with and, as far as reasonable, conform to the regulations contained in Title 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on July 28, 1985. ~~((At least thirty days before filing notice of the proposed rules with the code reviser, the state patrol shall submit them to the legislative transportation committee for review.))~~

Sec. 121. RCW 47.01.280 and 1999 c 94 s 10 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

~~((4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.))~~

Sec. 122. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ~~((Washington transportation commission))~~ department a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 123. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of transportation ~~((commission))~~, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 124. RCW 47.04.210 and 2001 2nd sp.s. c 14 s 601 are each amended to read as follows:

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation account.

The department of transportation shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

Sec. 125. RCW 47.04.220 and 2001 2nd sp.s. c 14 s 602 are each amended to read as follows:

- (1) The miscellaneous transportation programs account is created in the custody of the state treasurer.
- (2) Moneys from the account may be used only for the costs of:
 - (a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;
 - (b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or
 - (c) Other reimbursable activities as recommended by the ~~((legislative))~~ senate and house transportation committees and approved by the office of financial management.
- (3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.
- (4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.
- (5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.
- (6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.
- (7) The department shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

Sec. 126. RCW 47.06.110 and 1996 c 186 s 512 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;
- (4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;
- (5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and
- (6) Recommends a statewide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit ~~((an initial report))~~ to the ~~((legislative))~~ senate and house transportation committees by December ~~((1, 1993, and shall provide annual))~~ 1st of each year, reports summarizing the plan's progress ~~((each year thereafter))~~.

Sec. 127. RCW 47.06A.020 and 1999 c 216 s 1 are each amended to read as follows:

- (1) The board shall:
 - (a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;
 - (b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the ~~((legislative))~~ senate and house transportation committees.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) ~~((From June 11, 1998, through the biennium ending June 30, 2001,))~~ The board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

Sec. 128. RCW 47.10.790 and 1985 c 406 s 1 are each amended to read as follows:

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of

state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall (~~consult with the legislative transportation committee prior to the adoption of~~) adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission(~~(, in consultation with the legislative transportation committee,)~~) may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state (~~(that are identified as category C improvements in RCW 47.05.030)~~).

Sec. 129. RCW 47.10.801 and 1999 c 94 s 13 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2), (3), and (4) of this section, upon the request of the Washington state transportation commission a total of four hundred sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall (~~consult with the legislative transportation committee prior to the adoption of~~) adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements (~~(in RCW 47.05.030)~~);

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in RCW 43.160.074 and 47.01.280.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission(~~(, in consultation with the legislative transportation committee,)~~) determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

(4) The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section and increase the amount of bonds authorized in subsection (1)(a) or (b) of this section, or both by an amount equal to the decrease in subsection (1)(c) of this section. The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section only if the legislature appropriates an equal amount of funds from the motor vehicle fund - basic account for the purposes enumerated in subsection (1)(c) of this section.

Sec. 130. RCW 47.10.802 and 1986 c 290 s 1 are each amended to read as follows:

Upon request being made by the department of transportation (~~(commission)~~), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be

necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. (~~The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a).)~~) The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 131. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the (~~Washington state transportation commission~~) department a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 132. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the (~~transportation commission~~) department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 133. RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended to read as follows:

The (~~transportation commission~~) department may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the (~~transportation commission~~) department deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

Sec. 134. RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended to read as follows:

Each such agreement shall include, but shall not be limited to the following:

- (1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement;
- (2) A designation of the specific fund or funds to be used to carry out such agreement;
- (3) A provision that the department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier;
- (4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee;
- (5) Any additional provisions agreed upon by the (~~transportation commission~~) department and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240(~~;~~ as now or hereafter amended).

Sec. 135. RCW 47.12.242 and 1991 c 291 s 1 are each amended to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not more than ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved (~~by the commission~~) as part of the state's (~~six-year~~) ten-year plan or included in the state's route development planning effort.

Sec. 136. RCW 47.12.330 and 1998 c 181 s 2 are each amended to read as follows:

For the purpose of environmental mitigation of transportation projects, the department may acquire or develop, or both acquire and develop, environmental mitigation sites in advance of the construction of programmed projects. The term "advanced environmental mitigation" means mitigation of adverse impacts upon the environment from transportation projects before their design and construction. Advanced environmental mitigation consists of the acquisition of property; the acquisition of property, water, or air rights; the development of property for the purposes of improved environmental management; engineering costs necessary for such purchase and development; and the use of advanced environmental mitigation sites to fulfill project environmental permit requirements. Advanced environmental mitigation must be conducted in a manner that is consistent with the definition of mitigation found in the council of environmental quality regulations (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands (EO 90-04). Advanced environmental mitigation is for projects approved by the transportation commission as part of the state's ~~((six-year))~~ ten-year plan or included in the state highway system plan. Advanced environmental mitigation must give consideration to activities related to fish passage, fish habitat, wetlands, and flood management. Advanced environmental mitigation may also be conducted in partnership with federal, state, or local government agencies, tribal governments, interest groups, or private parties. Partnership arrangements may include joint acquisition and development of mitigation sites, purchasing and selling mitigation bank credits among participants, and transfer of mitigation site title from one party to another. Specific conditions of partnership arrangements will be developed in written agreements for each applicable environmental mitigation site.

Sec. 137. RCW 47.17.850 and 1984 c 7 s 139 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

~~((The legislative transportation committee, the house and senate transportation committees, and the department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.))~~

Sec. 138. RCW 47.26.167 and 1991 c 342 s 62 are each amended to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the ~~((legislative))~~ senate and house transportation committees by November 15 each year any recommended jurisdictional transfers.

Sec. 139. RCW 47.26.170 and 1994 c 179 s 16 are each amended to read as follows:

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the commission ~~((and the legislative transportation committee))~~.

Sec. 140. RCW 47.46.030 and 2002 c 114 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part public or private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the

public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. ~~((The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration.))~~ Forty-five days after the submission to the ~~((legislative transportation committee))~~ commission of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections ~~((12))~~ (11) and ~~((13))~~ (12) of this section, the department shall require an advisory vote as provided under subsections (5) through ~~((10))~~ (9) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections ~~((12))~~ (11) and ~~((13))~~ (12) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a statewide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the

membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW ~~((29.01.120))~~ 29A.04.121.

(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

~~(9) ((The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.~~

~~(10))~~ Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW ~~((29.13.020))~~ 29A.04.330 that is at least sixty days but, if authorized under RCW ~~((29.13.020))~~ 29A.04.330, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

~~((11))~~ (10) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

~~((12))~~ (11) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

~~((13))~~ (12) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

Sec. 141. RCW 47.46.040 and 2002 c 114 s 16 are each amended to read as follows:

(1) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(2) Agreements may provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement may provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state may lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(3) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this section. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for

police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(4) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(5) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(6) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(7) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(8) Agreements entered into under this section shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(9)(a) In carrying out the public involvement process required in subsection (8) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the ~~((legislative transportation committee and))~~ local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(10) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 142. RCW 79A.05.125 and 1999 c 301 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the ~~((legislative))~~ senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 2006.

Sec. 143. RCW 81.80.395 and 1988 c 138 s 1 are each amended to read as follows:

The Washington utilities and transportation commission may enter into an agreement or arrangement with a duly authorized representative of the state of Idaho, for the purpose of granting to operators of commercial vehicles that are properly registered in the state of Idaho, the privilege of operating their vehicles in this state within a designated area near the border of their state without the need for registration as required by chapter 81.80 RCW if the state of Idaho grants a similar privilege to operators of commercial vehicles from this state. The initial designated area shall be limited to state route 195 from the Idaho border to Lewiston, and SR 12 from Lewiston to Clarkston. ~~((The utilities and transportation commission shall submit other proposed reciprocal agreements in designated border areas to the legislative transportation committee for approval.))~~

Sec. 144. RCW 81.104.110 and 1998 c 245 s 165 are each amended to read as follows:

The legislature recognizes that the planning processes described in RCW 81.104.100 provide a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate decisions unless key study assumptions are reasonable.

To assure appropriate system plan assumptions and to provide for review of system plan results, an expert review panel shall be appointed to provide independent technical review for development of any system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chairs of the ~~((legislative))~~ senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(3) The chair of the expert review panel shall be designated by the appointing authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060. Reimbursement shall be paid from within the existing resources of the local authority planning under this chapter.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. ~~((Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.))~~

(6) The expert panel shall review all reports required in RCW 81.104.100(2) and shall concentrate on service modes and concepts, costs, patronage and financing evaluations.

(7) The expert panel shall provide timely reviews and comments on individual reports and study conclusions to the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews, comments, and conclusions to the representatives of the adjoining state or Canadian province.

(8) The ~~((legislative transportation committee))~~ local authority planning under this chapter shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the ~~((legislative transportation committee))~~ local authority and shall be paid from ~~((appropriations for that purpose from the high capacity transportation account))~~ within the local authority's existing resources.

Sec. 145. RCW 82.33.020 and 1992 c 231 s 34 are each amended to read as follows:

(1) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and
- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives ~~((and the chair of the legislative transportation committee))~~, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall co-locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor shall provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

Sec. 146. RCW 82.70.060 and 2003 c 364 s 6 are each amended to read as follows:

The commute trip reduction task force shall determine the effectiveness of the tax credit under RCW 82.70.020, the grant program in RCW 70.94.996, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the ~~((legislative))~~ senate and house transportation committees and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

Sec. 147. RCW 82.80.070 and 2002 c 56 s 413 are each amended to read as follows:

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, ~~((82.80.020,))~~ 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation

improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. ~~((The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.))~~

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

Sec. 148. RCW 90.03.525 and 1996 c 285 s 1 and 1996 c 230 s 1617 are each reenacted and amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control

facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water control facilities that directly reduce state highway runoff impacts or implementation of best management practices that will reduce the need for such facilities. By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in RCW 90.78.010. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the annual plan prescribed in subsection (2) of this section. ~~((If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee.))~~ If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, ~~((and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report,))~~ either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

(4) The legislature finds that the federal clean water act (national ~~((pollution [pollutant]))~~ pollutant discharge elimination system, 40 C.F.R. parts 122-124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter ~~((90.70))~~ 90.71 RCW, mandate the treatment and control of storm water runoff from state highway rights of way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state.

Technical

NEW SECTION. Sec. 149. RCW 44.75.010, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.060, 44.75.070, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.75.800, 44.75.900, and 44.75.901 and section 20 of this act are codified or recodified as a new chapter in Title 47 RCW.

NEW SECTION. Sec. 150. The following acts or parts of acts are each repealed:

(1) RCW 44.40.010 (Creation--Composition--Appointments--Vacancies--Rules) and 1999 sp.s. c 1 s 616, 1980 c 87 s 39, 1971 ex.s. c 195 s 1, 1967 ex.s. c 145 s 68, 1965 ex.s. c 170 s 64, & 1963 ex.s. c 3 s 35;

(2) RCW 44.40.013 (Administration) and 2001 c 259 s 5;

(3) RCW 44.40.015 (Executive committee--Selection--Duties) and 2001 c 259 s 6 & 1999 sp.s. c 1 s 617;

(4) RCW 44.40.030 (Participation in activities of other organizations) and 1982 c 227 s 17, 1977 ex.s. c 235 s 7, 1971 ex.s. c 195 s 3, & 1963 ex.s. c 3 s 38;

(5) RCW 44.40.040 (Members' allowances--Procedure for payment of committee's expenses) and 2001 c 259 s 7, 1979 c 151 s 157, 1977 ex.s. c 235 s 8, 1975 1st ex.s. c 268 s 3, 1971 ex.s. c 195 s 4, & 1963 ex.s. c 3 s 39;

(6) RCW 44.40.090 (Delegation of powers and duties to senate and house transportation committees) and 2001 c 259 s 8, 1977 ex.s. c 235 s 10, & 1973 1st ex.s. c 210 s 2;

(7) RCW 44.40.140 (Review of policy on fees imposed on nonpolluting fuels--Report) and 1983 c 212 s 2;

(8) RCW 44.40.150 (Study--Recommendations for consideration--Staffing) and 1998 c 245 s 88 & 1989 1st ex.s. c 6 s

(9) RCW 44.40.161 (Audit review of transportation-related agencies) and 2003 c 362 s 16;
(10) RCW 53.08.350 (Moratorium on runway construction or extension, or initiation of new service--Certain counties affected) and 1992 c 190 s 2;
(11) RCW 44.40.020 (Powers, duties, and studies) and 1996 c 129 s 9, 1977 ex.s. c 235 s 5, 1975 1st ex.s. c 268 s 1, & 1963 ex.s. c 3 s 36;
(12) RCW 44.40.070 (State transportation agencies--Comprehensive programs and financial plans) and 1998 c 245 s 87, 1988 c 167 s 10, 1979 ex.s. c 192 s 3, 1979 c 158 s 112, 1977 ex.s. c 235 s 9, & 1973 1st ex.s. c 201 s 1;
(13) RCW 44.40.080 (State transportation agencies--Recommended budget--Preparation and presentation--Contents) and 1973 1st ex.s. c 201 s 2;
(14) RCW 44.40.100 (Contracts and programs authorized) and 2001 c 259 s 9, 1977 ex.s. c 235 s 11, 1975 1st ex.s. c 268 s 7, & 1973 1st ex.s. c 210 s 3;
(15) RCW 46.23.040 (Review of agreement by legislative transportation committee) and 1982 c 212 s 4;
(16) RCW 47.01.145 (Study reports available to legislators upon request) and 1984 c 7 s 76, 1971 ex.s. c 195 s 6, & 1967 ex.s. c 145 s 78;
(17) RCW 47.05.090 (Application of 1993 c 490--Deviations) and 1993 c 490 s 6;
(18) RCW 47.12.360 (Advanced environmental mitigation--Reports) and 1997 c 140 s 5; and
(19) RCW 47.76.340 (Evaluating program performance) and 1993 c 224 s 13 & 1990 c 43 s 8.
NEW SECTION. Sec. 151. (1) RCW 44.40.120 is recodified as a section in chapter 44.04 RCW.
(2) RCW 44.40.025 is recodified as a section in chapter 43.88 RCW.
NEW SECTION. Sec. 152. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005, except for section 103 of this act which takes effect July 1, 2006.
NEW SECTION. Sec. 153. Section 146 of this act expires July 1, 2013.
NEW SECTION. Sec. 154. Subheadings used in this act are no part of the law."
Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5513 and ask the House to recede therefrom.

Senators Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5513 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5513 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5602, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This chapter applies to all operations that meet the definition of an animal feeding operation.

(2)(a) This chapter creates specific permit requirements consistent with state and federal water quality laws for concentrated animal feeding operations.

(b) All dairies are required to implement nutrient management plans and perform certain reporting.

(c) AFOs that are not CAFOs or dairies are not required to have a plan under this chapter and are only required to obtain a permit if it has been determined by the department that they are discharging to the waters of the state. However, no AFO is allowed to pollute waters of the state, and all AFOs may be inspected by the department under this chapter.

Sec. 2. RCW 90.64.005 and 1998 c 262 s 1 are each amended to read as follows:

~~The legislature finds that there is a need ((to establish a clear and understandable process that provides for the proper and effective management of dairy nutrients that affect the quality of surface or ground waters in the state of Washington. The legislature finds that there is a need for a program that will provide a stable and predictable business climate upon which dairy farms may base future investment decisions.~~

~~The legislature finds that federal regulations require a permit program for dairies with over seven hundred head of mature cows and, other specified dairy farms that directly discharge into waters or are otherwise significant contributors of pollution. The legislature finds that significant work has been ongoing over a period of time and that the intent of this chapter is to take the consensus that has been developed and place it into statutory form.~~

~~It is also the intent of this chapter to establish an inspection and technical assistance program for dairy farms to address the discharge of pollution to surface and ground waters of the state that will lead to water quality compliance by the industry. A further purpose is to create a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by a committee composed of industry, agency, and other representatives. Furthermore, it is the objective of this chapter to maintain the administration of the water quality program as it relates to dairy operations at the state level.~~

~~It is also the intent of this chapter to recognize the existing working relationships between conservation districts, the conservation commission, and the department of ecology in protecting water quality of the state. A further purpose of this chapter is to provide statutory recognition of the coordination of the functions of conservation districts, the conservation commission, and the department of ecology pertaining to development of dairy waste management plans for the protection of water quality)) for an effective livestock nutrient management program for all AFOs that meets federal and state water quality rules. The goals of the program are to provide clear guidance to animal feeding operations about their responsibilities under state and federal water quality laws and to implement the necessary program requirements in a consistent manner that will maintain a healthy and productive livestock industry in Washington state while preventing degradation of water quality. It is the intent of the legislature that the department of agriculture continues the existing program for all licensed dairies, implements the revised program for CAFOs and AFOs, and carries out effective, fair, and equitable enforcement.~~

Sec. 3. RCW 90.64.010 and 1998 c 262 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~("Advisory and oversight committee" means a balanced committee of agency, dairy farm, and interest group representatives convened to provide oversight and direction to the dairy nutrient management program.~~

~~(2) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.~~

~~(3) "Catastrophic" means a tornado, hurricane, earthquake, flood, or other extreme condition that causes an overflow from a required waste retention structure.~~

~~(4)) "Department" means the department of agriculture of the state of Washington.~~

~~(2) "Director" means the director of the department or the director's designee.~~

~~(3) "Animal feeding operation" or "AFO" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:~~

~~(a) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and~~

~~(b) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.~~

~~(4) "Certification" means:~~

~~(a) The acknowledgment by ((a local conservation district)) the department that a ((dairy)) livestock producer has constructed or otherwise put in place the elements and management necessary to implement his or her ((dairy)) livestock nutrient management plan; and~~

~~(b) The acknowledgment by a ((dairy)) livestock producer that he or she is managing ((dairy)) livestock nutrients and maintaining records as specified in his or her approved ((dairy)) livestock nutrient management plan.~~

~~(5) ("Chronic" means a series of wet weather events that precludes the proper operation of a dairy nutrient management system that is designed for the current herd size.~~

~~(6)) "Conservation commission" or "commission" means the conservation commission under chapter 89.08 RCW.~~

~~((7)) (6) "Conservation districts" or "district" means a subdivision of state government organized under chapter 89.08 RCW.~~

~~((8))~~ (7) "Concentrated ((dairy)) animal feeding operation" or "CAFO" means ((a dairy animal feeding operation subject to regulation under this chapter which the director designates)) an AFO that is defined as a large CAFO or as a medium CAFO under this section, or that is designated as a CAFO under RCW 90.64.020 ((or meets the following criteria:

(a) Has more than seven hundred mature dairy cows, whether milked or dry cows, that are confined; or

(b) Has more than two hundred head of mature dairy cattle, whether milked or dry cows, that are confined and either:

(i) From which pollutants are discharged into navigable waters through a manmade ditch, flushing system, or other similar manmade device; or

(ii) From which pollutants are discharged directly into surface or ground waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(9) "Dairy animal feeding operation" means a lot or facility where the following conditions are met:

(a) Dairy animals that have been, are, or will be stabled or confined and fed for a total of forty five days or more in any twelve month period; and

(b) Crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more dairy animal feeding operations under common ownership are considered, for the purposes of this chapter, to be a single dairy animal feeding operation if they adjoin each other or if they use a common area for land application of wastes.

(10)) (as recodified by this act). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of livestock nutrients.

(8) "Dairy ((farm))" means any farm that is licensed to produce milk under chapter 15.36 RCW.

~~((11) "Dairy nutrient" means any organic waste produced by dairy cows or a dairy farm operation.~~

~~(12) "Dairy nutrient management plan" means a plan meeting the requirements established under RCW 90.64.026.~~

~~(13) "Dairy nutrient management technical assistance team" means one or more professional engineers and local conservation district employees convened to serve one of four distinct geographic areas in the state.~~

~~(14) "Dairy producer" means a person who owns or operates a dairy farm.~~

~~(15) "Department" means the department of ecology under chapter 43.21A RCW.~~

~~(16) "Director" means the director of the department of ecology, or his or her designee.~~

~~(17) "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the dairy. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.~~

~~(18) "Violation" means the following acts or omissions: (a) A discharge of pollutants into the waters of the state, except those discharges that are due to a chronic or catastrophic event, or to an upset as provided in 40 C.F.R. Sec. 122.41, or to a bypass as provided in 40 C.F.R. Sec. 122.41, and that occur when:~~

~~(i) A dairy producer has a current national pollutant discharge elimination system permit with a wastewater system designed, operated, and maintained for the current herd size and that contains all process generated wastewater plus average annual precipitation minus evaporation plus contaminated storm water runoff from a twenty five year, twenty four hour rainfall event for that specific location, and the dairy producer has complied with all permit conditions, including dairy nutrient management plan conditions for appropriate land application practices; or~~

~~(ii) A dairy producer does not have a national pollutant discharge elimination system permit, but has complied with all of the elements of a dairy nutrient management plan that: Prevents the discharge of pollutants to waters of the state, is commensurate with the dairy producer's current herd size, and is approved and certified under RCW 90.64.026;~~

~~(b) Failure to register as required under RCW 90.64.017; or~~

~~(c) The lack of an approved dairy nutrient management plan by July 1, 2002; or~~

~~(d) The lack of a certified dairy nutrient management plan for a dairy farm after December 31, 2003.-)~~

(9) "Large concentrated animal feeding operation" or "large CAFO" means an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

(a) 700 mature dairy cows, whether milked or dry;

(b) 1,000 veal calves;

(c) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs;

(d) 2,500 swine each weighing 55 pounds or more;

(e) 10,000 swine each weighing less than 55 pounds;

(f) 500 horses;

(g) 10,000 sheep or lambs;

(h) 55,000 turkeys;

(i) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

(j) 125,000 chickens, other than laying hens, if the AFO uses other than a liquid manure handling system;

(k) 82,000 laying hens, if the AFO uses other than a liquid manure handling system;

(l) 30,000 ducks, if the AFO uses other than a liquid manure handling system; or

(m) 5,000 ducks, if the AFO uses a liquid manure handling system.

(10) "Livestock nutrient" means manure, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal or process wastewater, which means water directly or indirectly used in the operation of the AFO for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

(11) "Livestock producer" means an owner or operator of an AFO, CAFO, or dairy.

(12) "Medium concentrated animal feeding operation" or "medium CAFO" means any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a medium CAFO if:

(a) The type and number of animals that it stables or confines falls within any of the following ranges:

(i) 200 to 699 mature dairy cows, whether milked or dry;

(ii) 300 to 999 veal calves;

(iii) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs;

(iv) 750 to 2,499 swine each weighing 55 pounds or more;

(v) 3,000 to 9,999 swine each weighing less than 55 pounds;

(vi) 150 to 499 horses;

(vii) 3,000 to 9,999 sheep or lambs;

(viii) 16,500 to 54,999 turkeys;

(ix) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;

(x) 37,500 to 124,999 chickens, other than laying hens, if the AFO uses other than a liquid manure handling system;

(xi) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

(xii) 10,000 to 29,999 ducks, if the AFO uses other than a liquid manure handling system; or

(xiii) 1,500 to 4,999 ducks, if the AFO uses a liquid manure handling system; and

(b) Either one of the following conditions are met:

(i) Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or

(ii) Pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(13) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system (NPDES) permit, or both.

(14) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(15) "Plan" means a livestock nutrient management plan.

(16) "Pollution" means contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(17) "Small concentrated animal feeding operation" or "small CAFO" means an AFO that is designated as a CAFO and is not a medium CAFO.

(18) "Waters" or "waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, saltwaters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 4. RCW 90.64.020 and 1993 c 221 s 3 are each amended to read as follows:

(1) The director ~~((of the department of ecology may))~~ shall designate any ~~((dairy animal feeding operation as a concentrated dairy animal feeding operation))~~ AFO as a CAFO upon determining that it is a significant contributor of pollution to the ~~((surface or ground))~~ waters of the state.

(2) The director may designate any AFO as a CAFO upon determining that it is discharging to the waters of the state.

(3) In making ~~((this))~~ a designation, the director shall consider the following factors:

(a) The size of the ~~((animal feeding operation))~~ AFO and the amount of ~~((wastes))~~ livestock nutrients reaching waters of the state;

(b) The location of the ~~((animal feeding operation))~~ AFO relative to waters of the state;

(c) The means of conveyance of ~~((animal wastes and process waters))~~ livestock nutrients into the waters of the state;

(d) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of ~~((animal wastes and process wastewaters))~~ livestock nutrients into the waters of the state; ~~((and))~~

(e) The effort by the AFO to stop the discharge; and

(f) Other relevant factors as established by the department by rule.

~~((2) A notice of intent to apply for a permit shall not be required from a concentrated dairy animal feeding operation designated under this section until the director has conducted an on site inspection of the operation and determined that the operation should and could be regulated under the permit program.))~~

(4) An AFO shall not be designated as a CAFO under this section unless the director has conducted an on-site inspection of the operation and determined that the operation should be regulated under the permit program. In addition, no AFO with numbers of animals below those for a medium CAFO may be designated as a CAFO unless:

(a) Pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or

(b) Pollutants are discharged directly into waters of the state which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(5) Any AFO designated as a CAFO shall apply for a permit as described in section 22 of this act.

Sec. 5. RCW 90.64.023 and 1998 c 262 s 5 are each amended to read as follows:

~~((By October 1, 1998, the department shall initiate an inspection program of all dairy farms in the state. The purpose of the inspections is to:~~

~~((a)))~~ The department has the authority to conduct inspections under this chapter to:

(a) Determine if an animal feeding operation meets the definition of a CAFO under this chapter;

(b) Ensure compliance by AFOs, CAFOs, and dairies with state and federal water quality laws and rules, including those adopted under chapter 90.48 RCW;

(c) Determine whether a permitted CAFO is complying with the terms and conditions of its permit;

~~((d))~~ Survey for evidence of violations;

~~((b))~~ (e) Identify corrective actions for actual or imminent discharges that violate or could violate the state's water quality standards or this chapter;

~~((c))~~ (f) Monitor the development and implementation of ~~((dairy))~~ livestock nutrient management plans; and

~~((d))~~ (g) Identify ~~((dairy producers who would benefit from))~~ AFOs, CAFOs, and dairies that are eligible for technical assistance or education programs.

~~((2) ((Local conservation district employees may, at their discretion, accompany department inspectors on any scheduled inspection of dairy farms except random, unannounced inspections.~~

~~((3) Follow up inspections shall be conducted by the department to ensure that corrective and other actions as identified in the course of initial inspections are being carried out. The department shall also conduct such additional inspections as are necessary to ensure compliance with state and federal water quality requirements, provided that all licensed dairy farms shall be inspected once within two years of the start of this program. The department, in consultation with the advisory and oversight committee established in section 8 of this act, shall develop performance based criteria to determine the frequency of inspections.~~

~~((4) Dairy farms))~~ The department shall inspect all dairies and permitted CAFOs at least once every two years.

(3) Dairies and permitted CAFOs shall be prioritized for inspection based on ~~((the development of))~~ criteria that include, but are not limited to, the following factors:

(a) Existence or implementation of a ~~((dairy))~~ livestock nutrient management plan;

(b) Proximity to impaired waters of the state; ~~((and))~~

(c) Proximity to all other waters of the state ~~((The criteria developed to implement this subsection (4) shall be reviewed by the advisory and oversight committee.))~~;

(d) Proximity to shellfish beds;

(e) Permit status;

(f) Compliance history; and

(g) Other relevant factors as may be determined by the department.

(4)(a) All permitted CAFOs must make available during inspection those records required to be kept by the permit.

(b) Dairies not covered by a permit and AFOs shall make available during inspection records including, but not limited to, animal inventories for purposes of determining if the dairy or AFO is subject to regulation as a CAFO, to assess compliance with state and federal water quality laws, and to verify qualification for technical assistance programs, education programs, or any tax exemptions available under state law.

(5) The department may conduct follow-up inspections to ensure that corrective actions identified in the course of an inspection are being carried out. The department may conduct such additional inspections as are necessary to ensure compliance with administrative orders issued by the department and compliance with permit conditions and state and federal water quality laws and rules.

NEW SECTION. Sec. 6. (1) All CAFOs required to apply for a permit and all dairies are required to develop a livestock nutrient management plan. These plans must be approved by the department and certified as fully implemented by the department and the livestock producer. If at any time compliance with a livestock nutrient management plan fails to prevent the discharge of pollutants or if complying with the plan would still pose a significant potential to discharge pollutants to waters of the state, the livestock producer must revise the plan as directed by the department.

(2) Plans must be developed using natural resource conservation service (NRCS) practice standards. Equivalent practices and standards may be used if the department determines they meet or exceed NRCS standards and there is a substantial likelihood that, once implemented, the alternative practices and standards would meet state and federal water quality standards. The department shall establish by rule a technical review process to make determinations on proposed equivalent practices and standards.

(3) Prior to approval and certification, a nutrient management plan must be verified by a conservation district as meeting the NRCS standards except that, at the request of the producer, verification may be by a technical review team convened by the director. The team must include a representative of a conservation district.

NEW SECTION. Sec. 7. The following requirements apply to all CAFOs required to apply for a permit.

(1) All CAFOs required to apply for a permit must meet livestock nutrient management plan deadlines for development and implementation required by this chapter, permit, or rule.

(2) At a minimum, a livestock nutrient management plan for a CAFO required to apply for a permit must include site-appropriate best management practices including those set out in 40 C.F.R. Sec. 412.4 (April 14, 2003), and procedures necessary to implement applicable effluent limitations including those set out in 40 C.F.R. Part 412 (April 14, 2003), and standards. The plan must, to the extent applicable:

(a) Ensure adequate storage of livestock nutrients, including procedures to ensure proper operation and maintenance of the storage facilities;

(b) Ensure proper management of dead animals to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

(c) Ensure that clean water is diverted, as appropriate, from the production area;

(d) Prevent direct contact of confined animals with waters of the state;

(e) Ensure that chemicals and other contaminants handled on-site are not disposed of in any livestock nutrients or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

(f) Identify appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state;

(g) Identify protocols for appropriate testing of livestock nutrients and soil;

(h) Establish protocols to apply livestock nutrients in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the livestock nutrients; and

(i) Identify specific records that will be maintained to document the implementation and management of the minimum elements described in (a) through (h) of this subsection.

(3) Review and approval of a plan by the department is part of the permit application and issuance process. The department shall determine whether a plan contains the elements identified in subsection (2) of this section, meets the permit requirements, and is adequate to meet applicable state and federal water quality laws, including chapter 90.48 RCW.

(4)(a) An approved plan shall be certified by the department and the livestock producer when the plan is fully implemented and is being used as designed and intended.

(b) A certification form shall be developed by the department and shall provide for a signature by both the director and the livestock producer. The livestock producer must submit to the department a signed certification form.

(c) Upon receipt of the completed certification form, the department shall determine within one hundred twenty days whether the approved plan has been fully implemented. If the department finds the plan is not fully implemented, the department shall deny certification. The department shall notify the livestock producer in writing of the reasons for the denial of certification.

NEW SECTION. Sec. 8. The following requirements apply to all dairies not required to apply for a permit.

(1) A dairy that is not a CAFO required to apply for a permit has six months from the date of obtaining a license under chapter 15.36 RCW to submit its livestock nutrient management plan to the department and eighteen months from the date of plan approval to submit the plan to the department for certification.

(2) The plan for a dairy that is not a CAFO required to apply for a permit shall include the minimum elements as defined by the department by rule.

(3) The department shall review and determine whether a plan contains the minimum elements. The department shall approve or deny approval of the plan no later than ninety days after receiving the plan. If the department denies approval, the department shall notify the livestock producer in writing of the denial and of modifications needed for plan compliance no later than ninety days after receiving the plan. The livestock producer must provide a revised plan that includes the needed modifications within ninety days of the date of the department's notification.

(4)(a) An approved plan shall be certified by the department and the livestock producer when the plan is fully implemented and is being used as designed and intended.

(b) A certification form shall be developed by the department and shall provide for a signature by both the director and the livestock producer. The livestock producer must submit to the department a signed certification form within eighteen months of plan approval.

(c) Upon receipt of the completed certification form, the department shall determine within one hundred twenty days whether the approved plan has been fully implemented. If the department finds the plan is not fully implemented, the department shall deny certification. The department shall notify the livestock producer in writing of the reasons for the denial of certification and set a date by which full implementation must occur.

(5) A dairy that is not a CAFO required to apply for a permit that fails to have an approved or a certified livestock nutrient management plan in place by the timelines specified in this section is in violation of this chapter. Each month beyond these deadlines that the dairy is out of compliance with the requirement for either plan approval or plan certification is considered a separate violation that may subject the dairy to penalties. The penalties are one hundred dollars per month for each violation up to a combined total of one thousand two hundred dollars and then the penalty is two hundred dollars per month for each violation up to a combined maximum of five thousand dollars.

NEW SECTION. Sec. 9. AFOs that are not dairies may voluntarily develop and implement livestock nutrient management plans. If an AFO requests that the department approve and certify the plan, then the plan must meet the minimum elements required in section 8 of this act. Plan approval and certification shall follow the same process as identified in section 8 of this act.

Sec. 10. RCW 90.64.028 and 1998 c 262 s 7 are each amended to read as follows:

(1) ~~((Conservation district))~~ (a) Department decisions pertaining to denial of approval or denial of certification of a ~~((dairy))~~ livestock nutrient management plan for a facility not required to have a permit, including a denial of the use of alternative standards and practices; modification or amendment of a plan; conditions contained in a plan; application of any ~~((dairy))~~ livestock nutrient management practices, standards, methods, and technologies to a particular AFO, CAFO, or dairy ~~((farm))~~; and the failure to adhere to plan review and approval timelines identified in ~~((RCW 90.64.026))~~ section 8 of this act are appealable under this chapter. ~~((Department actions pertaining to water quality violations are appealable under chapter 90.48 RCW.~~

~~In addition, a dairy producer who is constrained from complying with the planning requirements of this chapter because of financial hardship or local permitting delays may request a hearing before the conservation commission and may request an extension of up to one year beyond the approval and certification dates prescribed in this chapter for plan approval and certification.~~

~~((2))~~ (b) Within thirty days of receiving ~~((a local conservation district))~~ notification regarding any of the decisions identified in (a) of this subsection ~~((1) of this section))~~, a ~~((dairy))~~ livestock producer who disagrees with any of these decisions ~~((may request an informal hearing before the conservation commission or))~~ may appeal ~~((directly))~~ to the pollution control hearings board. ~~((The commission shall issue a written decision no later than thirty days after the informal hearing.~~

~~((3))~~ If the conservation commission reverses the decision of the conservation district, the conservation district may appeal this reversal to the pollution control hearings board according to the procedure in chapter 43.21B RCW within thirty days of receipt of the commission's decision.

~~(4))~~ (c) When an appeals process is initiated under this section, the length of time extending from the start of the appeals process to its conclusion shall be added onto the timelines provided in this chapter for plan development, approval, and certification (~~(only if an appeal is heard by the pollution control hearings board)~~).

(2) For facilities applying for a permit, department decisions pertaining to those elements of a livestock nutrient management plan that are conditions of a permit are made as part of the permit application and issuance process and are appealable by any person to the pollution control hearings board under RCW 43.21B.110.

Sec. 11. RCW 90.64.030 and 2003 c 325 s 3 are each amended to read as follows:

~~(1) ((Under the inspection program established in RCW 90.64.023, the department may investigate a dairy farm to determine whether the operation is discharging pollutants or has a record of discharging pollutants into surface or ground waters of the state. Upon concluding an investigation, the department shall make a written report of its findings, including the results of any water quality measurements, photographs, or other pertinent information, and provide a copy of the report to the dairy producer within twenty days of the investigation.~~

~~(2))~~ (a) The department shall investigate a (~~(written)~~) complaint filed with the department within three working days and shall make a written report of its findings including the results of any water quality measurements, photographs, or other pertinent information. Within twenty days of receiving a (~~(written)~~) complaint, a copy of the findings shall be provided to the (~~(dairy)~~) livestock producer subject to the complaint, and, if requested, to the complainant if the person gave his or her name and address to the department at the time the complaint was filed.

~~((3))~~ (b) The department may consider past complaints against the same AFO, CAFO, or dairy (~~(farm)~~) from the same person and the results of its previous inspections, and has the discretion to decide whether to conduct an inspection if:

~~((a))~~ (i) The same or a similar complaint or complaints have been filed against the same AFO, CAFO, or dairy (~~(farm)~~) within the immediately preceding six-month period; and

~~((b))~~ (ii) The department made a determination that the activity that was the subject of the prior complaint was not a violation.

~~((4))~~ (c) If the decision of the department is not to conduct an inspection, it shall document the decision and the reasons for the decision within twenty days. The department shall provide the decision to the complainant if the name and address were provided to the department, and to the (~~(dairy)~~) livestock producer subject to the complaint, and the department shall place the decision in the department's administrative records.

~~((5))~~ (2) The report of findings of any inspection conducted as the result of (~~(either an oral or a written)~~) a complaint shall be placed in the department's administrative records. (~~(Only findings of violations shall be entered into the data base identified in RCW 90.64.130.~~

~~(6) A)~~ (3) An AFO, CAFO, or dairy (~~(farm)~~) that is determined to be a significant contributor of pollution based on actual water quality tests, photographs, or other pertinent information, or that violates the terms and conditions of a permit is subject to the provisions of this chapter and to the enforcement provisions of chapters 43.05 and 90.48 RCW, including civil penalties levied under RCW 90.48.144 or this chapter.

~~((7))~~ (4) If the department determines that an unresolved water quality problem from (~~(a)~~) an AFO, CAFO, or dairy (~~(farm)~~) requires immediate corrective action, the department shall notify the livestock producer (~~(and the district in which the problem is located)~~). When corrective actions are required to address such unresolved water quality problems, the department shall provide copies of all final (~~(dairy farm)~~) inspection reports and documentation of all formal regulatory and enforcement actions taken by the department against that particular (~~(dairy farm to the local conservation district and to the appropriate dairy farm)~~) facility to the livestock producer within twenty days.

~~((8) For a violation of water quality laws that is a first offense for a dairy producer, the penalty may be waived to allow the producer to come into compliance with water quality laws)~~ (5) The penalty may be waived for the first violation of water quality laws on an AFO, CAFO, or dairy to allow the livestock producer to promptly come into compliance. The department shall record all (~~(legitimate)~~) violations and subsequent enforcement actions.

~~((9))~~ (6) A discharge of pollutants, including (~~(a)~~) an agricultural storm water discharge, (~~(to surface)~~) into waters of the state by an AFO, CAFO, or dairy shall not be considered a violation of this chapter (~~(, chapter 90.48 RCW, or chapter 173-201A WAC,)~~) and shall therefore not be enforceable by the department, the department of ecology, or a third party, if at the time of the discharge, a violation is not occurring under (~~(RCW 90.64.010(18))~~) section 34 of this act. In addition, a (~~(dairy)~~) livestock producer shall not be held liable for violations of this chapter (~~(, chapter 90.48 RCW, chapter 173-201A WAC, or the federal clean water act)~~) due to the discharge of (~~(dairy)~~) livestock nutrients to waters of the state resulting from spreading these materials on lands other than where the nutrients were generated, when the nutrients are spread by persons other than the (~~(dairy)~~) livestock producer or the (~~(dairy)~~) producer's agent.

~~((10))~~ (7) As provided under RCW 7.48.305, agricultural activities associated with the management of ~~((dairy))~~ livestock nutrients are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on public health and safety.

~~((11))~~ (8) This section specifically acknowledges that if a holder of a general or individual national pollutant discharge elimination system permit complies with the permit and the ~~((dairy))~~ livestock nutrient management plan conditions for appropriate land application practices, the permit provides compliance with the federal clean water act and acts as a shield against citizen or agency enforcement for any additions of pollutants to waters ~~((of the state or))~~ of the United States as authorized by the permit.

~~((12)) A dairy producer who fails to have an approved dairy nutrient management plan by July 1, 2002, or a certified dairy nutrient management plan by December 31, 2003, and for which no appeals have been filed with the pollution control hearings board, is in violation of this chapter. Each month beyond these deadlines that a dairy producer is out of compliance with the requirement for either plan approval or plan certification shall be considered separate violations of chapter 90.64 RCW that may be subject to penalties. Such penalties may not exceed one hundred dollars per month for each violation up to a combined total of five thousand dollars. The department has discretion in imposing penalties for failure to meet deadlines for plan approval or plan certification if the failure to comply is due to lack of state funding for implementation of the program. Failure to register as required in RCW 90.64.017 shall subject a dairy producer to a maximum penalty of one hundred dollars. Penalties shall be levied by the department.)~~

Sec. 12. RCW 90.64.040 and 1993 c 221 s 5 are each amended to read as follows:

Enforcement actions and administrative orders issued by the department ~~((of ecology))~~ may be appealed to the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW.

Sec. 13. RCW 90.64.050 and 1998 c 262 s 12 are each amended to read as follows:

(1) The department has the ~~((following duties))~~ duty to implement and administer a livestock nutrient management program including the duty to:

(a) Enforce this chapter including carrying out inspections and enforcement actions, and assessing penalties;

(b) Identify existing or potential water quality problems resulting from a dairy farm(s) or CAFO through implementation of the inspection program in ~~((RCW 90.64.023))~~ this chapter;

~~((b) Inspect a dairy farm upon the request of a dairy producer;)~~

(c) Receive, process, and verify complaints concerning discharge of pollutants from ~~((all dairy farms))~~ any AFO, CAFO, or dairy;

(d) ~~((Determine if a dairy related water quality problem requires immediate corrective action under the Washington state water pollution control laws, chapter 90.48 RCW, or the Washington state water quality standards adopted under chapter 90.48 RCW. The department shall maintain the lead enforcement responsibility;~~

~~((e))~~ Upon delegation, administer and enforce ~~((national pollutant discharge elimination system))~~ permits for ~~((operators of))~~ concentrated ~~((dairy))~~ animal feeding operations, where required by federal regulations and state laws or upon request of a ~~((dairy))~~ livestock producer;

~~((f) Participate on the advisory and oversight committee;~~

~~((g) Encourage communication and cooperation between local department personnel and the appropriate conservation district personnel;~~

~~((h))~~ (e) Require the ~~((use of dairy))~~ development of livestock nutrient management plans as required under this chapter ~~((for entities required to plan under this chapter));~~ and

~~((i) Provide to the commission and the advisory and oversight committee an annual report of dairy farm inspection and enforcement activities))~~ (f) Approve and certify livestock nutrient management plans that meet the minimum standards developed under this chapter.

(2) The department ~~((may not delegate its responsibilities in enforcement))~~ has the authority to:

(a) Inspect a facility upon the request of the livestock producer;

(b) Provide technical assistance to AFOs, CAFOs, and dairies in gaining compliance with this chapter and in implementing livestock nutrient management plans to protect water quality;

(c) Maintain and manage data necessary to administer the program effectively and to track compliance activity;

(d) Provide communication and outreach to representatives of agricultural and environmental organizations; and

(e) Coordinate with conservation districts or other agencies and organizations that provide education and technical or financial assistance programs for AFOs, CAFOs, and dairies.

Sec. 14. RCW 90.64.110 and 1993 c 221 s 12 are each amended to read as follows:

(1) In addition to the specific grants of rule-making authority in this chapter, the department may adopt rules as necessary to implement this chapter, including rules concerning the administration of permit programs.

(2) The department has the authority to adopt in rule any provisions in the following federal regulations: 40 C.F.R. parts 9, 122, 123, 124, and 412 (April 14, 2003). The department is authorized to adopt rules to accommodate changes to federal regulations that are subsequently adopted by the United States environmental protection agency.

Sec. 15. RCW 90.64.150 and 2003 c 325 s 5 are each amended to read as follows:

~~((The livestock nutrient management account is created in the custody of the state treasurer.))~~ All receipts from monetary penalties levied pursuant to violations of this chapter must be deposited into the livestock nutrient management grant account hereby created within the agricultural local fund. Expenditures from the account may be used only to provide grants for research or education proposals that assist livestock operations to achieve compliance with state and federal water quality laws. The director ~~((of agriculture))~~ shall accept and prioritize research proposals and education proposals. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 16. Any residual balance of funds remaining in the livestock nutrient management account on the effective date of this section shall be transferred to the livestock nutrient management grant account within the agricultural local fund.

NEW SECTION. Sec. 17. (1) Permitted CAFOs shall maintain and make available to the department the records and annual reports as described in 40 C.F.R. Sec. 122.42(e) (2), (3), and (4) (April 14, 2003). The department shall develop a standard annual reporting form and a submittal date by rule for the annual report from CAFOs.

(2) Dairies that are not a CAFO required to apply for a permit shall maintain and make available to the department all records required by their livestock nutrient management plans. These dairies must also submit a completed summary report to the department every two years beginning in 2006. The department shall develop and send out a standard reporting form and designate a submittal date by rule for the report. If the producer fails to submit a completed summary report by the submittal date, the department shall levy a penalty of one hundred dollars.

NEW SECTION. Sec. 18. The department may coordinate with Washington State University, the conservation commission, conservation districts, the department of ecology, other federal, state, and local agencies, and private organizations and individuals in implementing an education program for improvement of nutrient management by dairies, AFOs, and CAFOs and to prevent livestock nutrients from degrading the quality of waters of the state. The department may refer livestock producers to conservation districts, Washington State University, and other entities for educational programs, technical assistance, or financial assistance.

NEW SECTION. Sec. 19. (1) Conservation districts may, at the request of a livestock producer, provide technical or financial assistance in developing or revising and implementing the producer's livestock nutrient management plan.

(2) The conservation commission and conservation districts shall, to the extent practical and to the extent that funding allows, provide technical and financial assistance to livestock producers to assist them in complying with this chapter.

NEW SECTION. Sec. 20. When the environmental protection agency delegates authority under the federal clean water act to the department and the department of ecology relinquishes its authority under RCW 90.48.260 to administer its national pollutant discharge elimination permit system authority and other duties regarding animal feeding operations and concentrated animal feeding operations, the department is hereby authorized to participate fully in the programs of the federal clean water act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act for AFOs and CAFOs. Implementation shall be accomplished so that compliance with AFO and CAFO rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted in this section include, among others, and notwithstanding any provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a livestock nutrient management program, including a pollution discharge elimination permit program which will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington. Program elements authorized may include, but are not limited to: (a) Issuance of permits; (b) termination and modification of permits for cause; (c) requirements for public notices and opportunities for public hearings; (d) requirements for inspection, monitoring, entry, and reporting; (e) enforcement of the program through penalties, emergency powers, and criminal sanctions; (f) a continuing planning process; and (g) user charges.

(2) The power to establish and administer a state program in a manner which will ensure the procurement of moneys, whether in the form of grants, loans, or otherwise, to assist in the construction, operation, and maintenance of various water pollution control facilities and works.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes.

NEW SECTION. Sec. 21. Until the department receives federal delegation for the NPDES CAFO program, the department of ecology shall remain responsible for NPDES permit administration as described under a memorandum of understanding between the department and the department of ecology. Sections 22 through 26 of this act are not effective until federal delegation occurs.

NEW SECTION. Sec. 22. (1) Any person who owns or operates a dairy or CAFO that is required to apply for a permit under RCW 90.64.020 (as recodified by this act) or under the federal CAFO rule shall obtain a permit from the department. Any AFO that is determined by the department to be discharging into the waters of the state is required to obtain a state waste discharge permit from the department.

(2) The permit issued by the department shall meet the requirements of either the NPDES or the state waste discharge permit system, or both.

(3) A livestock operation meeting the definition of large CAFO may seek a determination from the department that the large CAFO has no potential to discharge to the waters of the state. Within sixty days of such a request, the director will make a determination using the process and criteria of 40 C.F.R. Sec. 122.23(f) (April 14, 2003). A livestock operation that receives a determination that it has no potential to discharge is not required to apply for permit coverage. Such a livestock operation is not relieved from liability under this chapter for actual discharges.

NEW SECTION. Sec. 23. (1) Applications for permits or modifications of a permit must be made on forms prescribed by the department, which shall be consistent with the federal CAFO permit application form. A copy of the nutrient management plan must be submitted with the application. An application for a permit shall be made:

(a) At least one hundred eighty days prior to commencement of operation of any new source CAFO required to apply for a permit;

(b) At least one hundred eighty days prior to the permit expiration date;

(c) Within ninety days of designation as a newly designated CAFO; or

(d) Within ninety days of the change in circumstance that causes a facility not covered by a permit to become defined as a CAFO required to apply for a permit.

(2) The department shall establish by rule public notice and public hearing requirements pertaining to department decisions on applications and permits in conformance with the requirements of 40 C.F.R. Secs. 124.10, 124.11, and 124.12 (April 14, 2003) and any other applicable federal regulation. At a minimum, the department's rules shall include providing notice of permit application. These rules shall also define the methods of public notice including, but not limited to, electronic means.

(3) When an application has been filed with the department that complies with this chapter and its rules, the department shall determine whether the management of livestock nutrients as proposed will pollute waters of the state in violation of the public policy of the state.

NEW SECTION. Sec. 24. The department shall issue a permit under section 22 of this act unless it finds that the disposal of livestock nutrients as proposed in the application will pollute or present a substantial potential to pollute the waters of the state in violation of state or federal law. The department shall have authority to specify conditions necessary to avoid such pollution in each permit under which livestock nutrients may be disposed of by the permittee. Permits, whether individual or general, shall not be valid for more than five years from the date of issuance.

NEW SECTION. Sec. 25. A permit under section 22 of this act shall be subject to termination upon thirty days' notice in writing if the department finds:

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

(2) That there has been a violation of the conditions thereof;

(3) That a material change in quantity or type of livestock nutrient disposal exists.

NEW SECTION. Sec. 26. In the event that a material change in the condition of the waters occurs, the department may, by appropriate order, modify permit conditions or specify additional conditions in permits previously issued. The department may modify or revoke and reissue permits in accordance with 40 C.F.R. Sec. 122.62 and 63 (April 14, 2003). Reissued permits or permits with major modifications shall be issued in accordance with section 23 of this act and subject to appeal in accordance with RCW 43.21B.110. Modification of the terms and conditions of the nutrient management plan included in a permit constitutes a modification of the permit.

NEW SECTION. Sec. 27. It is unlawful for any person regulated by this chapter to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such waters any organic or inorganic matter, including livestock nutrients, that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.

NEW SECTION. Sec. 28. If any discharge to waters of the state occurs, a permitted CAFO shall notify the department as specified in the permit. A dairy or CAFO that is not a permitted CAFO shall notify the department within twenty-four hours and submit a written report within five days describing at a minimum: The discharge, receiving water, cause, dates, estimated quantities, corrective steps taken to repair impacts, and how it will prevent any future discharge.

NEW SECTION. Sec. 29. (1) The director has the authority to enter any AFO, CAFO, or dairy at any reasonable time and inspect property or facilities and records required under this chapter. Upon arrival at an AFO, CAFO, or dairy, the

department shall present identification and give verbal notification of the purpose of the inspection, which may include sampling and testing, to the livestock producer or his or her agent.

(2) If the director is denied access to property, facility, or records, the director may apply to a court of competent jurisdiction for a search warrant authorizing access to property, facilities, or records for purposes of inspections, sampling, or testing as authorized in this chapter. The court may upon the application issue a search warrant for the purposes requested.

NEW SECTION. Sec. 30. The department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out this chapter.

NEW SECTION. Sec. 31. (1) Whenever, in the opinion of the department, any person violates or creates a substantial potential to violate this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify the person of its determination by registered or certified mail. Such determination shall not constitute an order or directive under chapter 43.21B or 34.05 RCW. Within thirty days from the receipt of notice of the determination, the person must file with the department a full report stating what steps have been and are being taken to control the waste or pollution or to otherwise comply with the determination of the department. The department then shall issue such order or directive as it deems appropriate under the circumstances, and shall notify the person by registered or certified mail.

(2) Whenever the department deems immediate action is necessary to accomplish the purposes of this chapter, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered or certified mail or personally upon any person to whom it is directed.

NEW SECTION. Sec. 32. Any person found guilty of willfully violating this chapter, or any final written orders or directive of the department or a court in pursuance thereof, is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of this chapter occurs may be deemed a separate and additional violation.

NEW SECTION. Sec. 33. (1) Any person who:

- (a)(i) Violates this chapter;
- (ii) Fails to perform any duty imposed by this chapter;
- (iii) Violates an order or other determination of the department or the director made under this chapter;
- (iv) Violates the conditions of a permit issued under this chapter; or
- (v) Otherwise causes a reduction in the quality of the state's waters below the standards set under chapter 90.48 RCW or, if no standards have been set, causes significant degradation of water quality, thereby damaging the state's waters; and

(b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state;

shall be liable to pay the state and affected counties and cities damages in an amount determined under RCW 90.48.367.

(2) An action is not authorized under this section against any person operating in compliance with the conditions of a permit issued under this chapter.

NEW SECTION. Sec. 34. (1) Except as provided in chapter 43.05 RCW, every person who:

- (a) Violates the terms or conditions of a permit issued under this chapter or chapter 90.48 RCW for an AFO or a CAFO;
- (b) Operates a CAFO without a permit as required by this chapter or chapter 90.48 RCW; or
- (c) Discharges livestock nutrients in violation of this chapter, or rules or orders adopted or issued under this chapter or chapter 90.48 RCW,

shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under this section and subject to the penalty provided for in this section. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health or the environment in addition to other relevant factors. The department is authorized to set forth the procedures and the criteria for setting the penalty in rule.

(2) A discharge of pollutants into the waters of the state is a violation of this chapter, except those discharges that occur when a livestock producer has a current national pollutant discharge elimination system permit with a wastewater system designed, constructed, operated, and maintained for the current herd size and that contains all process-generated wastewater plus average annual precipitation minus evaporation plus contaminated storm water runoff from a rainfall event as specified for the type of facility in 40 C.F.R. Part 412 (April 14, 2003) for that specific location, the discharge is the result of a rainfall event as

specified for the type of facility in 40 C.F.R. Part 412 (April 14, 2003), and the livestock producer has complied with all permit conditions, including livestock nutrient management plan conditions for appropriate land application practices.

(3) A livestock producer may assert upset as an affirmative defense to allegations of discharge in violation of a permit. "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the producer. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

NEW SECTION. Sec. 35. (1) Notwithstanding any other provisions of this chapter, whenever it appears to the director that a person regulated by this chapter is causing water quality conditions to exist which require immediate action to protect the public health or welfare, the director may issue a written temporary order to cease and desist to the person responsible without prior notice or hearing, directing the person to either: (a) Immediately discontinue or modify the discharge into the waters of the state; or (b) appear before the department at the time and place specified in the order to provide the department information pertaining to the violations and conditions alleged in the order. The temporary order to cease and desist is effective upon service on the responsible person and will remain in effect until ten days after the informational meeting. The responsible person shall be given not less than twenty-four hours' notice of the informational meeting.

(2) Following the informational meeting or if the responsible person fails to attend the informational meeting, if the department determines that water quality conditions exist which require immediate action to protect the public health or welfare, the department may issue a written permanent order to cease and desist requiring the person to immediately discontinue or modify the discharge into waters. The permanent order to cease and desist is effective upon service. If this order is not immediately complied with, the attorney general, upon request of the department, may seek enforcement of the order in the superior court of the county in which the violation took place. Permanent orders to cease and desist issued by the department are appealable under chapter 43.21B RCW.

NEW SECTION. Sec. 36. (1) The department shall establish by rule annual fees for administering permits issued under this chapter. Fees shall be used for costs incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The initial fee schedule adopted after delegation of national pollutant discharge elimination system permit authority from the environmental protection agency shall be the same as the fee schedule established by the department of ecology except that fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW. Until the initial fee schedule is adopted, the fees established by the department of ecology shall be in effect.

(3) All fees collected under this section shall be deposited in the livestock nutrient management permit account within the agricultural local fund and used only for purposes of administering permits under this chapter.

NEW SECTION. Sec. 37. (1) Prior to issuing an order related to discharges from agricultural activity on agricultural land, the department shall consider whether an enforcement action would contribute to the conversion of agricultural land to nonagricultural uses. Any enforcement action shall attempt to minimize the possibility of such conversion.

(2) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

(b) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

NEW SECTION. Sec. 38. (1) The department of ecology shall develop and maintain a standard protocol for water quality monitoring of the waters of the state within the vicinity of dairies and CAFOs. The protocol shall include sampling methods and procedures and identify the water quality constituents to be monitored.

(2) The department of ecology shall submit the initial protocol developed according to this section to the appropriate committees of the legislature by December 1, 2005.

Sec. 39. RCW 43.21B.001 and 2004 c 204 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Business days" means Monday through Friday exclusive of any state or federal holiday.

(2) "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute

sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

(3) "Department" means the department of ecology, except for references pertaining to chapter 16.-- RCW (created by section 48 of this act), in which case "department" means the department of agriculture.

(4) "Director" means the director of ecology, except for references pertaining to chapter 16.-- RCW (created by section 48 of this act), in which case "director" means the director of the department of agriculture or a duly authorized representative.

Sec. 40. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the department of agriculture, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to section 17 of this act, section 34 of this act, RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, ~~((and))~~ 90.56.330, and section 8 of this act.

(b) Orders issued pursuant to section 31 of this act, section 35 of this act, RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of ~~((local conservation districts))~~ the department of agriculture related to the denial of approval or denial of certification of a ~~((dairy))~~ livestock nutrient management plan; conditions contained in a plan; application of any ~~((dairy))~~ livestock nutrient management practices, standards, methods, and technologies to a particular ~~((dairy farm))~~ facility; and failure to adhere to the plan review and approval timelines in ~~((RCW 90.64.026))~~ section 8 of this act.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 41. RCW 43.21B.300 and 2004 c 204 s 4 are each amended to read as follows:

(1) Any civil penalty provided in section 8 of this act, section 17 of this act, section 34 of this act, RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department, the department of agriculture, or the local air authority, describing the violation with reasonable particularity. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department, the department of agriculture, or the authority, as appropriate, for the remission or mitigation of the penalty. Upon receipt of the application, the department, the department of agriculture, or authority may remit or mitigate the penalty upon whatever terms the department, the department of agriculture, or the authority in its discretion deems proper. The department, the department of agriculture, or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the department of agriculture, or authority

thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department or the department of agriculture, as appropriate, within thirty days after it becomes due and payable, the attorney general, upon request of the department or the department of agriculture, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, ~~((and))~~ RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390 and chapter 16.-- RCW (created by section 48 of this act) which shall be credited to the livestock nutrient management grant account created by RCW 90.64.150 (as recodified by this act).

Sec. 42. RCW 43.21B.310 and 2004 c 204 s 5 are each amended to read as follows:

(1) Except as provided in RCW 90.03.210(2), any order issued by the department, the department of agriculture, or local air authority pursuant to section 31 of this act, section 35 of this act, RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department or the department of agriculture, or authority within thirty days after the date of receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.

(2) The department, the department of agriculture, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department or the department of agriculture, the attorney general, on request of the department or the department of agriculture, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department or the department of agriculture within thirty days of the date of receipt.

Sec. 43. RCW 90.64.813 and 2003 c 325 s 2 are each amended to read as follows:

(1) A livestock nutrient management program development and oversight committee is created comprised of the following members, appointed as follows:

(a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;

(b) The director of the department of ecology, or the director's designee;

(c) A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;

(d) One member from each of the two major caucuses of the house of representatives, appointed by the speaker of the house of representatives, and one member from each of the two major caucuses of the senate, appointed by the president of the senate;

~~((e))~~ (e) A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the ~~((governor))~~ director;

~~((f))~~ (f) A representative of an environmental interest organization with familiarity and expertise in water quality issues as nominated by a statewide environmental organization, appointed by the ~~((governor))~~ director;

~~((g))~~ (g) A representative of tribal governments as nominated by an organization representing tribal governments(~~((governor))~~);

~~((h))~~ (h) A representative of Washington State University appointed by the dean of the college of agriculture and home economics;

~~((i))~~ (i) A representative of the Washington association of conservation districts, appointed by the association's board of officers;

~~((j))~~ (j) Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the ~~((governor))~~ director;

~~((k))~~ (k) Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the ~~((governor))~~ director;

~~((l))~~ (l) One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the ~~((governor))~~ director;

~~((m))~~ (m) One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the ~~((governor))~~ director; and

~~((n))~~ (n) A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations.

(2) The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.

(3) The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.

(4) The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

(a) A process for adopting standards and for developing plans for each operation that meet these standards;

(b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a timeline to achieve the phased-in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

(c) Continued inspection of dairy operations at least once every two years;

(d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and

(e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) The committee shall evaluate simplified nutrient management planning tools and systematic practices that can be offered to those livestock operations not required to have permits or farm plans. The goal shall be to introduce these practical models through technical assistance, education, and outreach so that all livestock owners will have clear guidance on how to meet basic responsibilities to protect water quality. The committee shall report its recommendations on tools and service delivery options to appropriate committees of the legislature during the September 2005 assembly.

(10) With respect to the federal requirement that livestock nutrient management plans contain a component ensuring proper management of dead animals, the committee shall review issues concerning routine animal carcass disposal in Washington, including composting, rendering, burying, landfills, and incineration. The committee may appoint a subcommittee including appropriate technical staff from state agencies to undertake this task and make recommendations back to the full committee. At the legislative assembly in September 2005, the department of agriculture, the department of ecology, the state board of health, and committee representatives shall present reports as follows to the appropriate legislative committees:

(a) The department of ecology shall report on the status of off-site animal composting options that meet the livestock industry's need for disposal alternatives while assuring consumer protection and equity with other composters;

(b) The department of agriculture shall report on the status of a comprehensive, clearly written guidance document for the livestock industry on alternatives currently available for routine disposal of animal carcasses. The guidance document shall include, at a minimum, the disposal alternatives of rendering, burying, landfills, and composting; and

(c) The state board of health shall report on the status of rule making that clarifies burial depth, location of burial sites in relation to drinking water wells, and incineration.

(11) The committee shall evaluate the use of ranges as a means for state and local agencies to respond to public records requests made under chapter 42.17 RCW for information obtained from dairies and AFOs not required to apply for a permit. The ranges must provide meaningful information while ensuring confidentiality of business information regarding the following characteristics of livestock operations: (a) Number of animals; (b) volume of livestock nutrients generated; (c) number of acres covered by the plan or used for land application of livestock nutrients; (d) livestock nutrients transferred to other persons; and (e) crop yields. The committee shall make recommendations and provide draft legislation regarding the use of ranges to the appropriate committees of the legislature by December 1, 2005.

(12) This section expires (~~June 30, 2006~~) when the federal environmental protection agency delegates authority for the NPDES CAFO program to the department. The department shall provide notice to the legislature of the date of any such delegation of authority.

NEW SECTION. Sec. 44. (1) By July 1, 2005, the department and the department of agriculture, in consultation with the department of health, shall make available to livestock producers clearly written guidelines for the composting of bovine and equine carcasses for routine animal disposal.

(2) Composters of bovine and equine carcasses are exempt from the metals testing and permit requirements under the solid waste handling rules for compost that is distributed off-site if the following conditions are met:

(a) The carcasses to be composted are not known or suspected to be affected with a prion-protein disease such as bovine spongiform encephalopathy, a spore-forming disease such as anthrax or other diseases designated by the state veterinarian;

(b) The composter follows the written guidelines provided for in subsection (1) of this section;

(c) The composter does not accept for composting animal mortalities from other sources not directly affiliated with the composter's operation;

(d) The composter provides information to the end-user that includes the source of the material; the quality of the compost as to its nutrient content, pathogens, and stability; and the restrictions on use of the compost as stated in (f) of this subsection;

(e) The composter reports annually to the department the number of bovines and equines and the amounts of other material composted, including the composter's best estimate of the tonnage or yardage involved; and

(f) The end-user applies the compost only to agricultural lands that are not used for the production of root crops except as prescribed in the guidelines and ensures no compost comes into contact with the crops harvested from the lands where the compost is applied.

(3) If a compost production facility does not operate in compliance with the terms and conditions established for an exemption in this section, the facility shall be subject to the permitting requirements for solid waste handling under this chapter.

Sec. 45. RCW 70.95.315 and 1998 c 156 s 7 are each amended to read as follows:

The department may assess a civil penalty in an amount not to exceed one thousand dollars per day per violation to any person exempt from solid waste permitting in accordance with RCW 70.95.300 ~~((~~¶~~))~~, 70.95.305, or section 44 of this act who fails to comply with the terms and conditions of the exemption. Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1) RCW 90.64.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 29;
(2) RCW 90.64.017 (Registration of dairy producers--Information required--Information to producers regarding chapter) and 1998 c 262 s 3;

(3) RCW 90.64.026 (Dairy nutrient management plans--Elements--Approval--Timelines--Certification) and 1998 c 262 s 6;

(4) RCW 90.64.070 (Duties of conservation district) and 1998 c 262 s 13 & 1993 c 221 s 8;

(5) RCW 90.64.080 (Duties of conservation commission) and 1998 c 262 s 14 & 1993 c 221 s 9;

(6) RCW 90.64.130 (Data base) and 1998 c 262 s 9;

(7) RCW 90.64.140 (Technical assistance teams--Standards and specifications for dairy nutrient management plans) and 1998 c 262 s 10;

(8) RCW 90.64.160 (Grants for dairy producers--Statement of environmental benefits--Development of outcome-focused performance measures) and 2001 c 227 s 4; and

(9) RCW 90.64.800 (Reports to the legislature) and 1998 c 262 s 17.

NEW SECTION. Sec. 47. RCW 90.64.900 and 90.64.901 are decodified.

NEW SECTION. Sec. 48. The following sections are codified or recodified in the following order as a new chapter in Title 16 RCW:

(1) Intent and overview/authority

RCW 90.64.005

RCW 90.64.010

Section 1 of this act

RCW 90.64.050

RCW 90.64.110

(2) Permits

RCW 90.64.120

Section 20 of this act

Section 21 of this act

Section 22 of this act

RCW 90.64.020

Section 23 of this act

Section 24 of this act

Section 26 of this act

Section 25 of this act

Section 36 of this act

(3) Nutrient management plans

Section 6 of this act

Section 7 of this act

Section 8 of this act

Section 9 of this act

RCW 90.64.028

Section 17 of this act

(4) Field inspection and compliance

Section 27 of this act

Section 28 of this act

RCW 90.64.023

Section 29 of this act

RCW 90.64.030

Section 31 of this act
Section 35 of this act
Section 34 of this act
Section 32 of this act
RCW 90.64.040
Section 30 of this act
Section 33 of this act
Section 37 of this act
RCW 90.64.100
(5) Miscellaneous
Section 18 of this act
Section 19 of this act
RCW 90.64.813
RCW 90.64.150
Section 38 of this act
Section 50 of this act

NEW SECTION. **Sec. 49.** Section 44 of this act is added to chapter 70.95 RCW to be codified after RCW 70.95.305.

NEW SECTION. **Sec. 50.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "nutrients;" strike the remainder of the title and insert "amending RCW 90.64.005, 90.64.010, 90.64.020, 90.64.023, 90.64.028, 90.64.030, 90.64.040, 90.64.050, 90.64.110, 90.64.150, 43.21B.001, 43.21B.110, 43.21B.300, 43.21B.310, 90.64.813, and 70.95.315; adding a new section to chapter 70.95 RCW; adding a new chapter to Title 16 RCW; creating a new section; recodifying RCW 90.64.005, 90.64.010, 90.64.050, 90.64.110, 90.64.120, 90.64.020, 90.64.028, 90.64.023, 90.64.030, 90.64.040, 90.64.100, 90.64.813, and 90.64.150; decodifying RCW 90.64.900 and 90.64.901; repealing RCW 90.64.015, 90.64.017, 90.64.026, 90.64.070, 90.64.080, 90.64.130, 90.64.140, 90.64.160, and 90.64.800; prescribing penalties; and providing a contingent expiration date."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5602 and ask the House to recede therefrom.

Senators Rasmussen and Schoesler spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5602 and ask the House to recede therefrom.

The motion by Senator Rasmussen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5602 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5620, with the following amendment{s):

On page 2, beginning on line 12, strike all of subsection (d)

Reletter the remaining subsection consecutively.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620 and ask the House to recede therefrom.

Senators Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620 and ask the House to recede therefrom.

The motion by Senator Berkey carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5719, with the following amendment{s):
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.169 and 2003 c 378 s 5 are each amended to read as follows:

~~((Any charter county with a population of not more than seventy thousand shall establish a pilot program to implement the community commitment disposition alternative contained in this section. The pilot project shall be limited to five beds.))~~

(1) ~~((When))~~ Any county or group of cooperating counties within close proximity may establish a program to implement the community commitment disposition alternative under this section. A program established by a county or group of cooperating counties shall be limited to ten beds. A court in a county that has established a program under this section or has entered an agreement with other counties to establish such a program may impose a community commitment disposition alternative as provided in this section.

(2) The court may impose a community commitment disposition alternative sentence if the court finds the following:

(a) The offender is subject to a standard range commitment of 15 to 36 weeks ~~((and))~~;

(b) The offender is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative ~~((, the court in a county with a pilot program under this section may impose a community commitment disposition alternative and:))~~;

(c) The offender is appropriate for the community commitment disposition alternative considering the youth's offense, prior criminal history, security classification, risk level, treatment needs, and history; and

(d) One of the following factors exists:

(i) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;

(ii) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs, other research-based treatment programs, school, employment, or drug and alcohol or mental health counseling; or

(iii) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

(3) If the court imposes a community commitment disposition alternative sentence, the court may:

(a) ~~((Retain juvenile court jurisdiction over the youth;~~

~~((b)))~~ Confine the youth in a secure county detention facility ~~((for a period of time not to exceed thirty days)), or an alternative to secure county detention pursuant to subsection (5) of this section; and~~

~~((c))~~ (b) Impose a term of postrelease community supervision for up to one year that includes a reintegration program as defined in subsection (4) of this section.

~~((If the youth receives a standard range disposition, the court shall set the release date within the standard range. The court shall determine the release date prior to expiration of sixty percent of the juvenile's minimum term of confinement.~~

~~(2) The court may impose this community commitment disposition alternative if the court finds the following:~~

~~(a) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;~~

~~(b) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling;~~

~~or~~

~~(c) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.~~

~~(3) The court shall consider the youth's offense, prior criminal history, security classification, risk level, and treatment needs and history when determining whether the youth is appropriate for the community commitment disposition alternative. If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure detention while the details of the reintegration program are developed.)~~

~~(4) ((Upon approval of the treatment and community reintegration plan)) (a) The community commitment disposition alternative sentence shall include a treatment and community reintegration plan designed to address the needs of the juvenile that is approved by the court. The reintegration plan under this section shall include delivery of programs which meet the Washington state institute for public policy's effectiveness standards for juvenile accountability programs; and~~

~~(b) If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure county detention while the details of the reintegration program are developed.~~

~~(5) If the court orders a sentence under this section, the court may order the youth to serve the term of confinement in one or more of the following placements or combination of placements: Secure county detention, an alternative to secure county detention such as electronic home monitoring, county group care, day or evening reporting, or home detention. The court may order the youth to serve time in detention on weekends or intermittently. The court shall set periodic reviews to review the youth's progress in the program. ((At least fifty percent)) No more than a total of thirty days of the term of confinement shall be served in secure county detention.~~

~~((5)) (6)(a) If the youth violates the conditions of the community commitment program, the court may impose sanctions under RCW 13.40.200 or modify the terms of the reintegration plan and order the youth to serve all or a portion of ((the remaining confinement term)) any remaining thirty total days of confinement permitted under the disposition alternative in secure county detention or another alternative to secure county detention as described in subsection (5) of this section.~~

~~(b) If the youth violates the terms of the disposition alternative a second time, the court shall revoke the community commitment disposition alternative and order the disposition's execution, with credit for time served, at a facility operated by the juvenile rehabilitation administration of the department of social and health services.~~

~~(c) Except for a youth transferred to a facility operated by the juvenile rehabilitation administration, time not spent in secure county detention may be served in one of the alternative placements described in subsection (5) of this section. The court shall consider the youth's risk level in selecting alternative placements.~~

~~((6)) (7) A county may enter into interlocal agreements with other counties to develop joint community commitment programs or to allow one county to send a youth appropriate for this alternative to another county that has a community commitment program.~~

~~((7)) (8) Implementation of this alternative is subject to available state funding for the costs of the community commitment program, including costs of detention ((and community)), supervision, treatment programs, and administration.~~

~~(9) Each county or group of cooperating counties establishing a program to implement the community commitment disposition alternative under this act shall provide an interim report on a program to the Washington association of juvenile court administrators by November 1, 2006, and a final report by May 1, 2007. Each report shall include, but is not limited to, the number of offenders eligible for the program, the number of offenders sentenced to the program, evaluation and treatment costs for each participant, administrative costs, costs of detention, supervision, and other related costs, and whether an offender has reoffended after participation in the program. The Washington association of juvenile court administrators shall submit an interim report ((on)) analyzing the data submitted by each of the ((pilot)) programs established in this section to the legislature and appropriate committees by December 31, ((2004)) 2006, and submit a final report to the legislature and the appropriate committees by June 30, ((2005)) 2007.~~

~~((This section expires July 1, 2005.))~~

~~**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."~~

~~Correct the title.
and the same are herewith transmitted.~~

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5719 and ask the House to recede therefrom.

Senators Hargrove and Stevens spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5719 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5719 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature finds that persons with mental disorders, chemical dependency disorders, or co-occurring mental and substance abuse disorders are disproportionately more likely to be confined in a correctional institution, become homeless, become involved with child protective services or involved in a dependency proceeding, or lose those state and federal benefits to which they may be entitled as a result of their disorders. The legislature finds that prior state policy of addressing mental health and chemical dependency in isolation from each other has not been cost-effective and has often resulted in longer-term, more costly treatment that may be less effective over time. The legislature finds that a substantial number of persons have co-occurring mental and substance abuse disorders and that identification and integrated treatment of co-occurring disorders is critical to successful outcomes and recovery. Consequently, the legislature intends, to the extent of available funding, to:

- (1) Establish a process for determining which persons with mental disorders and substance abuse disorders have co-occurring disorders;
- (2) Reduce the gap between available chemical dependency treatment and the documented need for treatment;
- (3) Improve treatment outcomes by shifting treatment, where possible, to evidence-based, research-based, and consensus-based treatment practices and by removing barriers to the use of those practices;
- (4) Expand the authority for and use of therapeutic courts including drug courts, mental health courts, and therapeutic courts for dependency proceedings;
- (5) Improve access to treatment for persons who are not enrolled in medicaid by improving and creating consistency in the application processes, and by minimizing the numbers of eligible confined persons who leave confinement without medical assistance;
- (6) Improve access to inpatient treatment by creating expanded services facilities for persons needing intensive treatment in a secure setting who do not need inpatient care, but are unable to access treatment under current licensing restrictions in other settings;
- (7) Establish secure detoxification centers for persons involuntarily detained as gravely disabled or presenting a likelihood of serious harm due to chemical dependency and authorize combined crisis responders for both mental disorders and chemical dependency disorders on a pilot basis and study the outcomes;
- (8) Slow or stop the loss of inpatient and intensive residential beds and children's long-term inpatient placements and refine the balance of state hospital and community inpatient and residential beds;
- (9) Improve cross-system collaboration including collaboration with first responders and hospital emergency rooms, schools, primary care, developmental disabilities, law enforcement and corrections, and federally funded and licensed programs;
- (10) Following the receipt of outcomes from the pilot programs in Part II of this act, if directed by future legislative enactment, implement a single, comprehensive, involuntary treatment act with a unified set of standards, rights, obligations, and procedures for adults and children with mental disorders, chemical dependency disorders, and co-occurring disorders; and
- (11) Amend existing state law to address organizational and structural barriers to effective use of state funds for treating persons with mental and substance abuse disorders, minimize internal inconsistencies, clarify policy and requirements, and maximize the opportunity for effective and cost-effective outcomes.

NEW SECTION. Sec. 102. (1) The department of social and health services shall explore and report to the appropriate committees of the legislature by December 1, 2005, on the feasibility, costs, benefits, and time frame to access federal medicaid funds for mental health and substance abuse treatment under the following provisions:

(a) The optional clinic provisions;
(b) Children's mental health treatment or co-occurring disorders treatment under the early periodic screening, diagnosis, and treatment provisions.

(2) The department shall provide the appropriate committees of the legislature with a clear and concise explanation of the reasons for reducing state hospital capacity and the differences in costs and benefits of treatment in state and community hospital treatment.

(3) The department may not reduce the capacity of either state hospital until at least an equal number of skilled nursing, residential, expanded services facility, or supported housing placements are available in the community to the persons displaced by the capacity reduction.

Mental Health Treatment

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and regional support networks who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under section 601 of this act.

Sec. 104. RCW 71.05.020 and 2000 c 94 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

~~(6) ("County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;~~

~~(7))~~ (7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((8))~~ (7) "Department" means the department of social and health services;

~~((9))~~ (8) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapter 70.96A RCW and sections 202 through 216 of this act;

(9) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(10) "Designated mental health professional" means a mental health professional certified by the department per rules adopted by the secretary and employed by or contracted with a regional support network established under chapter 71.24 RCW to perform duties specified in this chapter;

(11) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((10))~~ (12) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

~~((11))~~ (13) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

~~((12))~~ (14) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((13))~~ (15) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((14))~~ (16) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((15))~~ (17) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct;

~~((16))~~ (18) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

~~((17))~~ (19) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for ~~((an individual))~~ a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((18))~~ (20) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((19))~~ (21) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by ~~((an individual))~~ a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by ~~((an individual))~~ a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by ~~((an individual))~~ a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The ~~((individual))~~ person has threatened the physical safety of another and has a history of one or more violent acts;

~~((20))~~ (22) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on ~~((an individual's))~~ a person's cognitive or volitional functions;

~~((21))~~ (23) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((22))~~ (24) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((23))~~ (25) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital~~((, or sanitarium))~~, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((24))~~ (26) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((25))~~ (27) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((26))~~ (28) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;
~~((27))~~ (29) "Public agency" means any evaluation and treatment facility or institution, or hospital~~(, or sanitarium)~~ which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill~~((1))~~, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((28))~~ (30) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(31) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((29))~~ (32) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((30))~~ (33) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((31))~~ (34) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((32))~~ (35) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(36) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 105. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs ~~((under RCW 71.24.045))~~, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring

transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(11) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(12) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or ~~((individuals))~~ persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((11))~~ (13) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((12))~~ (14) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (23), and ~~((18))~~ (24) of this section.

~~((13))~~ (15) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(16) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ in contract in a defined area.

~~((14))~~ (17) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(18) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (19) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(20) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(21) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to ~~((county-))~~ designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (22) "Secretary" means the secretary of social and health services.

~~((17))~~ (23) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((18))~~ (24) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (25) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(27) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 106. RCW 10.77.010 and 2004 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~(4) ("County designated mental health professional" has the same meaning as provided in RCW 71.05.020.~~

~~(5)~~ A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((6))~~ (5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

- (g) The type of residence immediately anticipated for the person and possible future types of residences.

(17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(18) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((19))~~ (20) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((20))~~ (21) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((21))~~ (22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 107. RCW 71.05.360 and 1997 c 112 s 30 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.97 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.370 (as recodified by this act) or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert information, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

NEW SECTION. Sec. 108. RCW 71.05.370 is recodified as a new section in chapter 71.05 RCW to be codified in proximity to RCW 71.05.215.

Sec. 109. RCW 71.05.390 and 2004 c 166 s 6, 2004 c 157 s 5, and 2004 c 33 s 2 are each reenacted and amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the ~~((patient))~~ person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

(a) Employed by the facility;

(b) Who has medical responsibility for the patient's care;

(c) Who is a ~~((county))~~ designated mental health professional;

- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing (~~(outpatient)~~) services to the operator of a (~~(care)~~) facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation under RCW 71.05.150, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

~~((a))~~ (i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

~~((b))~~ (ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

~~((c))~~ (iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

~~((d))~~ (iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

~~((e))~~ (v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) ~~((To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.))~~ Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(18) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial (~~(or)~~), in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 110. RCW 71.05.420 and 1990 c 3 s 113 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390 (~~(through 71.05.410)~~), the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 111. RCW 71.05.620 and 1989 c 205 s 12 are each amended to read as follows:

~~((1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:~~

~~(a) The name of the individual, agency, or organization to which the disclosure is to be made;~~

~~(b) The name of the individual whose treatment record is being disclosed;~~

~~(c) The purpose or need for the disclosure;~~

~~(d) The specific type of information to be disclosed;~~

~~(e) The time period during which the consent is effective;~~

~~(f) The date on which the consent is signed; and~~

~~(g) The signature of the individual or person legally authorized to give consent for the individual.~~

~~(2))~~ The files and records of court proceedings under this chapter and chapters ((71.05)) 70.96A, 71.34, and 70.-- (sections 202 through 216 of this act) RCW shall be closed but shall be accessible to any ~~((individual))~~ person who is the subject of a petition and to the ~~((individual's))~~ person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

Sec. 112. RCW 71.05.630 and 2000 c 75 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential(~~(--Treatment records))~~ and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of ~~((an individual))~~ a person may be released without informed written consent in the following circumstances:

(a) To ~~((an individual))~~ a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the ~~((individual))~~ person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to ~~((individuals))~~ persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of ~~((individuals))~~ persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the ~~((individual))~~ person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive ~~((an individual))~~ a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the ~~((individual))~~ person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of ~~((an individual))~~ a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.225, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When ~~((an individual))~~ a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the ~~((individual's))~~ person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the ~~((individual's))~~ person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental ~~((illness))~~ disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for ~~((alcoholism or drug))~~ chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 113. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the ~~((individual))~~ person.

(2) Following discharge, the ~~((individual))~~ person shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all ~~((individuals))~~ persons shall be informed by resource management services of their rights as provided in RCW ~~((71.05.610))~~ 71.05.390 and 71.05.620 through 71.05.690.

Sec. 114. RCW 71.05.660 and 1989 c 205 s 16 are each amended to read as follows:

Nothing in this chapter ~~((205, Laws of 1989))~~ or chapter 70.96A, 71.05, 71.34, or 70.-- (sections 202 through 216 of this act) RCW shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 115. A new section is added to chapter 71.05 RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 70.96A RCW.

PART II PILOT PROGRAMS

NEW SECTION. **Sec. 201.** Sections 202 through 216 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 202.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional certified by the department per rules adopted by the secretary and employed by or contracted with a regional support network established under chapter 71.24 RCW.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(23) "Judicial commitment" means a commitment by a court under this chapter.

(24) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(25) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(26) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(28) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(29) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(31) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(32) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(33) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(36) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(37) "Secretary" means the secretary of the department or the secretary's designee.

(38) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(39) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(40) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a

person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(41) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 203. (1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to section 220 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

NEW SECTION. Sec. 204. To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

NEW SECTION. Sec. 205. In addition to the provisions of this chapter, a designated crisis responder has all the powers and duties of a designated mental health professional as well as the powers and duties of a designated chemical dependency specialist under RCW 70.96A.120.

NEW SECTION. Sec. 206. (1)(a) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(b)(i)(A) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents as a result of a mental disorder, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to

appear within twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; or

(B) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that a person presents as a result of a chemical dependency, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a secure detoxification facility or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period.

(ii) The order issued under this subsection (1)(b) shall state the address of the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider to which the person is to report; whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis; and that if the person named in the order fails to appear at the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider at or before the date and time stated in the order, the person may be involuntarily taken into custody for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. The person shall be permitted to remain in his or her home or other place of his or her choosing before the time of evaluation and shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person ordered to appear does appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider may admit the person as required by subsection (3) of this section or may provide treatment on an outpatient basis. If the person ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider shall immediately notify the designated crisis responder who may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. Should the designated crisis responder notify a peace officer authorizing the officer to take a person into custody under this subsection, the designated crisis responder shall file with the court a copy of the authorization and a notice of detention. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) If a designated crisis responder receives information alleging that a person, as the result of:

(a) A mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in this chapter; or

(b) Chemical dependency, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in a secure detoxification facility for not more than seventy-two hours as described in this chapter.

(3) If the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in

accordance with this chapter. The facility shall notify in writing the court and the designated crisis responder of the date and time of the initial detention of each person involuntarily detained so that a probable cause hearing will be held no later than seventy-two hours after detention.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause the person to be taken into custody and immediately delivered to an evaluation and treatment facility, secure detoxification facility, other certified chemical dependency treatment provider only pursuant to subsections (1)(d) and (2) of this section.

(5) Nothing in this chapter limits the power of a peace officer to take a person into custody and immediately deliver the person to the emergency department of a local hospital or to a detoxification facility.

NEW SECTION. Sec. 207. (1) A person or public or private entity employing a person is not civilly or criminally liable for performing duties under this chapter if the duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

NEW SECTION. Sec. 208. If the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider admits the person, it may detain the person for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance. The computation of the seventy-two hour period excludes Saturdays, Sundays, and holidays.

NEW SECTION. Sec. 209. Whenever any person is detained for evaluation and treatment for a mental disorder under section 206 of this act, chapter 71.05 RCW applies.

NEW SECTION. Sec. 210. (1) A person detained for seventy-two hour evaluation and treatment under section 206 of this act or RCW 70.96A.120 may be detained for not more than fourteen additional days of involuntary chemical dependency treatment if there are beds available at the secure detoxification facility and the following conditions are met:

(a) The professional person in charge of the agency or facility or the person's designee providing evaluation and treatment services in a secure detoxification facility has assessed the person's condition and finds that the condition is caused by chemical dependency and either results in a likelihood of serious harm or in the detained person being gravely disabled, and the professional person or his or her designee is prepared to testify those conditions are met;

(b) The person has been advised of the need for voluntary treatment and the professional person in charge of the agency or facility or his or her designee has evidence that he or she has not in good faith volunteered for treatment; and

(c) The professional person in charge of the agency or facility or the person's designee has filed a petition for fourteen-day involuntary detention with the superior court, district court, or other court permitted by court rule. The petition must be signed by the chemical dependency professional who has examined the person.

(2) The petition under subsection (1)(c) of this section shall be accompanied by a certificate of a licensed physician who has examined the person, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(3) The petition shall state facts that support the finding that the person, as a result of chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that there are no less restrictive alternatives to detention in the best interest of the person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate.

(4) A copy of the petition shall be served on the detained person, his or her attorney, and his or her guardian or conservator, if any, before the probable cause hearing.

(5)(a) The court shall inform the person whose commitment is sought of his or her right to contest the petition, be represented by counsel at every stage of any proceedings relating to his or her commitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall appoint a reasonably available licensed physician designated by the person.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that the person, as the result of chemical dependency, presents a likelihood of serious harm or is gravely disabled and, after considering

less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of such person or others, the court shall order that the person be detained for involuntary chemical dependency treatment not to exceed fourteen days in a secure detoxification facility.

NEW SECTION. Sec. 211. If a person is detained for additional treatment beyond fourteen days under section 210 of this act, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.

NEW SECTION. Sec. 212. The prosecuting attorney of the county in which an action under this chapter is taken must represent the petitioner in judicial proceedings under this chapter for the involuntary chemical dependency treatment of a person, including any judicial proceeding where the person sought to be treated for chemical dependency challenges the action.

NEW SECTION. Sec. 213. (1) Every person involuntarily detained or committed under this chapter as a result of a mental disorder is entitled to all the rights set forth in this chapter and in chapter 71.05 RCW, and retains all rights not denied him or her under this chapter or chapter 71.05 RCW.

(2) Every person involuntarily detained or committed under this chapter as a result of a chemical dependency is entitled to all the rights set forth in this chapter and chapter 70.96A RCW, and retains all rights not denied him or her under this chapter or chapter 70.96A RCW.

NEW SECTION. Sec. 214. (1) When a designated crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the designated crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated crisis responder of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated crisis responder detains a person under this chapter, the designated crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated crisis responder to provide offender supervision.

NEW SECTION. Sec. 215. The secretary may adopt rules to implement this chapter.

NEW SECTION. Sec. 216. The provisions of RCW 71.05.550 apply to this chapter.

NEW SECTION. Sec. 217. (1) The Washington state institute for public policy shall evaluate the pilot programs and make a preliminary report to appropriate committees of the legislature by December 1, 2007, and a final report by September 30, 2008.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

Sec. 218. RCW 71.05.550 and 1973 1st ex.s. c 142 s 60 are each amended to read as follows:

The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter and chapter 70.-- RCW (sections 202 through 216 of this act), and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all

increased costs, if any, to the counties resulting from their administration of the provisions of chapter 142, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 219. Sections 202 through 216 of this act expire July 1, 2008.

NEW SECTION. Sec. 220. A new section is added to chapter 70.96A RCW to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to section 203 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under section 601 of this act;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires June 30, 2008.

PART III TREATMENT GAP

NEW SECTION. Sec. 301. A new section is added to chapter 70.96A RCW to read as follows:

(1) The division of alcohol and substance abuse shall increase its capacity to serve adults who meet chemical dependency treatment criteria and who are enrolled in medicaid as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(2) The division of alcohol and substance abuse shall increase its capacity to serve minors who have passed their twelfth birthday and who are not yet eighteen, who are under two hundred percent of the federal poverty level as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(3) For purposes of this section, "calculated need" means the percentage of the population under two hundred percent of the federal poverty level in need of chemical dependency services as determined in the 2003 Washington state needs assessment study.

NEW SECTION. Sec. 302. A new section is added to chapter 70.96A RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to

section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, are subject to contractual penalties established under section 601 of this act.

NEW SECTION. Sec. 303. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, as those terms are defined in section 603 of this act, and shall expand capacity in underserved regions of the state.

NEW SECTION. Sec. 304. A new section is added to chapter 70.96A RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 305. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at each division of children and family services office to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site chemical dependency screening and assessment, facilitating progress reports to department social workers, in-service training of department social workers and staff on substance abuse issues, referring clients from the department to treatment providers, and providing consultation on cases to department social workers.

(3) The department of social and health services shall provide training in and ensure that each case-carrying social worker is trained in uniform screening for mental health and chemical dependency.

PART IV RESOURCES

NEW SECTION. Sec. 401. Sections 402 through 425 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 402. The legislature finds that there are persons with mental disorders, including organic or traumatic brain disorders, and combinations of mental disorders with other medical conditions or behavior histories that result in behavioral and security issues that make these persons ineligible for, or unsuccessful in, existing types of licensed facilities, including adult residential rehabilitation centers, boarding homes, adult family homes, group homes, and skilled nursing facilities. The legislature also finds that many of these persons have been treated on repeated occasions in inappropriate acute care facilities and released without an appropriate placement or have been treated or detained for extended periods in inappropriate settings including state hospitals and correctional facilities. The legislature further finds that some of these persons present complex safety and treatment issues that require security measures that cannot be instituted under most facility licenses or supported housing programs. These include the ability to detain persons under involuntary treatment orders or administer court ordered medications.

Consequently, the legislature intends, to the extent of available funds, to establish a new type of facility licensed by the department of social and health services as an enhanced services facility with standards that will provide a safe, secure treatment environment for a limited population of persons who are not appropriately served in other facilities or programs. The legislature also finds that enhanced services facilities may need to specialize in order to effectively care for a particular segment of the identified population.

An enhanced services facility may only serve individuals that meet the criteria specified in section 405 of this act.

NEW SECTION. Sec. 403. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 or 70.96A RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.-- (sections 202 through 216 of this act) RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A or 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatric nurse" means:

(a) A registered nurse who has a bachelor's degree from an accredited college or university and who has had, in addition, at least two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional; or

(b) Any other registered nurse who has three years of such experience.

(23) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(24) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(25) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(26) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW.

(27) "Resident" means a person admitted to an enhanced services facility.

(28) "Secretary" means the secretary of the department or the secretary's designee.

(29) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(30) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(31) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(32) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(33) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 404. A facility shall honor an advance directive that was validly executed pursuant to chapter 70.122 RCW and a mental health advance directive that was validly executed pursuant to chapter 71.32 RCW.

NEW SECTION. Sec. 405. A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (3) of this section:

(1) The person requires: (a) Daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or (b) assistance with three or more activities of daily living; and

(2) The person has: (a) A mental disorder, chemical dependency disorder, or both; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services;

(3) The person has two or more of the following:

(a) Self-endangering behaviors that are frequent or difficult to manage;

(b) Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;

(c) Intrusive behaviors that put residents or staff at risk;

(d) Complex medication needs and those needs include psychotropic medications;

(e) A history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;

(f) A history of frequent or protracted mental health hospitalizations;

(g) A history of offenses against a person or felony offenses that created substantial damage to property.

(4) The person has the right to refuse to participate in an expanded community services program or, except where subject to commitment, to reside at an enhanced services facility. No person shall be denied other department services on the grounds that he or she has made such a refusal.

(5) Prior to assessment, the department shall notify any person for whom referral to the enhanced community services program or an enhanced services facility is under consideration, and shall provide that person with an opportunity to review and comment on all information that is included in the assessment. All information considered in the assessment shall be made available to the person or his or her legal guardian or other legal representative, where relevant, prior to final determination.

(6) In determining that a person has a history of unsuccessful placements, the department shall document the reasons for failure, and possible supports that could be provided that would improve the chances of success, prior to making a determination regarding the likelihood of future unsuccessful placement.

(7) The person has a right to appeal the decision of the department that he or she is eligible for placement at an enhanced services facility, and shall be given notice of the right to appeal in a format that is accessible to the person with instructions regarding what to do if the person wants to appeal.

NEW SECTION. Sec. 406. (1)(a) Every person who is a resident of an enhanced services facility shall be entitled to all the rights set forth in this chapter, and chapters 71.05 and 70.96A RCW, and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, or chapter 71.05 or 70.96A RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) At the time of admission, and at the time of his or her treatment planning meeting, every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section, and if he or she is not able to read or understand the statement, shall have the statement explained in language that he or she can understand or presented in a format that is accessible. The department shall by rule develop a statement and process for informing residents of their rights.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment and shall have the right to actively participate in treatment planning and decision making.

(3) Treatment planning shall include planning for a safe and successful discharge and reintegration into the community, and shall commence immediately upon placement at an enhanced services facility.

(4) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(5) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(6) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, or 71.05 RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(7) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act), or the performance of electroconvulsant therapy, or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(h) To discuss and actively participate in treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue; and

(k) To complain about rights violations or conditions and request the assistance of a mental health ombudsman, representative of Washington protection and advocacy, or other advocate of his or her choice.

(8) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

(10) Enhanced services facilities and expanded community services programs shall maintain a grievance procedure that meets the requirements of rules established by the department.

NEW SECTION. Sec. 407. A person who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication. Antipsychotic medication may be administered over the person's objections only pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act).

NEW SECTION. Sec. 408. (1)(a) The department shall not license an enhanced services facility that serves any residents under sixty-five years of age for a capacity to exceed sixteen residents.

(b) The department may contract for services for the operation of enhanced services facilities only to the extent that funds are specifically provided for that purpose.

(2) The facility shall provide an appropriate level of security for the characteristics, behaviors, and legal status of the residents.

(3) An enhanced services facility may hold only one license but, to the extent permitted under state and federal law and medicaid requirements, a facility may be located in the same building as another licensed facility, provided that:

(a) The enhanced services facility is in a location that is totally separate and discrete from the other licensed facility; and

(b) The two facilities maintain separate staffing, unless an exception to this is permitted by the department in rule.

(4) Nursing homes under chapter 18.51 RCW, boarding homes under chapter 18.20 RCW, or adult family homes under chapter 70.128 RCW, that become licensed as facilities under this chapter shall be deemed to meet the applicable state and local rules, regulations, permits, and code requirements. All other facilities are required to meet all applicable state and local rules, regulations, permits, and code requirements.

NEW SECTION. Sec. 409. (1) The enhanced services facility shall complete a comprehensive assessment for each resident within fourteen days of admission, and the assessments shall be repeated upon a significant change in the resident's condition or, at a minimum, every one hundred eighty days if there is no significant change in condition.

(2) The enhanced services facility shall develop an individualized treatment plan for each resident based on the comprehensive assessment and any other information in the person's record. The plan shall be updated with a full review every ninety days or sooner if clinically necessary, and shall include a plan for appropriate transfer or discharge and supported reintegration into the community. Discharge planning shall commence immediately upon placement at an enhanced services facility. Where the person is under the supervision of the department of corrections, the facility shall collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The plan shall maximize the opportunities for independence, recovery, employment, the resident's participation in treatment decisions, and collaboration with peer-supported services, and provide for care and treatment in the least restrictive manner appropriate to the individual resident, and, where relevant, to any court orders with which the resident must comply.

NEW SECTION. Sec. 410. (1) An enhanced services facility must have sufficient numbers of staff with the appropriate credentials and training to provide residents with the appropriate care and treatment:

- (a) Mental health treatment;
- (b) Medication services;
- (c) Assistance with the activities of daily living;
- (d) Medical or habilitative treatment;
- (e) Dietary services;
- (f) Security; and
- (g) Chemical dependency treatment.

(2) Where an enhanced services facility specializes in medically fragile persons with mental disorders, the on-site staff must include at least one licensed nurse twenty-four hours per day. The nurse must be a registered nurse for at least sixteen hours per day. If the nurse is not a registered nurse, a registered nurse or a doctor must be on-call during the remaining eight hours.

(3) Any employee or other individual who will have unsupervised access to vulnerable adults must successfully pass a background inquiry check.

NEW SECTION. Sec. 411. This chapter does not apply to the following residential facilities:

- (1) Nursing homes licensed under chapter 18.51 RCW;
- (2) Boarding homes licensed under chapter 18.20 RCW;
- (3) Adult family homes licensed under chapter 70.128 RCW;
- (4) Facilities approved and certified under chapter 71A.22 RCW;
- (5) Residential treatment facilities licensed under chapter 71.12 RCW; and
- (6) Hospitals licensed under chapter 70.41 RCW.

NEW SECTION. Sec. 412. (1) The department shall establish licensing rules for enhanced services facilities to serve the populations defined in this chapter.

(2) No person or public or private agency may operate or maintain an enhanced services facility without a license, which must be renewed annually.

(3) A licensee shall have the following readily accessible and available for review by the department, residents, families of residents, and the public:

(a) Its license to operate and a copy of the department's most recent inspection report and any recent complaint investigation reports issued by the department;

(b) Its written policies and procedures for all treatment, care, and services provided directly or indirectly by the facility; and

(c) The department's toll-free complaint number, which shall also be posted in a clearly visible place and manner.

(4) No facility shall discriminate or retaliate in any manner against a resident or employee because the resident, employee, or any other person made a complaint or provided information to the department, the long-term care ombudsman, Washington protection and advocacy system, or a mental health ombudsperson.

(5) Each enhanced services facility will post in a prominent place in a common area a notice by the Washington protection and advocacy system providing contact information.

NEW SECTION. Sec. 413. (1) In any case in which the department finds that a licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee failed or refused to comply with the requirements of this chapter or the rules established under them, the department may take any or all of the following actions:

(a) Suspend, revoke, or refuse to issue or renew a license;

(b) Order stop placement; or

(c) Assess civil monetary penalties.

(2) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, in any case in which it finds that the licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:

(a) Operated a facility without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know made a false statement of a material fact in the license application or any data attached thereto, or in any matter under investigation by the department;

(c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the facility;

(d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter;

(e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of the rules adopted under it; or

(f) Failed to pay any civil monetary penalty assessed by the department under this chapter within ten days after the assessment becomes final.

(3)(a) Civil penalties collected under this chapter shall be deposited into a special fund administered by the department.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day the facility is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per day. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(4) The department may use the civil penalty monetary fund for the protection of the health or property of residents of facilities found to be deficient including:

(a) Payment for the cost of relocation of residents to other facilities;

(b) Payment to maintain operation of a facility pending correction of deficiencies or closure; and

(c) Reimbursement of a resident for personal funds or property loss.

(5)(a) The department may issue a stop placement order on a facility, effective upon oral or written notice, when the department determines:

(i) The facility no longer substantially meets the requirements of this chapter; and

(ii) The deficiency or deficiencies in the facility:

(A) Jeopardizes the health and safety of the residents; or

(B) Seriously limits the facility's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the facility from a hospital, residential treatment facility, or crisis intervention facility when the department determines the readmission would be in the best interest of the individual seeking readmission.

(6) If the department determines that an emergency exists and resident health and safety is immediately jeopardized as a result of a facility's failure or refusal to comply with this chapter, the department may summarily suspend the facility's license and order the immediate closure of the facility, or the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of the residents is immediately jeopardized as a result of a facility's failure or refusal to comply with requirements of this chapter, the department may appoint temporary management to:

- (a) Oversee the operation of the facility; and
- (b) Ensure the health and safety of the facility's residents while:
 - (i) Orderly closure of the facility occurs; or
 - (ii) The deficiencies necessitating temporary management are corrected.

NEW SECTION. Sec. 414. (1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested.

(2) All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or summary license suspension shall be effective immediately upon notice, pending any hearing.

(3) Subject to the requirements of subsection (2) of this section, all hearings under this chapter and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 415. Operation of a facility without a license in violation of this chapter and discrimination against medicaid recipients is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an enhanced services facility without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 416. A person operating or maintaining a facility without a license under this chapter is guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

NEW SECTION. Sec. 417. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of a facility without a license issued under this chapter.

NEW SECTION. Sec. 418. (1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and treatment.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

NEW SECTION. Sec. 419. The facility shall only admit individuals:

- (1) Who are over the age of eighteen;
- (2) Who meet the resident eligibility requirements described in section 405 of this act; and
- (3) Whose needs the facility can safely and appropriately meet through qualified and trained staff, services, equipment, security, and building design.

NEW SECTION. Sec. 420. If the facility does not employ a qualified professional able to furnish needed services, the facility must have a written contract with a qualified professional or agency outside the facility to furnish the needed services.

NEW SECTION. Sec. 421. At least sixty days before the effective date of any change of ownership, or change of management of a facility, the current operating entity must provide written notification about the proposed change separately and in writing, to the department, each resident of the facility, or the resident's guardian or representative.

NEW SECTION. Sec. 422. The facility shall:

(1) Maintain adequate resident records to enable the provision of necessary treatment, care, and services and to respond appropriately in emergency situations;

(2) Comply with all state and federal requirements related to documentation, confidentiality, and information sharing, including chapters 10.77, 70.02, 70.24, 70.96A, and 71.05 RCW; and

(3) Where possible, obtain signed releases of information designating the department, the facility, and the department of corrections where the person is under its supervision, as recipients of health care information.

NEW SECTION. Sec. 423. (1) Standards for fire protection and the enforcement thereof, with respect to all facilities licensed under this chapter, are the responsibility of the chief of the Washington state patrol, through the director of fire protection, who must adopt recognized standards as applicable to facilities for the protection of life against the cause and spread of fire and fire hazards. If the facility to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, the director of fire protection must submit to the department a written report approving the facility with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall conduct an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Inspections of facilities by local authorities must be consistent with the requirements adopted by the chief of the Washington state patrol, through the director of fire protection. Findings of a serious nature must be coordinated with the department and the chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for residents. The chief of the Washington state patrol, through the director of fire protection, has exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 424. No facility providing care and treatment for individuals placed in a facility, or agency licensing or placing residents in a facility, acting in the course of its duties, shall be civilly or criminally liable for performing its duties under this chapter, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 425. (1) The secretary shall adopt rules to implement this chapter.

(2) Such rules shall at the minimum: (a) Promote safe treatment and necessary care of individuals residing in the facility and provide for safe and clean conditions; (b) establish licensee qualifications, licensing and enforcement, and license fees sufficient to cover the cost of licensing and enforcement.

PART V FORENSIC AND CORRECTIONAL

Drug and Mental Health Courts

NEW SECTION. Sec. 501. A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, mentally ill felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any county that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

- (B) That is a serious violent offense;
- (C) During which the defendant used a firearm; or
- (D) During which the defendant caused substantial or great bodily harm or death to another person.

NEW SECTION. Sec. 502. A new section is added to chapter 2.28 RCW to read as follows:

Any county that has established a drug court and a mental health court under this chapter may combine the functions of both courts into a single therapeutic court.

NEW SECTION. Sec. 503. A new section is added to chapter 26.12 RCW to read as follows:

(1) Every county that authorizes the tax provided in section 805 of this act shall, and every county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources. A county with a drug court for criminal cases or with a mental health court may include a therapeutic court for dependency proceedings as a component of its existing program.

(2) For the purposes of this section, "therapeutic court" means a court that has special calendars or dockets designed for the intense judicial supervision, coordination, and oversight of treatment provided to parents and families who have substance abuse or mental health problems and who are involved in the dependency and is designed to achieve a reduction in:

- (a) Child abuse and neglect;
- (b) Out-of-home placement of children;
- (c) Termination of parental rights; and
- (d) Substance abuse or mental health symptoms among parents or guardians and their children.

(3) To the extent possible, the therapeutic court shall provide services for parents and families co-located with the court or as near to the court as practicable.

(4) The department of social and health services shall furnish services to the therapeutic court unless a court contracts with providers outside of the department.

(5) Any jurisdiction that receives a state appropriation to fund a therapeutic court must first exhaust all federal funding available for the development and operation of the therapeutic court and associated services.

(6) Moneys allocated by the state for a therapeutic court must be used to supplement, not supplant, other federal, state, local, and private funding for court operations and associated services under this section.

(7) Any county that establishes a therapeutic court or receives funds for an existing court under this section shall:

- (a) Establish minimum requirements for the participation in the program; and
- (b) Develop an evaluation component of the court, including tracking the success rates in graduating from treatment, reunifying parents with their children, and the costs and benefits of the court.

Sec. 504. RCW 2.28.170 and 2002 c 290 s 13 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding (~~(received from the office of national drug control policy)~~) that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

- (i) The offender would benefit from substance abuse treatment;
- (ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

- (A) That is a sex offense;
- (B) That is a serious violent offense;
- (C) During which the defendant used a firearm; or
- (D) During which the defendant caused substantial or great bodily harm or death to another person.

Regional Jails

NEW SECTION. Sec. 505. (1) The joint legislative audit and review committee shall investigate and assess whether there are existing facilities in the state that could be converted to use as a regional jail for offenders who have mental or chemical dependency disorders, or both, that need specialized housing and treatment arrangements.

(2) The joint legislative audit and review committee shall consider the feasibility of using at least the following facilities or types of facilities:

(a) State-owned or operated facilities; and

(b) Closed or abandoned nursing homes.

(3) The analysis shall include an assessment of when such facilities could be available for use as a regional jail and the potential costs, costs avoided, and benefits of at least the following considerations:

(a) Any impact on existing offenders or residents;

(b) The conversion of the facilities;

(c) Infrastructure tied to the facilities;

(d) Whether the facility is, or can be, sized proportionately to the available pool of offenders;

(e) Changes in criminal justice costs, including transport, access to legal assistance, and access to courts;

(f) Reductions in jail populations; and

(g) Changes in treatment costs for these offenders.

(4) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature not later than December 15, 2005.

Competency and Criminal Insanity

NEW SECTION. Sec. 506. By January 1, 2006, the department of social and health services shall:

(1) Reduce the waiting times for competency evaluation and restoration to the maximum extent possible using funds appropriated for this purpose; and

(2) Report to the legislature with an analysis of several alternative strategies for addressing increases in forensic population and minimizing waiting periods for competency evaluation and restoration. The report shall discuss, at a minimum, the costs and advantages of, and barriers to co-locating professional persons in jails, performing restoration treatment in less restrictive alternatives than the state hospitals, and the use of regional jail facilities to accomplish competency evaluation and restoration.

ESSB 6358 Implementation Issues

Sec. 507. RCW 71.05.157 and 2004 c 166 s 16 are each amended to read as follows:

(1) When a ((county)) designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the ((county)) designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the ((county)) designated mental health professional and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a ((county)) designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the ((county)) designated mental health professional detains a person under this chapter, the ((county)) designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or ((county)) designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 508. A new section is added to chapter 70.96A RCW to read as follows:

(1) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to court ordered mental health or chemical dependency treatment, whether civil or criminal, and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to court ordered mental health or chemical dependency treatment, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(2) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to supervision of any kind by the department of corrections and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to supervision of any kind by the department of corrections, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(3) For all persons who are subject to both court ordered mental health or chemical dependency treatment and supervision by the department of corrections, the treatment provider shall request an authorization to release records and notify the person that, unless expressly excluded by the court order the law requires treatment providers to share information with the department of corrections and the person's mental health treatment provider.

(4) If the treatment provider has reason to believe that a person is subject to supervision by the department of corrections but the person's record does not indicate that he or she is, the treatment provider may call any department of corrections office and provide the person's name and birth date. If the person is subject to supervision, the treatment provider shall request, and the department of corrections shall provide, the name and contact information for the person's community corrections officer.

PART VI BEST PRACTICES AND COLLABORATION

NEW SECTION. Sec. 601. (1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the regional support networks, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

NEW SECTION. Sec. 602. The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under section 601 of this act.

NEW SECTION. Sec. 603. A new section is added to chapter 71.24 RCW to read as follows:

(1) By June 30, 2006, the department shall develop and implement a matrix or set of matrices for providing services based on the following principles:

(a) Maximizing evidence-based practices where these practices exist; where no evidence-based practice exists, the use of research-based practices, including but not limited to, the adaptation of evidence-based practices to new situations; where no evidence-based or research-based practices exist the use of consensus-based practices; and, to the extent that funds are available, the use of promising practices;

(b) Maximizing the person's independence, recovery, and employment by consideration of the person's strengths and supports in the community;

(c) Maximizing the person's participation in treatment decisions including, where possible, the person's awareness of, and technical assistance in preparing, mental health advance directives; and

(d) Collaboration with consumer-based support programs.

(2) The matrix or set of matrices shall include both adults and children and persons with co-occurring mental and substance abuse disorders and shall build on the service intensity quadrant models that have been developed in this state.

(3)(a) The matrix or set of matrices shall be developed in collaboration with experts in evidence-based practices for mental disorders, chemical dependency disorders, and co-occurring mental and chemical dependency disorders at the University of Washington, and in consultation with representatives of the regional support networks, community mental health providers, county chemical dependency coordinators, chemical dependency providers, consumers, family advocates, and community inpatient providers.

(b) The matrix or set of matrices shall, to the extent possible, adopt or utilize materials already prepared by the department or by other states.

(4)(a) The department shall require, by contract with the regional support networks, that providers maximize the use of evidence-based, research-based, and consensus-based practices and document the percentage of clients enrolled in evidence-based, research-based, and consensus-based programs by program type.

(b) The department shall establish a schedule by which regional support networks and providers must adopt the matrix or set of matrices and a schedule of penalties for failure to adopt and implement the matrices. The department may act against the regional support networks or providers or both to enforce the provisions of this section and shall provide the appropriate committees of the legislature with the schedules adopted under this subsection by June 30, 2006.

(5) The following definitions apply to this section:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(c) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(d) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

NEW SECTION. Sec. 604. A new section is added to chapter 71.02 RCW to read as follows:

(1) The department of social and health services shall collaborate with community providers of mental health services, early learning and child care providers, child serving agencies, and child-placing agencies to identify and utilize federal, state, and local services and providers for children in out-of-home care and other populations of vulnerable children who are in need of an evaluation and treatment for mental health services and do not qualify for medicaid or treatment services through the regional support networks.

(2) If no appropriate mental health services are available through federal, state, or local services and providers for a child described in subsection (1) of this section, the regional support network must provide a child, at a minimum, with a mental health evaluation consistent with chapter 71.24 RCW.

(3) The department, in collaboration with the office of the superintendent of public instruction, local providers, local school districts, and the regional support networks, shall identify and review existing programs and services as well as the unmet need for programs and services serving birth to five and school-aged children who exhibit early signs of behavioral or mental health disorders and who are not otherwise eligible for services through the regional support networks. The review of programs and services shall include, but not be limited to, the utilization and effectiveness of early intervention or prevention services and the primary intervention programs.

The department of social and health services shall provide a briefing on the collaboration's findings and recommendations to the appropriate committee of the legislature by December 31, 2005.

PART VII
REPEALERS AND CROSS-REFERENCE CORRECTIONS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed on the effective date of section 107 of this act:

- (1) RCW 71.05.060 (Rights of persons complained against) and 1973 1st ex.s. c 142 s 11;
- (2) RCW 71.05.070 (Prayer treatment) and 1973 1st ex.s. c 142 s 12;
- (3) RCW 71.05.090 (Choice of physicians) and 1973 2nd ex.s. c 24 s 3 & 1973 1st ex.s. c 142 s 14;
- (4) RCW 71.05.200 (Notice and statement of rights--Probable cause hearing) and 1998 c 297 s 11, 1997 c 112 s 14, 1989 c 120 s 5, 1974 ex.s. c 145 s 13, & 1973 1st ex.s. c 142 s 25;
- (5) RCW 71.05.250 (Probable cause hearing--Detained person's rights--Waiver of privilege--Limitation--Records as evidence) and 1989 c 120 s 7, 1987 c 439 s 6, 1974 ex.s. c 145 s 17, & 1973 1st ex.s. c 142 s 30;
- (6) RCW 71.05.450 (Competency--Effect--Statement of Washington law) and 1994 sp.s. c 7 s 440 & 1973 1st ex.s. c 142 s 50;
- (7) RCW 71.05.460 (Right to counsel) and 1997 c 112 s 33 & 1973 1st ex.s. c 142 s 51;
- (8) RCW 71.05.470 (Right to examination) and 1997 c 112 s 34 & 1973 1st ex.s. c 142 s 52;
- (9) RCW 71.05.480 (Petitioning for release--Writ of habeas corpus) and 1974 ex.s. c 145 s 29 & 1973 1st ex.s. c 142 s 53; and
- (10) RCW 71.05.490 (Rights of persons committed before January 1, 1974) and 1997 c 112 s 35 & 1973 1st ex.s. c 142 s 54.

NEW SECTION. Sec. 702. The following acts or parts of acts are each repealed on the effective date of section 109 of this act:

- (1) RCW 71.05.155 (Request to mental health professional by law enforcement agency for investigation under RCW 71.05.150--Advisory report of results) and 1997 c 112 s 9 & 1979 ex.s. c 215 s 10;
- (2) RCW 71.05.395 (Application of uniform health care information act, chapter 70.02 RCW) and 1993 c 448 s 8;
- (3) RCW 71.05.400 (Release of information to patient's next of kin, attorney, guardian, conservator--Notification of patient's death) and 1993 c 448 s 7, 1974 ex.s. c 115 s 1, 1973 2nd ex.s. c 24 s 6, & 1973 1st ex.s. c 142 s 45;
- (4) RCW 71.05.410 (Notice of disappearance of patient) and 1997 c 112 s 32, 1973 2nd ex.s. c 24 s 7, & 1973 1st ex.s. c 142 s 46; and
- (5) RCW 71.05.430 (Statistical data) and 1973 1st ex.s. c 142 s 48.

NEW SECTION. Sec. 703. RCW 71.05.610 (Treatment records--Definitions) and 1989 c 205 s 11 are each repealed on the effective date of sections 104 through 106 of this act.

NEW SECTION. Sec. 704. The following acts or parts of acts are each repealed:

- (1) RCW 71.05.650 (Treatment records--Notation of and access to released data) and 1989 c 205 s 15; and
- (2) RCW 71.05.670 (Treatment records--Violations--Civil action) and 1999 c 13 s 10.

Sec. 705. RCW 5.60.060 and 2001 c 286 s 2 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A, ~~70.--(sections 202 through 216 of this act)~~, 71.05, or 71.09 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A, ~~70.--(sections 202 through 216 of this act)~~, 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or ((71.05.250)) 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

Sec. 706. RCW 18.83.110 and 1989 c 271 s 303 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and ((71.05.250)) 71.05.360 (8) and (9).

Sec. 707. RCW 18.225.105 and 2003 c 204 s 1 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW ((71.05.250)) 71.05.360 (8) and (9); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 708. RCW 71.05.235 and 2000 c 74 s 6 are each amended to read as follows:

(1) If an individual is referred to a ((county)) designated mental health professional under RCW 10.77.090(1)(d)(iii)(A), the ((county)) designated mental health professional shall examine the individual within forty-eight hours. If the ((county)) designated mental health professional determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the ((county)) designated mental health professional not later than the next judicial day. At the hearing the superior court shall review the determination of the ((county)) designated mental health professional and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.090(1)(d)(iii)(B), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under chapter 71.05 RCW. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.090(1)(d)(iii)(B), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a ((county)) designated mental health professional or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW ((71.05.250)) 71.05.360 (8) and (9).

Sec. 709. RCW 71.05.310 and 1987 c 439 s 9 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

Sec. 710. RCW 71.05.425 and 2000 c 94 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

- (i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;
- (ii) Any witnesses who testified against the person in any court proceedings; and
- (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW ((71.05.410)) 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Sex offense" means a sex offense under RCW 9.94A.030;
- (c) "Next of kin" means a person's spouse, parents, siblings, and children;
- (d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 711. RCW 71.05.445 and 2004 c 166 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the

community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW (~~71.05.670 and~~) 71.05.440.

(8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 712. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW ((71.05.610)) 71.05.620 through 71.05.690.

Sec. 713. RCW 71.05.680 and 1999 c 13 s 11 are each amended to read as follows:

Any person who requests or obtains confidential information pursuant to RCW ((71.05.610)) 71.05.620 through 71.05.690 under false pretenses shall be guilty of a gross misdemeanor.

Sec. 714. RCW 71.05.690 and 1999 c 13 s 12 are each amended to read as follows:

The department shall adopt rules to implement RCW ((71.05.610)) 71.05.620 through 71.05.680.

Sec. 715. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, ~~((71.05.400, 71.05.410,))~~ 71.05.420, ~~((71.05.430,))~~ and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes ~~((identified in section 5 of this act))~~;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These

factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

PART VIII MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. RCW 71.05.035 is recodified as a new section in chapter 71A.12 RCW.

NEW SECTION. Sec. 802. A new section is added to chapter 43.20A RCW to read as follows:

Beginning July 1, 2007, the secretary shall require, in the contracts the department negotiates pursuant to chapters 71.24 and 70.96A RCW, that any vendor rate increases provided for mental health and chemical dependency treatment providers or programs who are parties to the contract or subcontractors of any party to the contract shall be prioritized to those providers and programs that maximize the use of evidence-based and research-based practices, as those terms are defined in section 603 of this act, unless otherwise designated by the legislature.

NEW SECTION. Sec. 803. A new section is added to chapter 71.24 RCW to read as follows:

The department shall require each regional support network to provide for a separately funded mental health ombudsman office in each regional support network that is independent of the regional support network. The ombudsman office shall maximize the use of consumer advocates.

NEW SECTION. Sec. 804. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 805. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 806. Captions, part headings, and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 807. If specific funding for the purposes of sections 203, 217, 220, 301, 303, 305, 505, and 601 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2005, each section not referenced is null and void.

NEW SECTION. Sec. 808. (1) The code reviser shall alphabetize and renumber the definitions, and correct any internal references affected by this act.

(2) The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 809. (1) The secretary of the department of social and health services may adopt rules as necessary to implement the provisions of this act.

(2) The secretary of corrections may adopt rules as necessary to implement the provisions of this act.

NEW SECTION. Sec. 810. (1) Except for section 503 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

(2) Section 503 of this act takes effect July 1, 2006."

On page 1, line 2 of the title, after "2005;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.24.025, 10.77.010, 71.05.360, 71.05.420, 71.05.620, 71.05.630, 71.05.640, 71.05.660, 71.05.550, 2.28.170, 71.05.157, 5.60.060, 18.83.110, 18.225.105, 71.05.235, 71.05.310, 71.05.425, 71.05.445, 71.05.640, 71.05.680, and 71.05.690; reenacting and amending RCW 71.05.390 and 71.24.035; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 13.34 RCW; adding new sections to chapter 2.28 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding a new section to chapter 71.02 RCW; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 43.20A RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 71.05.370 and 71.05.035; repealing RCW 71.05.060, 71.05.070, 71.05.090, 71.05.200, 71.05.250, 71.05.450, 71.05.460, 71.05.470, 71.05.480, 71.05.490, 71.05.155, 71.05.395, 71.05.400, 71.05.410, 71.05.430, 71.05.610, 71.05.650, and 71.05.670; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5763 and request of the House a conference thereon.

Senators Hargrove and Stevens spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5763 and request of the House a conference thereon.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5763 and requested of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5782, with the following amendment{s):

On page 1, after line 9, insert the following:

"Sec. 2. RCW 43.86A.030 and 1993 c 512 s 33 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to (~~fifty~~) one hundred million dollars per year of all funds available under this section for the purposes of RCW 43.86A.060. The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5782 and ask the House to recede therefrom.

Senators Shin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5782 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5782 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1211,
HOUSE BILL NO. 1261,
HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1310,
SECOND SUBSTITUTE HOUSE BILL NO. 1346,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1431,
HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1475,
HOUSE BILL NO. 1487,
HOUSE BILL NO. 1534,
HOUSE BILL NO. 1546,
SUBSTITUTE HOUSE BILL NO. 1560,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1600,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1607,
HOUSE BILL NO. 1612,
SUBSTITUTE HOUSE BILL NO. 1661,
HOUSE BILL NO. 1668,
SUBSTITUTE HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1719,
HOUSE BILL NO. 1722,
HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1823,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1887,
ENGROSSED HOUSE BILL NO. 1917,
HOUSE BILL NO. 2058,
HOUSE BILL NO. 2064,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1211,
HOUSE BILL NO. 1261,
HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1310,
SECOND SUBSTITUTE HOUSE BILL NO. 1346,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1431,
HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1475,
HOUSE BILL NO. 1487,
HOUSE BILL NO. 1534,
HOUSE BILL NO. 1546,
SUBSTITUTE HOUSE BILL NO. 1560,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1600,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1607,
HOUSE BILL NO. 1612,
SUBSTITUTE HOUSE BILL NO. 1661,
HOUSE BILL NO. 1668,
SUBSTITUTE HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1719,
HOUSE BILL NO. 1722,
HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1823,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1887,
ENGROSSED HOUSE BILL NO. 1917,
HOUSE BILL NO. 2058,
HOUSE BILL NO. 2064

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove, moved that Gubernatorial Appointment No. 9035, Jeralita Costa, as a member of the Indeterminate Sentence Review Board, be confirmed.

Senators Hargrove and Regala spoke in favor of the motion.

APPOINTMENT OF JERALITA COSTA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9035, Jeralita Costa as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9035, Jeralita Costa as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 41

Absent: Senators Delvin and Pridemore - 2

Excused: Senators Brown, McCaslin, Mulliken, Oke, Parlette and Zarelli - 6

Gubernatorial Appointment No. 9035, Jeralita Costa, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5064, with the following amendment{s}:

On page 1, at line 10, after "experts," insert "health plan representatives,"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5064.

MOTION

On motion of Senator Esser, Senators Finkbeiner, Hewitt, Johnson and Delvin were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 38

Absent: Senators Doumit and Pridemore - 2

Excused: Senators Brown, Finkbeiner, Hewitt, Johnson, McCaslin, Mulliken, Oke, Parlette and Zarelli - 9

SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5127, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that human trafficking is growing to epidemic proportions and that our state is impacted. Human trafficking is one of the greatest threats to human dignity. It is the commodification of human beings and an assault on human values. Washington is, and must continue to be, a national leader at the state level in the fight against human trafficking.

The legislature recognizes there are many state agencies and private organizations that might be called on to provide services to victims of trafficking of humans. Victims of human trafficking are often in need of services such as emergency medical attention, food and shelter, vocational and English language training, mental health counseling, and legal support. The state intends to improve the response of state, local, and private entities to incidents of trafficking of humans. Victims would be better served if there is an established, coordinated system of identifying the needs of trafficking victims, protocols for training of service delivery agencies and staff, timely and appropriate delivery of services, and better investigations and prosecutions of trafficking.

Leadership in providing services to victims of trafficking of humans also extends beyond government efforts and is grounded in the work of highly dedicated individuals and community-based groups. Without these efforts the struggle against human trafficking will be very difficult to win. The legislature, therefore, finds that such efforts merit regular public recognition and appreciation. Such recognition and appreciation will encourage the efforts of all persons to end human trafficking, and provide the public with information and education about the necessity of its involvement in this struggle.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) By July 1, 2005, the director of the department of community, trade, and economic development, or the director's designee, shall within existing resources convene and chair a work group to develop written protocols for delivery of services to victims of trafficking of humans. The director shall invite appropriate federal agencies to consult with the work group for the purpose of developing protocols that, to the extent possible, are in concert with federal statutes, regulations, and policies. In addition to the director of the department of community, trade, and economic development, the following shall be members of the work group: The secretary of the department of health, the secretary of the department of social and health services, the attorney general, the director of the department of labor and industries, the commissioner of the employment security department, a representative of the Washington association of prosecuting attorneys, the chief of the Washington state patrol, two members selected by the Washington association of sheriffs and police chiefs, and five members, selected by the director of the department of community, trade, and economic development from a list submitted by public and private sector organizations that provide assistance to persons who are victims of trafficking. The attorney general, the chief of the Washington state patrol, and the secretaries or directors may designate a person to serve in their place.

Members of the work group shall serve without compensation.

(2) The protocols must meet all of the following minimum standards:

(a) The protocols must apply to the following state agencies: The department of community, trade, and economic development, the department of health, the department of social and health services, the attorney general's office, the Washington state patrol, the department of labor and industries, and the employment security department;

(b) The protocols must provide policies and procedures for interagency coordinated operations and cooperation with government agencies and nongovernmental organizations, agencies, and jurisdictions, including law enforcement agencies and prosecuting attorneys;

(c) The protocols must include the establishment of a data base electronically available to all affected agencies which contains the name, address, and telephone numbers of agencies that provide services to victims of human trafficking; and

(d) The protocols must provide guidelines for providing for the social service needs of victims of trafficking of humans, including housing, health care, and employment.

(3) By January 1, 2006, the work group shall finalize the written protocols and submit them with a report to the legislature and the governor.

(4) The protocols shall be reviewed on a biennial basis by the work group to determine whether revisions are appropriate. The director of the department of community, trade, and economic development, or the director's designee, shall within existing resources reconvene and chair the work group for this purpose.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5127.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Pridemore, Kastama and Fairley were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 5127.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5127.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5127, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 38

Excused: Senators Fairley, Finkbeiner, Hewitt, Johnson, Kastama, McCaslin, Mulliken, Oke, Parlette, Pridemore and Zarelli - 11

SENATE BILL NO. 5127, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2005

SB 5287 Prime Sponsor, Prentice: Authorizing a state tax on social card games. Revised for 1st Substitute: Modifying house-banked social card game provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pridemore, Roach, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5515 Prime Sponsor, Regala: Prohibiting the sale of products that contain polybrominated diphenyl ethers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5515 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair Capital Budget Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MMR recommendation. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

SB 5829 Prime Sponsor, Thibaudeau: Authorizing an additional tax on cigarettes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5829 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Pridemore, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

SB 6096 Prime Sponsor, Poulsen: Generating revenues to fund Initiative No. 728. Revised for 1st Substitute: Generating new tax revenues to provide education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

SB 6100 Prime Sponsor, Prentice: Regarding revenue and taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

E2SHB 1415 Prime Sponsor, Committee on Appropriations: Managing impacts of commercial passenger vessels on marine waters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Hewitt, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

SHB 1509 Prime Sponsor, Committee on Finance: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Revised for 1st Substitute: Providing a property tax exemption to widows or widowers of members of the military. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Regala, Roach and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Parlette, Pflug, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2005

ESHB 1830 Prime Sponsor, Committee on State Government Operations & Accountability: Regarding alternative public works contracting procedures. Revised for 1st Substitute: Establishing an independent oversight committee on traditional and alternative public works contracting procedures. (REVISED FOR ENGROSSED: Establishing the capital projects review board.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach and Schoesler

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENT

April 18, 2005

SGA 9265 VICTOR MOORE, appointed January 12, 2005, for the term ending at the governor's pleasure, as a Director of the Office of Financial Management. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Vice Chair, Operating Budget; Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

At 12:35 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by the Vice President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5169, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.32.555 and 2004 c 248 s 2 are each amended to read as follows:

In addition to the fees authorized in this chapter, the department shall include a surcharge to fund biotoxin testing and monitoring by the department of health of beaches used for recreational shellfishing, and to fund monitoring by the Olympic region harmful algal bloom program of the Olympic natural resources center at the University of Washington. A surcharge of three dollars applies to resident and nonresident shellfish and seaweed licenses as authorized by RCW 77.32.520(3) (a) and (b); a surcharge of two dollars applies to resident and nonresident adult combination licenses as authorized by RCW 77.32.470(2)(a); a surcharge of two dollars applies to annual resident and nonresident razor clam licenses as authorized by RCW 77.32.520(4); and a surcharge of one dollar applies to the three-day razor clam license authorized by RCW 77.32.520(5). Amounts collected from these surcharges must be deposited in the general fund--local account managed by the department of health, except that one hundred fifty thousand dollars per year shall be deposited in the general fund--local account managed by the University of Washington.

~~((Amounts in excess of the annual costs of the department of health recreational shellfish testing and monitoring program shall be transferred to the general fund by the department of health.))~~ Unspent amounts from the surcharges deposited in the general fund--local accounts managed by the department of health and the University of Washington shall carry over to ensuing biennia to pay for the ongoing costs of the programs. The department of health and the University of Washington shall, by December 1st of each year, provide a letter to the relevant legislative policy and fiscal committees on the status of expenditures. This letter shall include, but is not limited to, the annual appropriation amount, the amount not expended, account fund balance, and reasons for not spending the full annual appropriation.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5169.

Senator Hargrove spoke in favor of the motion.

MOTIONS

On motion of Senator Fairley, Senator Franklin was excused.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5169.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5169.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5169, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 5; Absent, 9; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 34

Voting nay: Senators Benton, Hewitt, Honeyford, Mulliken and Stevens - 5

Absent: Senators Brown, Deccio, Delvin, Doumit, Haugen, McAuliffe, Morton, Prentice and Swecker - 9

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 5169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that regular physical activity is essential to maintaining good health and reducing the rates of chronic disease. The legislature further finds that providing opportunities for walking, biking, horseback riding, and other regular forms of exercise is best accomplished through collaboration between the private sector and local, state, and institutional policymakers. This collaboration can build communities where people find it easy and safe to be physically active. It is the intent of the legislature to promote policy and planning efforts that increase access to inexpensive or free opportunities for regular exercise in all communities around the state.

Sec. 2. RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities;

(c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(14). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(14). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 3. RCW 36.81.121 and 1997 c 188 s 1 are each amended to read as follows:

(1) At any time before adoption of the budget, the legislative authority of each county, after one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes.

(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county's jurisdiction.

(4) The six-year plan for each county shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

Sec. 4. RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are each reenacted and amended to read as follows:

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first class city derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city transportation needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive transportation program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year plan for each city or town shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes.

(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the city's or town's jurisdiction.

Sec. 5. RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and 1999 c 59 s 1 are each reenacted and amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 79A.05.085, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

- (a) The cost of the option agreement does not exceed one dollar; and
 - (b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and
 - (c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.
- (8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

Sec. 6. RCW 28A.300.040 and 1999 c 348 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;
- (3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;
- (4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials;
- (5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;
- (6) To act as ex officio member and the chief executive officer of the state board of education;
- (7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;
- (8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;
- (9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;
- (10) To issue certificates as provided by law;
- (11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;
- (12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;
- (13) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(16) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(17) To perform such other duties as may be required by law.

Sec. 7. RCW 28A.320.015 and 1992 c 141 s 301 are each amended to read as follows:

(1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education and daily physical activity of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

NEW SECTION. Sec. 8. (1) The health care authority, in coordination with the department of personnel, the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.

(2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5186.

Senator Keiser spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senators Prentice, McAuliffe, Haugen, Brown and Doumit were excused.

On motion of Senator Hewitt, Senators Deccio, Delvin, Finkbeiner and Swecker were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5186.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5186.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Brown, Deccio, Doumit, Haugen, Oke, Prentice and Swecker - 7

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5085,
ENGROSSED SENATE BILL NO. 5110,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5140,
SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5266,
SENATE BILL NO. 5311,
ENGROSSED SENATE BILL NO. 5355,
ENGROSSED SENATE BILL NO. 5381,
SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5664,
SENATE BILL NO. 5705,
SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 5752,
SUBSTITUTE SENATE BILL NO. 5828,
SUBSTITUTE SENATE BILL NO. 5939,
SUBSTITUTE SENATE BILL NO. 5951,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
SUBSTITUTE SENATE BILL NO. 6037.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5415, with the following amendment{s):

Beginning on page 1, line 17, strike all of subsection (e) and insert the following:

"(e) Not make a loan from a specific location to a person that the licensee knows is a military borrower when the military borrower's commander has notified the licensee in writing that the specific location is designated off-limits to military personnel under their command."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5415.

Senators Fairley and Benson spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senator Spanel was excused.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5415.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5415.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5415, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Deccio, Doumit, Oke, Prentice and Spanel - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5423, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16 RCW to read as follows:

(1) The following special license plate series created by the legislature may be personalized: (a) RCW 46.16.301 as currently law; (b) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997; (c) RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and (2); (d) RCW 46.16.324; (e) RCW 46.16.385; or (f) RCW 46.16.745.

(2) Personalized special plates issued under this section may be personalized only by using numbers or letters, or any combination thereof not exceeding seven positions, and not less than one position, to the extent that there are no conflicts with existing license plate series. A personalized special license plate is subject to the same requirements as personalized license plates listed in RCW 46.16.575, 46.16.580, 46.16.590, 46.16.595, and 46.16.600.

(3) In addition to any other fees and taxes due at the time of registration, applicants for a personalized special license plate must pay both the fees to purchase and renew a special plate as set out in the statute creating the special plate and the personalized plate as required in RCW 46.16.585 and 46.16.606. The special plate fee must be distributed in accordance with the requirements set out in the statute creating the special plate. The personalized plate fee must be distributed under RCW 46.16.605 and 46.16.606. The transfer of personalized special plates is to be administered under RCW 46.16.316.

Sec. 2. RCW 46.16.316 and 2004 c 223 s 4, 2004 c 221 s 5, 2004 c 48 s 5, and 2004 c 35 s 5 are each reenacted and amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; ~~((or))~~ (b) approved by the special license plate review board under RCW 46.16.715 through 46.16.775; or (c) under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 3. RCW 46.16.385 and 2004 c 222 s 1 are each amended to read as follows:

(1) The department shall design and issue disabled parking emblem versions of special license plates issued under (a) RCW 46.16.301; (b) RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW 73.04.115; ~~((e))~~ (g) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997; (h) RCW 46.16.565; or (i) plates issued under section 1 of this act. The disabled parking emblem version of the special plate must display the universal symbol of access that may be used in lieu of the parking placard issued to persons who qualify for special parking privileges under RCW 46.16.381. The department may not charge an additional fee for the issuance of the special disabled parking emblem license plate, except the regular motor vehicle registration fee, the fee associated with the particular special plate, and any other fees and taxes required to be paid upon registration of a motor vehicle. The emblem must be incorporated into the design of the special license plate in a manner to be determined by the department, and under existing vehicular licensing procedures and existing laws.

(2) Persons who qualify for special parking privileges under RCW 46.16.381, and who have applied and paid the appropriate fee for any of the special license plates listed in subsection (1) of this section, are entitled to receive from the department a special disabled parking emblem license plate. The special disabled parking emblem license plate may be used for one vehicle registered in the disabled person's name. Persons who have been issued the parking privileges or who are using a vehicle displaying the special disabled parking emblem license plate may park in places reserved for mobility disabled persons.

(3) The special disabled parking emblem license plate must be administered in the same manner as the plates issued under RCW 46.16.381.

(4) The department shall adopt rules to implement this section.

Sec. 4. RCW 46.16.570 and 1986 c 108 s 1 are each amended to read as follows:

Except for personalized plates issued under section 1 of this act, the personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

Sec. 5. RCW 46.16.600 and 1979 c 158 s 143 are each amended to read as follows:

(1) The director of licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

(2) Upon direction by the board, the department shall adopt a rule limiting the ability of organizations and governmental entities to apply for more than one license plate series.

Sec. 6. RCW 46.16.690 and 2003 c 361 s 502 are each amended to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of ~~((one thousand five))~~ two hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of ~~((five))~~ one hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

Sec. 7. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the legislative transportation committee;

(b) Report annually to the legislative transportation committee on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until June 1, 2007. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 8. RCW 46.16.745 and 2003 c 196 s 301 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section. ~~((If the sponsoring organization cannot meet the payment requirements of subsection (2) of this section, then the organization must meet the requirements of subsection (3) of this section.))~~

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under RCW 46.16.755~~((3))~~ (4);

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for ~~((the))~~ each special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; ~~((and))~~

(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735;

(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.

~~(3) ((If the sponsoring organization is not able to meet the payment requirements of subsection (2)(a) of this section and can demonstrate this fact to the satisfaction of the department, the sponsoring organization shall:~~

~~(a) Submit an application and nonrefundable fee of two thousand dollars, for deposit in the motor vehicle account, to the department;~~

~~(b) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of two thousand intended purchases of the special license plate;~~

~~(c) Provide a proposed license plate design;~~

~~(d) Provide a marketing strategy outlining short and long term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;~~

~~(e) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and~~

~~(f) Provide proof of organizational qualifications as determined by the department as provided in RCW 46.16.735.~~

~~(4))~~ After an application is approved by the special license plate review board, the application need not be reviewed again by the board for a period of three years.

NEW SECTION. Sec. 9. Section 1 of this act takes effect March 1, 2007."

On page 1, line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.385, 46.16.570, 46.16.600, 46.16.690, 46.16.725, and 46.16.745; reenacting and amending RCW 46.16.316; adding a new section to chapter 46.16 RCW; and providing an effective date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5423.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5423.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5423 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5423, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5423, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Johnson, McCaslin and Morton - 3

Excused: Senators Brown, Deccio and Oke - 3

ENGROSSED SENATE BILL NO. 5423, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5767, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.-- RCW (created in HB 2163, as amended) to read as follows:

(1) Each county shall create a homeless housing task force to develop a ten-year homeless housing plan addressing short-term and long-term housing for homeless persons.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body which substantially conforms to this section and which includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.

(2) In addition to developing a ten-year homeless housing plan, each task force shall establish guidelines consistent with the statewide homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Supportive housing for chronically homeless persons; and
- (e) Long-term housing.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county, including counties exempted from creating a new task force under subsection (1) of this section, shall report to the department of community, trade, and economic development such information as may be needed to ensure compliance with this chapter."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5767.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5767.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5767.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5767, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5767, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Delvin, Esser, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 17

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 5767, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4411,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5708, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.73.250 and 2001 c 24 s 1 are each amended to read as follows:

(1) All of the state's ambulance and aid services shall make epinephrine available to their emergency medical technicians in their emergency care supplies. The emergency medical technician may administer epinephrine to a patient ~~(of any age upon the presentation of evidence of a prescription for epinephrine or to a patient under eighteen years of age.~~

~~(a) Upon the request of the patient or his or her parent or guardian; or
(b) Upon the request of a person who presents written authorization from the patient or his or her parent or guardian making such a request)) who is thirty years of age or less. The emergency medical technician may administer epinephrine to a patient who is over thirty years of age only upon the presentation of evidence of a prescription for epinephrine unless evidence of a prescription is not required under the local prehospital patient care protocols.~~

~~(2) ((Any emergency medical technician, emergency medical service, or medical program director acting in good faith and in compliance with the provisions of this section shall not be liable for any civil damages arising out of the furnishing or administration of epinephrine.~~

~~(3)) Nothing in this section authorizes the administration of epinephrine by a first responder."~~

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5708 and ask the House to recede therefrom.

Senators Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5708 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5708 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, with the following amendment{s):
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.68 RCW to read as follows:

(1) The aviation division of the department of transportation shall conduct a statewide airport capacity and facilities assessment. The assessment must include a statewide analysis of existing airport facilities, and passenger and air cargo transportation capacity, regarding both commercial aviation and general aviation; however, the primary focus of the assessment must be on commercial aviation. The assessment must at a minimum address the following issues:

(a) Existing airport facilities, both commercial and general aviation, including air side, land side, and airport service facilities;

(b) Existing air and airport capacity, including the number of annual passengers and air cargo operations;

(c) Existing airport services, including fixed based operator services, fuel services, and ground services; and

(d) Existing airspace capacity.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the assessment.

(3) The department shall submit the assessment to the appropriate standing committees of the legislature, the governor, the transportation commission, and regional transportation planning organizations by July 1, 2006.

NEW SECTION. Sec. 2. A new section is added to chapter 47.68 RCW to read as follows:

(1) After submitting the assessment under section 1 of this act, the aviation division of the department of transportation shall conduct a statewide airport capacity and facilities market analysis. The analysis must include a statewide needs analysis of airport facilities, passenger and air cargo transportation capacity, and demand and forecast market needs over the next twenty-five years with a more detailed analysis of the Puget Sound, southwest Washington, Spokane, and Tri-Cities regions. The analysis must address the forecasted needs of both commercial aviation and general aviation; however, the primary focus of the analysis must be on commercial aviation. The analysis must at a minimum address the following issues:

- (a) A forecast of future airport facility needs based on passenger and air cargo operations and demand, airline planning, and a determination of aviation trends, demographic, geographic, and market factors that may affect future air travel demand;
- (b) A determination of when the state's existing commercial service airports will reach their capacity;
- (c) The factors that may affect future air travel and when capacity may be reached and in which location;
- (d) The role of the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, and airport sponsors in addressing statewide airport facilities and capacity needs; and
- (e) Whether the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, or airport sponsors have identified options for addressing long-range capacity needs at airports, or in regions, that will reach capacity before the year 2030.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the analysis.

(3) The department shall submit the analysis to the appropriate standing committees of the legislature, the governor, the transportation commission, and regional transportation planning organizations by July 1, 2007.

NEW SECTION. Sec. 3. A new section is added to chapter 47.68 RCW to read as follows:

(1) Upon completion of both the statewide assessment and analysis required under sections 1 and 2 of this act, and to the extent funds are appropriated to the department for this purpose, the governor shall appoint an aviation planning council to consist of the following members: (a) The director of the aviation division of the department of transportation, or a designee; (b) the director of the department of community, trade, and economic development, or a designee; (c) a member of the transportation commission, who shall be the chair of the council; (d) two members of the general public familiar with airport issues, including the impacts of airports on communities, one of whom must be from western Washington and one of whom must be from eastern Washington; (e) a technical expert familiar with federal aviation administration airspace and control issues; (f) a commercial airport operator; (g) a member of a growth management hearings board; (h) a representative of the Washington airport management association; and (i) an airline representative. The chair of the council may designate another councilmember to serve as the acting chair in the absence of the chair. The department of transportation shall provide all administrative and staff support for the council.

(2) The purpose of the council is to make recommendations, based on the findings of the assessment and analysis completed under sections 1 and 2 of this act, regarding how best to meet the statewide commercial and general aviation capacity needs, as determined by the council. The council shall determine which regions of the state are in need of improvement regarding the matching of existing, or projected, airport facilities, and the long-range capacity needs at airports within the region expected to reach capacity before the year 2030. After determining these areas, the council shall make recommendations regarding the placement of future commercial and general aviation airport facilities designed to meet the need for improved aviation planning in the region. The council shall include public input in making final recommendations.

(3) The council shall submit its recommendations to the appropriate standing committees of the legislature, the governor, the transportation commission, and applicable regional transportation planning organizations.

(4) This section expires July 1, 2009.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus transportation appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5121.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5121.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5121.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5121, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Shin: Pursuant to Senate Rule 34, I submit the following statement for inclusion in the Senate Journal regarding my vote on Senate Bill 5121. I respectfully request that this be printed just after the official recording of the roll call in the Senate Journal.

The official Senate Journal records that I voted yes and concurrence on Senate Bill 5121, however my intent was to vote no. I voted incorrectly because I was working with another Senator on a different bill at the time and I was devoting my attention to that work.

For many years, I have fought to see the principles of the Mediated Role Agreement upheld. When this bill came before the Senate on March 12th, I voted against it and I did not then and I do not now support this bill. Though this study will focus on statewide airport capacity issues, the only real capacity issues are in the Puget Sound and this study could possibly lead to the introduction of commercial air service at Paine Field. I do not support this outcome and thus my vote should have been a no.

SENATOR PAULL SHIN, Twenty-first Legislative District

MOTION

At 2:38 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 3:54 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4411 by Representatives McCoy and Santos

Creating a joint select committee on equitable opportunity for all.

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5139, with the following amendment{s}:

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. No tolls may be imposed on new or existing highways or bridges without specific legislative authorization, or upon a majority vote of the people within the boundaries of the unit of government empowered to impose tolls. This section applies to chapter 47.56 RCW and to any tolls authorized under Substitute House Bill No. 1541, the transportation innovative partnership act of 2005."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5139.

Senators Haugen and Swecker spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5139.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5139.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5139, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5139, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Benton, Carrell, Esser, Stevens and Zarelli - 5

Absent: Senators Brown and Hargrove - 2

Excused: Senator Oke - 1

SUBSTITUTE SENATE BILL NO. 5139, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5254, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(a) Five members shall be selected by each of the two major caucuses in the senate, appointed by the secretary of the senate.

(b) Five members shall be selected by each of the two major caucuses in the house of representatives, appointed by the chief clerk of the house of representatives.

(c) The governor shall appoint two members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4) The council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature; and

(d) Reporting annually by December 1 to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(5) In carrying out its duties under subsection (4) of this section, the council may meet at least three times but not more than six times per year, including not more than two public hearings on issues of importance to youth.

(6) Members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(7) The office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(8) The office of superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (6) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.

(9) This section expires June 30, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5254.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Senate Bill No. 5254.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5254.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5254, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5254, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 34

Voting nay: Senators Carrell, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Stevens and Zarelli - 13

Excused: Senators Brown and Oke - 2

SENATE BILL NO. 5254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5449, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.105D RCW to read as follows:

(1) It is in the public interest for the department to recover remedial action costs incurred in discharging its responsibility under this chapter, as these recovered funds can then be applied to the cleanup of other facilities. Thus, in addition to other cost-recovery mechanisms provided under this chapter, this section is intended to facilitate the recovery of state funds spent on remedial actions by providing the department with lien authority. This will also prevent a facility owner or mortgagee from gaining a financial windfall from increased land value resulting from department-conducted remedial actions at the expense of the state taxpayers.

(2) If the state of Washington incurs remedial action costs relating to a remedial action of real property, and those remedial action costs are unrecovered by the state of Washington, the department may file a lien against that real property.

(a) Except as provided in (c) of this subsection, liens filed under this section shall have priority in rank over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded, except for the following liens:

(i) Local and special district property tax assessments; and

(ii) Mortgage liens recorded before liens or notices of intent to conduct remedial actions are recorded under this section.

(b) Liens filed pursuant to (a) and (c) of this subsection shall not exceed the remedial action costs incurred by the state.

(c)(i) If the real property for which the department has incurred remedial action costs is abandoned, the department may choose to limit the amount of the lien to the increase in the fair market value of the real property that is attributable to a remedial action conducted by the department. The increase in fair market value shall be determined by subtracting the county assessor's value of the real property for the most recent year prior to remedial action being initiated from the value of the real property after remedial action. The value of the real property after remedial action shall be determined by the bona fide purchase price of the real property or by a real estate appraiser retained by the department. Liens limited in this way have priority in rank over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded.

(ii) For the purposes of this subsection, "abandoned" means there has not been significant business activity on the real property for three years or property taxes owed on the real property are three years in arrears prior to the department incurring costs attributable to this lien.

(d) The department shall, when notifying potentially liable persons of their potential liability under RCW 70.105D.040, include a notice stating that if the department incurs remedial action costs relating to the remediation of real property and the costs are not recovered by the department, the department may file a lien against that real property under this section.

(e) Except for emergency remedial actions, the department must provide notice to the following persons before initiating remedial actions conducted by persons under contract to the department on real property on which a lien may be filed under this section:

(i) The real property owner;

(ii) Mortgagees;

(iii) Lienholders of record;

(iv) Persons known to the department to be conducting remedial actions at the facility at the time of such notice; and

(v) Persons known to the department to be under contract to conduct remedial actions at the facility at the time of such notice.

For emergency remedial actions, this notice shall be provided within thirty days after initiation of the emergency remedial actions.

(f) The department may record a copy of the notice in (e) of this subsection, along with a legal description of the property on which the remedial action will take place, with the county auditor in the county where the real property is located. If the department subsequently files a lien, the effective date of the lien will be the date this notice was recorded.

(3) Before filing a lien under this section, the department shall give the owner of real property on which the lien is to be filed and mortgagees and lienholders of record a notice of its intent to file a lien:

(a) The notice required under this subsection (3) must be sent by certified mail to the real property owner and mortgagees of record at the addresses listed in the recorded documents. If the real property owner is unknown or if a mailed notice is returned as undeliverable, the department shall provide notice by posting a legal notice in the newspaper of largest circulation in the county the site is located. The notice shall provide:

(i) A statement of the purpose of the lien;

(ii) A brief description of the real property to be affected by the lien;

(iii) A statement of the remedial action costs incurred by the state related to the real property affected by the lien;

(iv) A brief statement of facts showing probable cause that the real property is the subject of the remedial action costs incurred by the department; and

(v) The time period following service or other notice during which any recipient of the notice whose legal rights may be affected by the lien may comment on the notice.

(b) Any comments on the notice must be received by the department on or before thirty days following service or other provision of the notice of intent to file a lien.

(c) If no comments are received by the department, the lien may be filed on the real property immediately.

(d) If the department receives any comments on the lien, the department shall determine if there is probable cause for filing the certificate of lien. If the department determines there is probable cause, the department may file the lien. Any further challenge to the lien may only occur at the times specified under RCW 70.105D.060.

(e) If the department has reason to believe that exigent circumstances require the filing of a lien prior to giving notice under this subsection (3), or prior to the expiration of the time period for comments, the department may file the lien immediately. For the purposes of this subsection (3), exigent circumstances include, but are not limited to, an imminent bankruptcy filing by the real property owner, or the imminent transfer or sale of the real property subject to lien by the real property owner, or both.

(4) A lien filed under this section is effective when a statement of lien is filed with the county auditor in the county where the real property is located. The statement of lien must include a description of the real property subject to lien and the amount of the lien.

(5) Unless the department determines it is in the public interest to remove the lien, the lien continues until the liability for the remedial action costs have been satisfied through sale of the real property, foreclosure, or other means agreed to by the department. Any action for foreclosure of the lien shall be brought by the attorney general in a civil action in the court having jurisdiction and in the manner prescribed for the judicial foreclosure of a mortgage.

(6)(a) This section does not apply to real property owned by a local government or special purpose district or real property used solely for residential purposes and consisting of four residential units or less at the time the lien is recorded. This limitation does not apply to illegal drug manufacturing and storage sites under chapter 64.44 RCW.

(b) If the real property owner has consented to the department filing a lien on the real property, then only subsection (3)(a)(i) through (iii) of this section requiring notice to mortgagees and lienholders of record apply.

Sec. 2. RCW 70.105D.050 and 2002 c 288 s 4 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty

days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with RCW 70.105D.110 or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

(7) Any person who owns real property or lender holding a mortgage on real property that is subject to a lien filed under section 1 of this act may petition the department to have the lien removed or the amount of the lien reduced. If, after consideration of the petition and the information supporting the petition, the department decides to deny the request, the person may, within ninety days after receipt of the department's denial, file suit for removal or reduction of the lien. The person is entitled to removal of a lien filed under section 1(2)(a) of this act if they can prove by a preponderance of the evidence that the person is not a liable party under RCW 70.105D.040. The person is entitled to a reduction of the amount of the lien if they can prove by a preponderance of the evidence:

(a) For liens filed under section 1(2)(a) of this act, the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property; and

(b) For liens filed under section 1(2)(c) of this act, the amount of the lien exceeds the remedial action costs the department incurred related to cleanup of the real property or exceeds the increase of the fair market value of the real property solely attributable to the remedial action conducted by the department.

Sec. 3. RCW 70.105D.060 and 1994 c 257 s 13 are each amended to read as follows:

The department's investigative and remedial decisions under RCW 70.105D.030 and 70.105D.050, its decisions regarding filing a lien under section 1 of this act, and its decisions regarding liable persons under RCW 70.105D.020(~~(8) and~~) (16), 70.105D.040, 70.105D.050, and section 1 of this act shall be reviewable exclusively in superior court and only at the following times: (1) In a cost recovery suit under RCW 70.105D.050(3); (2) in a suit by the department to enforce an order or an agreed order, or seek a civil penalty under this chapter; (3) in a suit for reimbursement under RCW 70.105D.050(2); (4) in a suit by the department to compel investigative or remedial action; (~~and~~) (5) in a citizen's suit under RCW 70.105D.050(5); and (6) in a suit for removal or reduction of a lien under RCW 70.105D.050(7). Except in suits for reduction or removal of a lien under RCW 70.105D.050(7), the court shall uphold the department's actions unless they were arbitrary and capricious. In suits for reduction or removal of a lien under RCW 70.105D.050(7), the court shall review such suits pursuant to the standards set forth in RCW 70.105D.050(7)."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5449.

Senators Rockefeller and Morton spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Sheldon was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5449.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5449.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5449, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Hewitt, Honeyford, McCaslin, Mulliken, Parlette and Stevens - 6

Excused: Senators Brown and Oke - 2

SUBSTITUTE SENATE BILL NO. 5449, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5583, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

(1) Within existing resources, the department shall develop a curriculum designed to train staff of the department's children's administration who assess or provide services to adolescents on how to screen and respond to referrals to child protective services when those referrals may involve victims of abuse or neglect between the ages of eleven and eighteen. At a minimum, the curriculum developed pursuant to this section shall include:

(a) Review of relevant laws and regulations, including the requirement that the department investigate complaints if a parent's or caretaker's actions result in serious physical or emotional harm or present an imminent risk of serious harm to any person under eighteen;

(b) Review of policies of the department's children's administration that require assessment and screening of abuse and neglect referrals on the basis of risk and not age;

(c) Explanation of safety assessment and risk assessment models;

(d) Case studies of situations in which the department has received reports of alleged abuse or neglect of older children and adolescents;

(e) Discussion of best practices in screening and responding to referrals involving older children and adolescents; and

(f) Discussion of how abuse and neglect referrals related to adolescents are investigated and when law enforcement must be notified.

(2) As it develops its curriculum pursuant to this section, the department shall request that the office of the family and children's ombudsman review and comment on its proposed training materials. The department shall consider the comments and recommendations of the office of the family and children's ombudsman as it develops the curriculum required by this section.

(3) The department shall complete the curriculum materials required by this section no later than December 31, 2005.

(4) Within existing resources, the department shall incorporate training on the curriculum developed pursuant to this section into existing training for child protective services workers who screen intake calls, children's administration staff responsible for assessing or providing services to older children and adolescents, and all new employees of the children's administration responsible for assessing or providing services to older children and adolescents.

NEW SECTION. Sec. 2. A new section is added to chapter 26.44 RCW to read as follows:

(1) The department shall review a sampling of the screening decisions by child protective services related to children between the ages of eleven and eighteen on a quarterly basis through June 30, 2007. The sampling shall consist of not less than the proportionate share of the two and one-half percent of all screening decisions regularly reviewed by the department that are related to children between the ages of eleven and eighteen. The sampling shall be representative of the diversity of screening decisions related to children between the ages of eleven and eighteen.

(2) The department shall use the results of the quarterly reviews required by this section to improve practice and to improve the curriculum required by section 1 of this act. The department shall also report to the governor and the appropriate committees of the legislature on the quarterly reviews required by this section on August 1, 2006, and August 1, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5583.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Carrell, Finkbeiner and Mulliken were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5583.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5583.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5583, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5583, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Carrell, Finkbeiner, Kastama, Mulliken and Oke - 6

ENGROSSED SENATE BILL NO. 5583, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Washington state is experiencing a critical shortage of registered nurses. To safeguard and promote patient safety and quality of care, the legislature finds that a central resource center for the nursing work force is critical and essential in addressing the nursing shortage and ensuring that the public continue to receive safe, quality care.

Sec. 2. RCW 43.70.110 and 1993 sp.s. c 24 s 918 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in section 4 of this act, until June 30, 2013, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 3. RCW 43.70.250 and 1996 c 191 s 1 are each amended to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program, except as provided in section 4 of this act until June 30, 2013. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 18.79 RCW to read as follows:

(1) In addition to the licensing fee for registered nurses and licensed practical nurses licensed under this chapter, the department shall impose an additional surcharge of five dollars per year on all initial licenses and renewal licenses for registered nurses and licensed practical nurses issued under this chapter. Advanced registered nurse practitioners are only required to pay the surcharge on their registered nurse licenses.

(2) The department, in consultation with the commission and the work force training and education coordinating board, shall use the proceeds from the surcharge imposed under subsection (1) of this section to provide grants to a central nursing resource center. The grants may be awarded only to a not-for-profit central nursing resource center that is comprised of and led by nurses. The central nursing resource center will demonstrate coordination with relevant nursing constituents including professional nursing organizations, groups representing nursing educators, staff nurses, nurse managers or executives, and labor organizations representing nurses. The central nursing resource center shall have as its mission to contribute to the health and wellness of Washington state residents by ensuring that there is an adequate nursing work force to meet the current and future health care needs of the citizens of the state of Washington. The grants may be used to fund the following activities of the central nursing resource center:

(a) Maintain information on the current and projected supply and demand of nurses through the collection and analysis of data regarding the nursing work force, including but not limited to education level, race and ethnicity, employment settings, nursing positions, reasons for leaving the nursing profession, and those leaving Washington state to practice elsewhere. This data collection and analysis must complement other state activities to produce data on the nursing work force and the central nursing resource center shall work collaboratively with other entities in the data collection to ensure coordination and avoid duplication of efforts;

(b) Monitor and validate trends in the applicant pool for programs in nursing. The central nursing resource center must work with nursing leaders to identify approaches to address issues arising related to the trends identified, and collect information on other states' approaches to addressing these issues;

(c) Facilitate partnerships between the nursing community and other health care providers, licensing authority, business and industry, consumers, legislators, and educators to achieve policy consensus, promote diversity within the profession, and enhance nursing career mobility and nursing leadership development;

(d) Evaluate the effectiveness of nursing education and articulation among programs to increase access to nursing education and enhance career mobility, especially for populations that are underrepresented in the nursing profession;

(e) Provide consultation, technical assistance, data, and information related to Washington state and national nursing resources;

(f) Promote strategies to enhance patient safety and quality patient care including encouraging a safe and healthy workplace environment for nurses; and

(g) Educate the public including students in K-12 about opportunities and careers in nursing.

(3) The nursing resource center account is created in the custody of the state treasurer. All receipts from the surcharge in subsection (1) of this section must be deposited in the account. Expenditures from the account may be used only for grants to an organization to conduct the specific activities listed in subsection (2) of this section and to compensate the department for the reasonable costs associated with the collection and distribution of the surcharge and the administration of the grant provided for

in subsection (2) of this section. No money from this account may be used by the recipient towards administrative costs of the central nursing resource center not associated with the specific activities listed in subsection (2) of this section. No money from this account may be used by the recipient toward lobbying. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Grants will be awarded on an annual basis and funds will be distributed quarterly. The first distribution after awarding the first grant shall be made no later than six months after the effective date of this section. The central nursing resource center shall report to the department on meeting the grant objectives annually.

(4) The central nursing resource center shall submit a report of all progress, collaboration with other organizations and government entities, and activities conducted by the center to the relevant committees of the legislature by November 30, 2011. The department shall conduct a review of the program to collect funds to support the activities of a nursing resource center and make recommendations on the effectiveness of the program and whether it should continue. The review shall be paid for with funds from the nursing resource center account. The review must be completed by June 30, 2012.

(5) The department may adopt rules as necessary to implement this act.

NEW SECTION. Sec. 5. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2013:

(1) Section 1, chapter . . ., Laws of 2005 (section 1 of this act); and

(2) Section 4, chapter . . ., Laws of 2005 (section 4 of this act)."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5599.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5599.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5599.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Esser, Honeyford and Pflug - 3

Excused: Senators Brown, Carrell, Finkbeiner, Kastama and Oke - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Morton, Senator McCaslin was excused.

On motion of Senator Weinstein, Senators Kline and Fraser were excused.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5631, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.100 and 2004 c 167 s 3 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include the analysis required under RCW 72.09.115 to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed primarily to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b)(i) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit.

(ii) The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to the following:

(A) Public agencies~~((-to))~~;

(B) Nonprofit organizations~~((-and to))~~;

(C) Private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization;

(D) An employee and immediate family members of an employee of the department of corrections; and

(E) A person under the supervision of the department of corrections and his or her immediate family members.

(iii) The correctional industries board of directors shall authorize the type and quantity of items that may be purchased and sold under (b)(ii)(D) and (E) of this subsection.

(iv) It is prohibited to purchase any item purchased under (b)(ii)(D) and (E) of this subsection for the purpose of resale.

(v) Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(ii) Whenever possible, to provide forty hours of work or work training per week.

(iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 2. RCW 28A.335.190 and 2000 c 138 s 201 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; or (b) for districts with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of fifteen thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from fifteen thousand dollars up to fifty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of fifty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; or (b) for districts with fewer than fifteen thousand five hundred full-time equivalent students, fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or ten thousand dollars if a single craft or trade is involved with the school district improvement or repair, shall be on a competitive bid process. Whenever the estimated cost of a public works project is fifty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

~~((4))~~ (5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

~~((5))~~ (6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

~~((6))~~ (7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5631.
Senators Regala and Stevens spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senator Roach was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5631.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5631.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5631, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5631, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Honeyford and Mulliken - 2

Excused: Senators Brown, Finkbeiner, Fraser, Kline, McCaslin, Oke and Roach - 7

SUBSTITUTE SENATE BILL NO. 5631, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5692, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** This chapter may be known and cited as the tax refund anticipation loan act.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Borrower" means a taxpayer who receives the proceeds of a refund anticipation loan.

(2) "Department" means the department of financial institutions.

(3) "Director" means the director of the department of financial institutions.

(4) "Facilitator" means a person who receives or accepts for delivery an application for a refund anticipation loan, delivers a check in payment of refund anticipation loan proceeds, or in any other manner acts to allow the making of a refund anticipation loan. "Facilitator" does not include a bank, thrift, savings association, industrial bank, or credit union, operating under the laws of the United States or this state, an affiliate that is a servicer for such an entity, or any person who acts solely as an intermediary and does not deal with a taxpayer in the making of the refund anticipation loan.

(5) "Lender" means a person who extends credit to a borrower in the form of a refund anticipation loan.

(6) "Person" means an individual, a firm, a partnership, an association, a corporation, or other entity.

(7) "Refund anticipation loan" means a loan borrowed by a taxpayer from a lender based on the taxpayer's anticipated federal income tax refund.

(8) "Refund anticipation loan fee" means the charges, fees, or other consideration imposed by the lender for a refund anticipation loan. This term does not include any charge, fee, or other consideration usually imposed by the facilitator in the ordinary course of business for nonloan services, such as fees for tax return preparation and fees for electronic filing of tax returns.

(9) "Refund anticipation loan fee schedule" means a listing or table of refund anticipation loan fees charged by the facilitator or the lender for three or more representative refund anticipation loan amounts. The schedule shall list separately each fee or charge imposed, as well as a total of all fees imposed, related to the making of refund anticipation loans. The schedule shall also include, for each representative loan amount, the estimated annual percentage rate calculated under the guidelines established by the federal truth in lending act, 15 U.S.C. Sec. 1601 et seq.

(10) "Taxpayer" means an individual who files a federal income tax return.

NEW SECTION. Sec. 3. (1) No person may individually, or in conjunction or cooperation with another person act as a facilitator unless that person is:

(a) A tax preparer or works for a person that engages in the business of tax preparation;

(b) Accepted by the internal revenue service as an authorized IRS e-file provider; and

(c) Registered with the department as a facilitator. The director may prescribe the registration form.

(2) A person is registered as a facilitator by providing the department, on or before December 31st of each year with:

(a) A list of authorized IRS e-file providers in the state of Washington for the current tax filing year; and

(b) A thirty-five dollar processing fee for each authorized e-file provider on the list.

(3) After the December 31st deadline, a facilitator may amend the registration required in subsection (2) of this section to reflect additions or deletions of office locations or e-file providers authorized by the internal revenue service.

(4) The department shall make available to the public a list of all facilitators registered under this section.

(5) This section does not apply to a person doing business as a bank, thrift, savings association, industrial bank, or credit union, operating under the laws of the United States or this state, an affiliate that is a servicer for such an entity, or any person who acts solely as an intermediary and does not deal with a taxpayer in the making of the refund anticipation loan.

(6) This chapter shall preempt and be exclusive of all local acts, statutes, ordinances, and regulations relating to refund anticipation loans. This subsection shall be given retroactive and prospective effect.

NEW SECTION. Sec. 4. (1) For all refund anticipation loans, a facilitator must provide clear disclosure to the borrower prior to the borrower's completion of the application. The disclosure must contain the following:

(a) The refund anticipation loan fee schedule; and

(b) A written statement, in a minimum of ten-point type, containing the following elements:

(i) That a refund anticipation loan is a loan, and is not the borrower's actual income tax refund;

(ii) That the taxpayer can file an income tax return electronically without applying for a refund anticipation loan;

(iii) The average times according to the internal revenue service within which a taxpayer who does not obtain a refund anticipation loan can expect to receive a refund if the taxpayer's return is (A) filed electronically and the refund is directly deposited to the taxpayer's bank account or mailed to the taxpayer, and (B) mailed to the internal revenue service and the refund is directly deposited to the taxpayer's bank account or mailed to the taxpayer;

(iv) That the internal revenue service does not guarantee that it will pay the full amount of the anticipated refund and it does not guarantee a specific date that a refund will be deposited into a taxpayer's financial institution account or mailed to a taxpayer;

(v) That the borrower is responsible for repayment of the loan and related fees in the event that the tax refund is not paid or paid in full;

(vi) The estimated time within which the loan proceeds will be paid to the borrower if the loan is approved;

(vii) The fee that will be charged, if any, if the borrower's loan is not approved; and

(viii) The borrower's right to rescind the refund anticipation loan transaction as provided in section 5 of this act.

(2) The following additional information must be provided to the borrower of a refund anticipation loan before consummation of the loan transaction:

(a) The estimated total fees for obtaining the refund anticipation loan; and

(b) The estimated annual percentage rate for the borrower's refund anticipation loan, using the guidelines established under the federal truth in lending act (15 U.S.C. Sec. 1601 et seq.).

NEW SECTION. Sec. 5. A borrower may rescind a loan, on or before the close of business on the next day of business, by either returning the original check issued for the loan or providing the amount of the loan in cash to the lender or the facilitator. The facilitator may not charge the borrower a fee for rescinding the loan or a refund anticipation loan fee if the loan is rescinded but may charge the borrower the administrative cost of establishing a bank account to electronically receive the refund.

NEW SECTION. Sec. 6. It is unlawful for a facilitator of a refund anticipation loan to engage in any of the following activities:

- (1) Misrepresent a material factor or condition of a refund anticipation loan;
- (2) Fail to process the application for a refund anticipation loan promptly after the consumer applies for the loan;
- (3) Engage in any dishonest, fraudulent, unfair, unconscionable, or unethical practice or conduct in connection with a refund anticipation loan;
- (4) Arrange for a creditor to take a security interest in any property of the consumer other than the proceeds of the consumer's tax refund and the account into which that tax refund is deposited to secure payment of the loan; and
- (5) Offer a refund anticipation loan that, including any refund anticipation loan fee or any other fee related to the loan or tax preparation, exceeds the amount of the anticipated tax refund.

NEW SECTION. Sec. 7. Any person who knowingly and willfully violates this chapter is guilty of a misdemeanor and shall be fined up to five hundred dollars for each offense.

NEW SECTION. Sec. 8. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 19 RCW."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5692.

Senator Berkey spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5692.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5692.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5692, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5692, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Finkbeiner, Kline, McCaslin, Oke and Roach - 6

SUBSTITUTE SENATE BILL NO. 5692, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5898, with the following amendment{s}:

On page 2, line 7, after "to the" strike "children's trust fund" and insert "Washington council for the prevention of child abuse and neglect" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5898.
Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Berkey was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5898.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5898.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5898, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5898, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Berkey, Brown, Kline, McCaslin, Oke and Roach - 6

SENATE BILL NO. 5898, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5899, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.830 and 2003 c 105 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through ~~((43.43.840))~~ 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" (~~means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation~~) is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, or exploitation or financial exploitation of a child or vulnerable adult under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative orders that become final due to the failure of the alleged perpetrator to timely exercise a right afforded to him or her to administratively challenge findings made by the department of social and health services or the department of health under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(~~(3))~~) and 10.97.050 relating to a crime (~~against children or other persons~~) committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) (~~"Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:~~

- ~~(a) Chiropractic;~~
- ~~(b) Dentistry;~~
- ~~(c) Dental hygiene;~~
- ~~(d) Massage;~~
- ~~(e) Midwifery;~~
- ~~(f) Naturopathy;~~
- ~~(g) Osteopathic medicine and surgery;~~
- ~~(h) Physical therapy;~~
- ~~(i) Physicians;~~
- ~~(j) Practical nursing;~~
- ~~(k) Registered nursing; and~~
- ~~(l) Psychology.~~

~~"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.~~

~~(9)) "Unsupervised" means not in the presence of:~~

- ~~(a) Another employee or volunteer from the same business or organization as the applicant; or~~

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

~~((10))~~ (9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

~~((11))~~ (10) "Financial exploitation" means ~~((the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage))~~ "financial exploitation" as defined in RCW 74.34.020.

~~((12))~~ (11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

Sec. 2. RCW 43.43.832 and 2000 c 87 s 1 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol ~~((criminal))~~ identification ~~((system))~~ and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions ~~((of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision))~~ as defined in chapter 10.97 RCW.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must ~~((consider))~~ establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health

care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 3. RCW 43.43.834 and 1999 c 21 s 2 are each amended to read as follows:

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who ~~((has been))~~ may be offered a position as an employee or volunteer, that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant ~~((has been))~~:

(a) ~~Has been convicted of ((any)) a crime ((against children or other persons));~~

(b) ~~((Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult))~~ Has had findings made against him or her in any civil adjudicative proceeding as defined in RCW 43.43.830; or

(c) ~~((Convicted of crimes related to drugs as defined in RCW 43.43.830;~~

(d) ~~Found in any dependency action under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor;~~

(e) ~~Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;~~

(f) ~~Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or~~

(g) ~~Found by a court in a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.~~

~~The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons and all crimes relating to financial exploitation as defined in RCW 43.43.830 in which the victim was a vulnerable adult))~~ Has both a conviction under (a) of this subsection and findings made against him or her under (b) of this subsection.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited, except as provided in RCW 28A.320.155. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on an applicant unless the failure to do so constitutes gross negligence.

Sec. 4. RCW 43.43.836 and 1987 c 486 s 4 are each amended to read as follows:

An individual may contact the state patrol to ascertain whether ~~((that same))~~ an individual has a ~~((civil adjudication, disciplinary board final decision, or))~~ conviction record. The state patrol shall disclose such information, subject to the fee established under RCW 43.43.838.

Sec. 5. RCW 43.43.838 and 1995 c 29 s 1 are each amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record ~~((, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record))~~ pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to regulate or license a facility which handles vulnerable adults. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

~~((After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons or, in the case of vulnerable adults, no evidence of crimes relating to financial exploitation in which the victim was a vulnerable adult, an identification declaring the showing of no evidence shall be issued to the business or organization by the state patrol and shall be issued within fourteen working days of the request. The business or organization shall provide a copy of the identification declaring the showing of no evidence to the applicant. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period unless the prospective employee is any current school district employee who has applied for a position in another school district.))~~

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records ~~((: PROVIDED, That))~~. No fee shall be charged to a nonprofit organization for the records check ~~((: PROVIDED FURTHER, That))~~. In the case of record checks using fingerprints requested by school districts and educational service districts, the state patrol shall charge only for the incremental costs associated with checking fingerprints in addition to name and date of birth. Record checks requested by school districts and educational service districts using only name and date of birth shall continue to be provided free of charge.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

Sec. 6. RCW 43.43.840 and 1997 c 386 s 40 are each amended to read as follows:

~~((1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.040, domestic relations action under Title 26 RCW, or protection action under chapter 74.34 RCW, in which~~

~~the court makes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.~~

~~(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.~~

~~(3))~~ When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 7. RCW 43.43.845 and 1990 c 33 s 577 are each amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, ~~((the prosecuting attorney shall determine whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district. If the person is employed by a school district or holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW,))~~ the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person ~~((who has a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district))~~ has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall ~~((immediately))~~ transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the state board of education and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

NEW SECTION. **Sec. 8.** RCW 43.43.835 (Background checks--Drug-related conviction information) and 1998 c 10 s 2 are each repealed.

Sec. 9. RCW 10.97.050 and 1990 c 3 s 129 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction with the exception of a record being disseminated in response to a request for a conviction record under RCW 43.43.832. A request for a conviction record under RCW 43.43.832 shall not contain information for a person who, within the last twelve months, is currently being processed by the criminal justice system unless it pertains to information relating to a crime against a person as defined in RCW 9.94A.411.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice

agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

NEW SECTION. Sec. 10. A new section is added to chapter 43.43 RCW to read as follows:

When the Washington state patrol disseminates conviction record information in response to a request under RCW 43.43.832, it shall clearly state that: (1) The conviction record data does not include information on civil adjudications, administrative findings, or disciplinary board final decisions and that all such information must be obtained from the courts and licensing agencies; (2) the conviction record that is being disseminated includes information for which a person is currently being processed by the criminal justice system relating to only crimes against a person as defined in RCW 9.94A.411 and that it does not include any other current or pending charge information for which a person could be in the current process of being processed by the criminal justice system; and (3) an arrest is not a conviction or a finding of guilt."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5899.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5899.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5899.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5899, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5899, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Berkey, Brown, McCaslin and Oke - 4

SUBSTITUTE SENATE BILL NO. 5899, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5850, with the following amendment{s}:

On page 1, beginning on line 18, strike all of subsection (5) and insert the following:

"(5)(a) "Sick leave or other paid time off" means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. If paid time is not allowed to an employee for illness, "sick leave or other paid time off" also means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for disability under practices not covered by the employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq.

(b) "Sick leave or other paid time off" does not mean time allowed to an employee under plans covered by the employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq."

On page 1, beginning on line 18, strike all of subsection (5) and insert the following:

"(5) "Sick leave or other paid time off" means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. If paid time is not allowed to an employee for illness, "sick leave or other paid time off" also means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for disability under a plan, fund, program, or practice that is: (a) Not covered by the employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq.; and (b) not established or maintained through the purchase of insurance."

Corrects citations to the ERISA.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment by the House Committee on Commere & Labor on page 1, line 18 and do not concur in House amendment by Representative Conway on page 1, line 18 to Substitute Senate Bill No. 5850.

Senator Spanel spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment by the House Committee on Commere & Labor on page 1, line 18 and do not concur in House amendment by Representative Conway on page 1, line 18 to Substitute Senate Bill No. 5850.

The motion by Senator Spanel carried and the Senate concurred in amendment by the House Committee on Commere & Labor on page 1, line 18 and did not concur in House amendment by Representative Conway on page 1, line 18 to Substitute Senate Bill No. 5850.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5112, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.005 and 2002 c 292 s 1 and 2002 c 27 s 1 are each reenacted and amended to read as follows:

(1) As used in RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, and 28B.15.380 "veteran" includes every person, who at the time he or she seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, or 28B.15.380 has received an honorable discharge or received a discharge for physical reasons with an honorable record and who meets at least one of the following criteria:

- (a) The person has served between World War I and World War II or during any period of war, as defined in subsection (2) of this section, as either:
 - (i) A member in any branch of the armed forces of the United States;
 - (ii) A member of the women's air forces service pilots;
 - (iii) A U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or
 - (iv) A civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or
- (b) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service:
 - (i) In any branch of the armed forces of the United States; or
 - (ii) As a member of the women's air forces service pilots.
- (2) A "period of war" includes:
 - (a) World War I;
 - (b) World War II;
 - (c) The Korean conflict;
 - (d) The Vietnam era(~~([which])~~), which means:
 - (i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period;
 - (ii) The period beginning August 5, 1964, and ending on May 7, 1975;
 - (e) The Persian Gulf War, which was the period beginning August 2, 1990, and ending on the date prescribed by presidential proclamation or law;
 - (f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; and
 - (g) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: The crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; southern or central Asia, Operation Enduring Freedom; Persian Gulf, Operation Iraqi Freedom."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5112.
Senator Shin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5112.
The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5112 by voice vote.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5112, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.
Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, McCaslin and Oke - 3

SUBSTITUTE SENATE BILL NO. 5112, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6104, by Senators Haugen and Swecker

Expediting new vessel construction for Washington State Ferries.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6104 was substituted for Senate Bill No. 6104 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Swecker moved that the following striking amendment by Senators Swecker and Haugen be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.60 RCW to read as follows:

If only a single prequalified proposer emerges from phase one of the open competitive design-build procurement process, the secretary shall make a finding to that effect. The transportation commission must review the prequalification process and the finding of the secretary. Following commission approval of the secretary's finding, the department may negotiate an agreement under the requirements of this section, in lieu of the process outlined in RCW 47.60.818 and 47.60.820.

(1) The department and the proposer may enter into negotiations to jointly develop contract specifications and plans, which must adhere to the requirements of RCW 47.60.818(1). The final jointly developed contract specifications and plans must be approved by the department, and must include design, drawings, and specifications at a sufficient level of detail to fully depict the ferries' characteristics and identify installed equipment and systems.

(2) The department may reimburse the proposer for the cost associated with the preparation of the jointly developed contract specifications and plans, and may establish a maximum amount of such reimbursement.

(3) The department shall conduct ongoing joint reviews with the proposer to consider and critique its designs, drawings, and specifications. These reviews must be held to ensure that the jointly developed construction specifications and plans meet the department's requirements and are responsive to the critiques conducted by the department during the preparation of the jointly developed construction specifications and plans.

(4) If, as a result of the periodic technical reviews or otherwise, the department determines that it is in the best interest of the department to modify any element of the department's requirements, including the outline specifications, it shall do so in writing to the proposer.

(5) The department may negotiate a contract with the proposer during the preparation of the jointly developed contract specifications and plans. The contract price must be established between the department and the contractor through negotiation based on detailed cost and price information provided by the proposer. To achieve efficiencies the department may negotiate incentives and economic cost sharing between the state and the proposer. In addition to the cost incentives, other incentives may be considered, as determined by the department to be in the best interests of the state. Such incentives may include, but are not limited to, key schedule milestones, technological innovations, performance efficiencies, constructability, and operational value or life-cycle cost.

(6) The department shall submit a copy of the contract, the final negotiated price, and supporting information to the office of financial management at least ten days prior to execution of the contract. If the final negotiated price is greater than the legislature's adopted expenditure plan for vessel construction, the department may not execute the contract until the legislature reviews the final proposal and adjusts the expenditure plan accordingly.

(7) If the department and the proposer are not able to reach an agreement on the jointly developed contract specifications and plans, the department may republish, revise, or cancel the request for proposals process to serve the best interests of the state."

Senator Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Swecker and Haugen to Substitute Senate Bill No. 6104.

The motion by Senator Swecker carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:
In line 2 of the title, after "Ferries;" strike the remainder of the title and insert "and adding a new section to chapter 47.60 RCW."

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6104.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Deccio, Delvin, Doumit, Fairley, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Carrell, Eide, Esser, Finkbeiner, Franklin, Poulsen, Regala and Stevens - 9

Excused: Senators Brown, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Benton: "My vote was recorded incorrectly on this bill, No. 6104. I voted 'Yes,' but my vote was recorded as a no."

SENATOR DON BENTON, Seventeenth Legislative District

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The early years mark the most extraordinary period of growth for young children. The state's role in providing access to early learning opportunities has never been consistently defined;

(2) More than a quarter of a century has passed since the current school finance system was first created, and the challenges facing our schools and students have grown and changed dramatically during that time. Policies have been established creating new expectations and goals for students under education reform;

(3) Demographic pressures and work force needs will continue to increase demand for access to postsecondary education and training. Public two-year and four-year institutions of higher education are also important avenues for programs such as adult basic education and English as a second language that are the foundation for employment and further education for an increasing number of people. Washington ranks thirty-third in the nation in the number of bachelor's degrees earned per one thousand residents ages twenty through twenty-nine years, and will graduate the largest high school class in its history in 2008. Washington citizens deserve access to baccalaureate degree opportunities. Washington's public universities and colleges engage in research that contributes to the economic and social well-being of the state. Students have paid an increasing cost of their education with tuition growing faster than personal income or inflation; and

(4) Through a comprehensive study, the legislature will have solid information to determine how best to use its resources to create a strong education system that will provide an educated citizenry and a thriving economy in this state.

NEW SECTION. Sec. 2. (1) The comprehensive education study steering committee is created.

(2) Members of the steering committee shall include: The governor who shall chair the steering committee; the director of the office of financial management; two members from the house of representatives with one appointed by each major caucus; two members from the senate with one appointed by each major caucus; four citizens appointed by the governor; and the chairs of each of the three advisory committees created under subsection (3) of this section. The chair of the advisory committee on K-12 shall be the superintendent of public instruction. The chair of the advisory committee on early learning shall be the nongovernmental cochair of the Washington early learning council, created in Engrossed Second Substitute House Bill No. 1152. The chair of the advisory committee on higher education shall be selected by the governor from a list of three or more names submitted by the state board for community and technical colleges, the higher education coordinating board, and the council of presidents.

(3) The steering committee shall appoint the members of the advisory committee on K-12 and the advisory committee on higher education. In addition, the two major caucuses in the senate and the two major caucuses in the house of representatives shall each appoint one member to serve on the K-12 advisory committee and one member to serve on the higher education advisory committee. The Washington early learning council, created in Engrossed Second Substitute House Bill No. 1152, shall serve as the advisory committee on early learning.

(4) The steering committee shall receive staff and logistical support from the office of financial management.

(5) Nonlegislative members of the steering committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. (1) The steering committee:

(a) Shall direct and coordinate the studies created in this section. In conducting the studies, consideration shall be given to recently completed, related finance studies, with particular attention to those initiated by or completed at the request of the legislature;

(b) May enter into contracts as needed to support the work of the study;

(c) Shall develop recommendations based on the work of the studies in this section; and

(d) Shall develop recommendations about how the state can best provide stable funding for student learning for young children, students in the public schools, and students in the public colleges and universities.

(2) A comprehensive K-12 finance study shall include, but not be limited to:

(a) The constitutional and legal requirements underlying the current finance system and how those requirements are affected by the goal under education reform to provide all students with the opportunity to achieve the state standards;

(b) The strengths and weaknesses of the current state and local finance formulas and how those formulas are used by local school districts to meet state requirements and student learning goals;

(c) Information regarding remediation particularly in the subject areas of mathematics, science, and language arts;

(d) Potential changes to the current finance system including the methods of allocating funds, levels of funding, and how student achievement is affected;

(e) Reviewing the funding systems in at least five other states;

(f) Specific issues facing schools: Assuring program accountability; improving effectiveness in state-level governance; identifying efficiencies in district spending practices; providing programs that assist students in meeting standards; helping students stay in school; impacts of the certification requirements for teachers; improving the effectiveness of English language learner instruction; and appropriate preparation requirements for paraeducators;

(g) Local and regional funding challenges faced by individual school districts throughout the state; and

(h) Potential changes to the current salary system that would be more closely related to professional development and enhancement of student performance.

(3) A comprehensive study of early learning shall include, but not be limited to:

(a) Defining the populations being served, those that could be served, and program access;

- (b) Determining the state's role in supporting quality early learning opportunities;
 - (c) Determining the state's role in training persons providing services; and
 - (d) Providing for smooth transitions to K-12 programs.
- (4) A comprehensive study of higher education shall include, but not be limited to:
- (a) Options for creating a new funding system;
 - (b) The number and distribution of enrollments at two and four-year institutions of higher education needed to meet demographic and work force training needs;
 - (c) Methods for determining the cost of instruction in various program areas;
 - (d) Methods for developing common articulation of lower division work;
 - (e) The appropriate share of the cost of instruction that should be funded through tuition, general fund-state subsidies, and financial aid;
 - (f) Providing for smooth transitions from high school to college, including dual credit options and adequate preparation for college-level coursework;
 - (g) Identifying strategies and associated costs to increase opportunity for access to baccalaureate degrees at public institutions of higher education;
 - (h) Identifying incentives to optimize research conducted by public universities and colleges that has the potential to stimulate the economy and address economic and social issues relevant to Washington citizens;
 - (i) Options for using existing capacity in independent colleges and universities;
 - (j) A review of higher education governance as it relates to fiscal policy for higher education; and
 - (k) Options for coordinating capital and operating appropriations.
- (5) The steering committee shall provide interim reports to the appropriate fiscal and policy committees of the senate and the house of representatives by November 15, 2005, and June 16, 2006. These interim reports shall document ongoing work to-date, initial findings, and next steps. The November 15, 2005, interim report may recommend possible action items for consideration in the 2006 legislative session.
- (6) The final report and recommendations of the steering committee shall be submitted to the legislature by November 15, 2006.

NEW SECTION. Sec. 4. This act expires July 1, 2007." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Weinstein moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5441.

Senator Weinstein spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Weinstein that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5441.

The motion by Senator Weinstein carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5441.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5441, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5441, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Schoesler, Stevens and Zarelli - 14

Excused: Senators Brown, McCaslin and Oke - 3

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, with the following amendment{s}:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The people of the state of Washington deserve decent, safe, and sanitary housing. Certain tenants in the state of Washington have remained in rental housing that does not meet the state's minimum standards for health and safety because they cannot afford to pay the costs of relocation in advance of occupying new, safe, and habitable housing. In egregious cases, authorities have been forced to condemn property when landlords have failed to remedy building code or health code violations after repeated notice, and, as a result, families with limited financial resources have been displaced and left with nowhere to go.

The purpose of this act is to establish a process by which displaced tenants would receive funds for relocation from landlords who fail to provide safe and sanitary housing after due notice of building code or health code violations. It is also the purpose of this act to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy building code or health code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords.

Sec. 2. RCW 59.18.085 and 1989 c 342 s 13 are each amended to read as follows:

(1) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling is condemned or unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall not enter into a rental agreement for the dwelling unit until the conditions are corrected.

(2) If a landlord knowingly violates subsection (1) of this section, the tenant shall recover either three months' periodic rent or up to treble the actual damages sustained as a result of the violation, whichever is greater, costs of suit, or arbitration and reasonable attorneys' fees. If the tenant elects to terminate the tenancy as a result of the conditions leading to the posting, or if the appropriate governmental agency requires that the tenant vacate the premises, the tenant also shall recover:

(a) The entire amount of any deposit prepaid by the tenant; and

(b) All prepaid rent.

(3)(a) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling will be condemned or will be unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord, who knew or should have known of the existence of these conditions, shall be required to pay relocation assistance to the displaced tenants except that:

(i) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and directly results from conditions caused by a tenant's or any third party's illegal conduct without the landlord's prior knowledge;

(ii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and results from conditions arising from a natural disaster such as, but not exclusively, an earthquake, tsunami, wind storm, or hurricane; and

(iii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which a condemnation affects one or more dwelling units and the tenant's displacement is a direct result of the acquisition of the property by eminent domain.

(b) Relocation assistance provided to displaced tenants under this subsection shall be the greater amount of two thousand dollars per dwelling unit or three times the monthly rent. In addition to relocation assistance, the landlord shall be required to pay to the displaced tenants the entire amount of any deposit prepaid by the tenant and all prepaid rent.

(c) The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent to displaced tenants within seven days of the governmental agency sending notice of the condemnation, eviction, or displacement order to the landlord. The landlord shall pay relocation assistance and any prepaid deposit and prepaid rent either by making individual payments by certified check to displaced tenants or by providing a certified check to the governmental agency ordering condemnation.

eviction, or displacement, for distribution to the displaced tenants. If the landlord fails to complete payment of relocation assistance within the period required under this subsection, the city, town, county, or municipal corporation may advance the cost of the relocation assistance payments to the displaced tenants.

(d) During the period from the date that a governmental agency responsible for the enforcement of a building, housing, or other appropriate code first notifies the landlord of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that relocation assistance payments are paid to eligible tenants, or the conditions leading to the notification are corrected, the landlord may not:

(i) Evict, harass, or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this section;

(ii) Reduce services to any tenant; or

(iii) Materially increase or change the obligations of any tenant, including but not limited to any rent increase.

(e) Displaced tenants shall be entitled to recover any relocation assistance, prepaid deposits, and prepaid rent required by (b) of this subsection. In addition, displaced tenants shall be entitled to recover any actual damages sustained by them as a result of the condemnation, eviction, or displacement that exceed the amount of relocation assistance that is payable. In any action brought by displaced tenants to recover any payments or damages required or authorized by this subsection (3)(e) or (c) of this subsection that are not paid by the landlord or advanced by the city, town, county, or municipal corporation, the displaced tenants shall also be entitled to recover their costs of suit or arbitration and reasonable attorneys' fees.

(f) If, after sixty days from the date that the city, town, county, or municipal corporation first advanced relocation assistance funds to the displaced tenants, a landlord has failed to repay the amount of relocation assistance advanced by the city, town, county, or municipal corporation under (c) of this subsection, then the city, town, county, or municipal corporation shall assess civil penalties in the amount of fifty dollars per day for each tenant to whom the city, town, county, or municipal corporation has advanced a relocation assistance payment.

(g) In addition to the penalties set forth in (f) of this subsection, interest will accrue on the amount of relocation assistance paid by the city, town, county, or municipal corporation for which the property owner has not reimbursed the city, town, county, or municipal corporation. The rate of interest shall be the maximum legal rate of interest permitted under RCW 19.52.020, commencing thirty days after the date that the city first advanced relocation assistance funds to the displaced tenants.

(h) If the city, town, county, or municipal corporation must initiate legal action in order to recover the amount of relocation assistance payments that it has advanced to low-income tenants, including any interest and penalties under (f) and (g) of this subsection, the city, town, county, or municipal corporation shall be entitled to attorneys' fees and costs arising from its legal action.

(4) The government agency that has notified the landlord that a dwelling will be condemned or will be unlawful to occupy shall notify the displaced tenants that they may be entitled to relocation assistance under this section.

(5) No payment received by a displaced tenant under this section may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

Sec. 3. RCW 35.80.030 and 1989 c 133 s 3 are each amended to read as follows:

(1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, ~~((said))~~ that governing body may adopt ordinances relating to such dwellings, buildings, structures, or premises. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified ~~((herein. Said))~~ in this section. The board or officer may be an existing municipal board or officer in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by ~~((said))~~ the ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of ~~((said))~~ the board, which may be limited, if the local governing body chooses, to public officers ~~((as herein defined))~~ under this section.

(b) That if a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to ~~((said))~~ the public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, structure, or premises, the board or officer finds that it is unfit for human habitation or other use, he or she shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and

the board or officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of ~~((said))~~ the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, structure, or ~~((premise [premises]))~~ premises is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with ~~((subdivision))~~ subsection (7)(a) ~~((herein))~~ of this section, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building, structure, or premises for other use.

(e) That the determination of whether a dwelling, building, structure, or premises should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, structure, or premises, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, structure, or premises, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in ~~((subdivision (1)))~~ (c) of this subsection, and shall post in a conspicuous place on ~~((said))~~ the property, an order ~~((which))~~ that (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in ~~((subdivision (1)))~~ (e) of this subsection; or (ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of ~~((said))~~ those standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

(g) ~~That~~ the owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under ~~((the provisions of subdivision))~~ (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in ~~((subdivision))~~ subsection (2) of this section.

If the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the board or officer may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For purposes of this subsection, the cost of vacating and closing shall include (i) the amount of relocation assistance payments that a property owner has not repaid to a municipality or other local government entity that has

advanced relocation assistance payments to tenants under RCW 59.18.085 and (ii) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085. Upon certification to him or her by the treasurer of the municipality in cases arising out of the city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020(~~, as now or hereafter amended,~~) for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building, structure, or premises is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, structure, (~~for~~) or premises in accordance with procedures set forth in (~~said~~) the ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

(2) Any person affected by an order issued by the appeals commission pursuant to (~~subdivision (1)(f) hereof~~) subsection (1)(g) of this section may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others (~~herein~~) granted in this section: (a)(i) To determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings, structures, or premises are unfit for other use; (b) to administer oaths and affirmations, examine witnesses, and receive evidence; and (c) to investigate the dwelling and other property conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) (~~Nothing in~~) This section (~~shall be construed to~~) does not abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) (~~Nothing in~~) This section (~~shall be construed to~~) does not impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (~~by~~) ordinance adopted by its governing body(~~by~~) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality(~~or~~) or county, (b) prescribe minimum standards for the use or occupancy of any building, structure, or premises used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, structure, or premises, (~~which~~) that is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

NEW SECTION. Sec. 4. The powers and authority conferred by this act are in addition and supplemental to powers or authority conferred by any other law or authority, and nothing contained herein shall be construed to preempt any local ordinance requiring relocation assistance to tenants displaced by a landlord's failure to remedy building code or health code violations."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5577.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5806, with the following amendment{s):

On page 1, after line 18, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

For the purposes of this act, "enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 74.15.130(1) or assessment of civil monetary penalties pursuant to RCW 74.15.130(4)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 3, line 33, strike all of section 5 and insert the following:

"Sec. 5. RCW 74.15.130 and 1998 c 314 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty

days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(5)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day-care center or family day-care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day-care center or family day-care provider is placed on nonreferral status, the department shall provide written notification to the child day-care center or family day-care provider.

(6) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day-care center or family day-care provider; or (b) place or remove a child day-care center or family day-care provider on nonreferral status."

On page 6, line 32, after "day care." insert "Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b), (c), or (d) of this subsection."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5806.
Senator Kohl-Welles spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5806.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5806.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5806, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5806, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senator Zarelli - 1

Excused: Senators Brown, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5806, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5872, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A joint task force is created to determine the most appropriate and effective administrative structure for delivery of social and health services to the children and families of the state. The joint task force shall study how best to ensure that an administrative structure has defined lines of responsibility for delivering services to children and families in need and the best means for the public to hold government accountable for delivery of those services. The joint task force shall compare the effectiveness of: Including social and health services to children and families within an umbrella agency, such as the current department of social and health services; establishing a separate agency for social and health services to children and families whose administrator reports directly to the governor; or creating a children and family services cabinet reporting directly to the governor. The joint task force shall, as part of the comparison, examine the administrative structures used in other states to deliver social and health services to children and families.

NEW SECTION. Sec. 2. (1) Membership of the joint task force shall consist of the following:

(a) The dean of the school of social work at the University of Washington or an academic professor from a list recommended by the dean, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(b) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus, and two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus;

(c) The secretary of the department of social and health services or the secretary's designee;

(d) An individual with previous experience as an administrator of a public agency providing services to children and families, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(e) A juvenile court administrator, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(f) A family superior court judge, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee;

(g) The director of the office of the family and children's ombudsman;

(h) A social worker with experience in the public sector serving children and families, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee; and

(i) Two representatives of community-based providers serving children and families, jointly appointed by the chairs of the house of representatives children and family services committee and the senate human services and corrections committee.

(2) The dean of the school of social work at the University of Washington or the academic professor appointed from a list recommended by the dean shall be the chair of the joint task force.

(3) Staff support for the joint task force shall be provided by the house of representatives office of program research and senate committee services.

(4) Legislative members of the joint task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. (1) The joint task force shall make recommendations concerning which administrative structure or structures would best realize efficiencies in administration and best achieve positive outcomes for children and families, including, but not limited to, the following:

(a) Reducing the number of children at risk for abuse or neglect and increasing the safety and well-being of children;

(b) Increasing the ability of families to care for their own children and reducing the number of children in foster care;

(c) Increasing placement stability and permanency for children in out-of-home care and reducing unsafe and inappropriate placements;

(d) Delivering appropriate and timely mental health services;

- (e) Providing adequate and appropriate staff training and education;
- (f) Promoting foster parent recruitment, training, and retention;
- (g) Reducing the frequency and duration of sibling separation;
- (h) Delivering adequate and timely services to adolescents; and
- (i) Increasing responsibility and accountability for achieving goals.

(2) The joint task force shall also make recommendations concerning the costs, benefits, savings, or reductions in services associated with the various administrative structures considered by the joint task force.

NEW SECTION. Sec. 4. The joint task force shall report its recommendations to the governor and the appropriate committees of the legislature by December 1, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5872.

Senators Hargrove and Stevens spoke in favor of the motion.

MOTION

On motion of Senator Spanel, Senator Fairley was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5872.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5872.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5872, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5872, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Fairley, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5872, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5979, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.20 RCW to read as follows:

(1)(a)(i) Any person who has received notice that his or her behavior is interfering with the use of an on-duty search and rescue dog who continues with reckless disregard to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the search and rescue dog user or his or her search and rescue dog is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except when (a)(ii) of this subsection applies.

(ii) A second or subsequent violation of (a)(i) of this subsection is a gross misdemeanor punishable according to chapter 9A.20 RCW.

(b)(i) Any person who, with reckless disregard, allows his or her dog to interfere with the use of an on-duty search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the search and rescue dog user or his or her search and rescue dog is guilty of a misdemeanor punishable according to chapter 9A.20 RCW, except when (b)(ii) of this subsection applies.

(ii) A second or subsequent violation of (b)(i) of this subsection is a gross misdemeanor punishable according to chapter 9A.20 RCW.

(2)(a) Any person who, with reckless disregard, injures, disables, or causes the death of an on-duty search and rescue dog is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.

(b) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of an on-duty search and rescue dog is guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Any person who intentionally injures, disables, or causes the death of an on-duty search and rescue dog is guilty of a class C felony.

(4) Any person who wrongfully obtains or exerts unauthorized control over an on-duty search and rescue dog with the intent to deprive the dog user of his or her search and rescue dog is guilty of theft in the first degree under RCW 9A.56.030.

(5)(a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the search and rescue dog user and the dog that arise out of, or are related to, the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:

(i) The value of the replacement of an incapacitated or deceased dog, the training of a replacement search and rescue dog, or retraining of the affected dog and all related veterinary and care expenses; and

(ii) Medical expenses of the search and rescue dog user, training of the dog user, and compensation for any wages or earned income lost by the search and rescue dog user as a result of a violation of subsection (1), (2), (3), or (4) of this section.

(6) Nothing in this section affects any civil remedies available for violation of this section.

(7) For purposes of this section, "search and rescue dog" means a dog that is trained for the purpose of search and rescue of persons lost or missing.

Sec. 2. RCW 9A.56.030 and 1995 c 129 s 11 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value other than a firearm as defined in RCW 9A.41.010; ~~((or))~~

(b) Property of any value other than a firearm as defined in RCW 9A.41.010 taken from the person of another; or

(c) A search and rescue dog, as defined in section 1 of this act, while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5979.

Senators Kline and Benson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5979.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5979.
The President declared the question before the Senate to be the final passage of Senate Bill No. 5979, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5979, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Stevens - 1

Excused: Senators Brown, Deccio, McCaslin and Oke - 4

SENATE BILL NO. 5979, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Honeyford, Senators Stevens, Mulliken and Swecker were excused.

On motion of Senator Weinstein, Senator Poulsen was excused.

On motion of Senator Thibaudeau, Senator Haugen was excused.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the importance of ongoing professional development and growth for teachers with the goal of improving student achievement. It is the intent of the legislature to ensure that professional certification is administered in such a way as to ensure that the professional development and growth of individual teachers is directly aligned to their current and future teaching responsibilities as professional educators.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

- (1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;
- (2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;
- (3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;
- (4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;
- (5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;
- (6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;
- (7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pflug moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983.

Senator Pflug spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Pflug that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983.

The motion by Senator Pflug carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5983, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5983, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senator Jacobsen - 1

Excused: Senators Brown, Deccio, Haugen, McCaslin, Mulliken, Oke, Poulsen, Stevens and Swecker - 9

ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Honeyford, Senators Esser and Finkbeiner were excused.

On motion of Senator Regala, Senator Jacobsen was excused.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5992, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.44.040 and 1982 c 63 s 14 are each amended to read as follows:

(1) There shall be in the office of the state treasurer, a fund to be known and designated as the "second injury fund", which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120 and 51.32.250(~~as now or hereafter amended. Said~~). The fund shall be administered by the director. The state treasurer shall be the custodian of the second injury fund and shall be authorized to disburse moneys from it only upon written order of the director.

(2) Payments to the second injury fund from the accident fund shall be made pursuant to rules (~~and regulations promulgated~~) adopted by the director.

(3)(a) Assessments for the second injury fund shall be imposed on self-insurers pursuant to rules (~~and regulations promulgated by the director to ensure that self-insurers shall pay to such fund~~) adopted by the director. Such rules shall provide for at least the following:

(i) Except as provided in (a)(ii) of this subsection, the amount assessed each self-insurer must be in the proportion that the payments made from ((such)) the fund on account of claims made against self-insurers bears to the total sum of payments from ((such)) the fund.

(ii) Except as provided in section 2 of this act, beginning with assessments imposed on or after July 1, 2009, the department shall experience rate the amount assessed each self-insurer as long as the aggregate amount assessed is in the proportion that the payments made from the fund on account of claims made against self-insurers bears to the total sum of payments from the fund. The experience rating factor must provide equal weight to the ratio between expenditures made by the second injury fund for claims of the self-insurer to the total expenditures made by the second injury fund for claims of all self-insurers for the prior three fiscal years and the ratio of workers' compensation claim payments under this title made by the self-insurer to the total worker's compensation claim payments made by all self-insurers under this title for the prior three fiscal years. The weighted average of these two ratios must be divided by the latter ratio to arrive at the experience factor.

(b) For purposes of this subsection, "expenditures made by the second injury fund" mean the costs and charges described under RCW 51.32.250 and 51.16.120 (3) and (4), and the amounts assessed to the second injury fund as described under RCW 51.16.120(1). Under no circumstances does "expenditures made by the second injury fund" include any subsequent payments, assessments, or adjustments for pensions, where the applicable second injury fund entitlement was established outside of the three fiscal years.

NEW SECTION. Sec. 2. (1) If the outcome study conducted by the department of labor and industries under subsection (2)(a)(i) or (ii) of this section shows a negative impact of fifteen percent or more to workers following claim closure among nonpension self-insured claimants, 2005 c . . . s 1 (section 1 of this act) expires June 30, 2013.

(2) The department shall conduct an outcome study of the experience rating system established in 2005 c . . . s 1 (section 1 of this act). In conducting the study, the department must:

(a) Compare the outcomes for workers of self-insured employers whose industrial insurance claims with temporary total disability benefits for more than thirty days are closed between July 1, 2002, and June 30, 2004, with similar claims of workers of self-insured employers closed between July 1, 2009, and June 30, 2011. For the purposes of subsection (1) of this section, the department must provide two separate comparisons of such workers as follows: (i) The first comparison includes the aggregate preinjury wages for all nonpension injured workers compared with their aggregate wages at claim closure in each of the two study groups; and (ii) the second comparison includes the proportion of all nonpension injured workers who are found able to work but have not returned to work, as reported by self-insurers in the eligibility assessment reports submitted to the department on the claims in the first study group, compared with the proportion of such workers who are found able to work but have not returned to work, as reported in the eligibility assessment reports submitted on claims in the second study group;

(b) Study whether the workers potentially impacted by the experience rating program have improved return-to-work outcomes, whether the number of impacted workers found to be employable increases, whether there is a change in long-term disability outcomes among the impacted workers, and whether the number of permanent total disability pensions among impacted workers is affected and, if so, the nature of the impact; and

(c) Develop, in consultation with representatives of the impacted workers and the self-insured community, a study methodology that must be provided to the workers' compensation advisory committee for review and comment. The study methodology must include appropriate controls to account for economic fluctuation, wage inflation, and other independent variables.

(3) The department must report to the appropriate committees of the legislature by December 1, 2012, on the results of the study."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5992.
Senators Kohl-Welles and Parlette spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5992.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5992.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5992, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5992, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 38

Excused: Senators Deccio, Esser, Finkbeiner, Haugen, Jacobsen, McCaslin, Mulliken, Oke, Poulsen, Stevens and Swecker - 11

SUBSTITUTE SENATE BILL NO. 5992, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6022, with the following amendment{s}:

On page 2, after line 35, insert the following:

"(7) The exclusions specified in subsection (6) of this section do not apply to surety bonds."

Beginning on page 2, line 36, strike all of sections 2 and 3 and insert the following:

"NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

- (1) 2003 c 323 s 2;
- (2) 2003 c 323 s 3 (uncodified);
- (3) 2003 c 323 s 4 (uncodified);
- (4) RCW 53.08.145 (Insurance--Determination of risks, hazards, liabilities--Acquisition of appropriate insurance) and 2000 c 143 s 1; and

(5) 2000 c 143 s 3 (uncodified)."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6022.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6022.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6022.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6022, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 38

Excused: Senators Deccio, Esser, Finkbeiner, Haugen, Jacobsen, McCaslin, Mulliken, Oke, Poulsen, Stevens and Swecker - 11

SUBSTITUTE SENATE BILL NO. 6022, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5492, with the following amendment{s}:

On page 2, line 33, after "section" insert "in good faith"

On page 2, line 35, after "report" insert ", unless the conviction, determination, or finding on which the report and its content are based is proven to not have been made in good faith. The prevailing party in any action brought alleging the conviction, determination, finding or report was not made in good faith, shall be entitled to recover the costs of litigation, including reasonable attorney's fees"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5492 and ask the House to recede therefrom.

Senators Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5492 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5492 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5196, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a long-standing principle that corporations have an insurable interest in the lives of key personnel. Nationally, some corporations have begun to insure the lives of personnel that have not met the insurable interest standard of Washington. Entry-level workers have been insured by their corporate employer for the benefit of the corporate employer. The legislature intends to clarify this subject and preclude corporations from insuring the lives of employees when the employees are not key personnel and the corporations have no insurable interest in the lives of those employees.

Sec. 2. RCW 48.18.010 and 1947 c 79 s .18.01 are each amended to read as follows:

~~((The applicable provisions of this chapter shall apply to insurances other than ocean marine and foreign trade insurances. This chapter shall not apply to life or disability insurance policies not issued for delivery in this state nor delivered in this state.))~~ This chapter applies to insurances other than ocean marine and foreign trade insurances.

Sec. 3. RCW 48.18.030 and 1992 c 51 s 1 are each amended to read as follows:

(1) Any individual of competent legal capacity may ~~((procure or effect an insurance contract upon))~~ insure his or her own life or body for the benefit of any person. ~~((But no))~~ A person ~~((shall procure or cause to be procured any insurance contract upon))~~ may not insure the life or body of another individual unless the benefits under ~~((such))~~ the contract are payable to the individual insured or ~~((his))~~ the individual's personal representative~~((s))~~, or to a person having, at the time when ~~((such))~~ the contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits ~~((thereunder))~~ accruing upon the death, ~~((disablement))~~ disability, or injury of the individual insured, the individual insured or ~~((his))~~ the individual's executor or administrator~~((, as the case may be,))~~ may maintain an action to recover ~~((such))~~ any benefits from the person ~~((so))~~ receiving them.

(3)(a) "Insurable interest" as used in this section and in RCW 48.18.060 includes only the following interests ~~((as follows))~~:

~~((a))~~ (i) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection; and

~~((b))~~ (ii) In the case of other persons, a lawful and substantial economic interest in having the life, health, or bodily safety of the individual insured continue, as distinguished from an interest ~~((which))~~ that would arise only by, or would be enhanced in value by, the death, ~~((disablement))~~ disability, or injury of the individual insured.

~~((c))~~ (b) An individual ~~((heretofore or hereafter))~~ who is party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a close corporation or of an interest in ~~((such))~~ those shares, has an insurable interest in the life of each individual party to ~~((such))~~ the contract and for the purposes of ~~((such))~~ that contract only, in addition to any insurable interest ~~((which))~~ that may otherwise exist as to the life of such individual.

~~((d))~~ (c) A guardian, trustee, or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life ~~((such))~~ the person has an insurable interest.

~~((e))~~ (d) Subject to rules adopted under subsection (4) of this section, upon joint application with a nonprofit organization for, or transfer to a nonprofit organization of, an insurance policy on the life of a person naming the organization as owner and beneficiary, a nonprofit organization's interest in the life of a person if:

(i) The nonprofit organization was established exclusively for religious, charitable, scientific, literary, or educational purposes, or to promote amateur athletic competition, to conduct testing for public safety, or to prevent cruelty to children or animals; and

(ii) The nonprofit organization:

(A) Has existed for a minimum of five years; or

(B) Has been issued a certificate of exemption to conduct a charitable gift annuity business under RCW 48.38.010, or is authorized to conduct a charitable gift annuity business under RCW 28B.10.485; or

(C) Has been organized, and at all times has been operated, exclusively for benefit of, to perform the functions of, or to carry out the purposes of one or more nonprofit organizations described in ~~((e))~~ (d)(ii)(A) or (B) of this subsection and is operated, supervised, or controlled by or in connection with one or more ~~(such)~~ of those nonprofit organizations; and

(iii) For a joint application, the person is not an employee, officer, or director of the organization who receives significant compensation from the organization and who became affiliated with the organization in that capacity less than one year before the joint application.

(4) The commissioner may adopt rules governing joint applications for, and transfers of, life insurance under subsection ~~(3)((e))~~ (d) of this section. The rules may include:

(a) Standards for full and fair disclosure that set forth the manner, content, and required disclosure for the sale of life insurance issued under subsection ~~(3)((e))~~ (d) of this section; and

(b) For joint applications, a grace period of thirty days during which the insured person may direct the nonprofit organization to return the policy and the insurer to refund any premium paid to the party that, directly or indirectly, paid the premium; and

(c) Standards for granting an exemption from the five-year existence requirement of subsection ~~(3)((e))~~ (d)(ii)(A) of this section to a private foundation that files with the insurance commissioner documents, stipulations, and information as the insurance commissioner may require to carry out the purpose of subsection ~~(3)((e))~~ (d) of this section.

(5) Nothing in this section permits the personal representative of the insured's estate to recover the proceeds of a policy on the life of a deceased insured person that was applied for jointly by, or transferred to, an organization covered by subsection ~~(3)((e))~~ (d) of this section, where the organization was named owner and beneficiary of the policy.

This subsection applies to all life insurance policies applied for by, or transferred to, an organization covered by subsection ~~(3)((e))~~ (d) of this section, regardless of the time of application or transfer and regardless of whether the organization would have been covered at the time of application or transfer.

NEW SECTION. Sec. 4. A new section is added to chapter 48.18 RCW to read as follows:

(1) "Employer-owned life insurance policy" as used in this section and section 6 of this act means an insurance policy purchased by an employer on the life of an employee, for the benefit of a person other than the employee or the employee's personal representative.

(2) An employer-owned life insurance policy may not be made or take effect unless at the time the contract is made the individual insured consents to the contract in writing.

(3) An employer may not retaliate in any manner against an employee for providing written notice that he or she does not want to be insured under an employer-owned life insurance policy.

(4) No later than thirty days after the date on which an employer purchases an employer-owned life insurance policy on the life of an employee, the employer must provide to the employee a written notice that contains the following information:

(a) A statement that the employer carries an employer-owned life insurance policy on the life of the employee;

(b) The identity of the insurance carrier of the policy;

(c) The maximum face amount of the policy at issue; and

(d) The identity of the beneficiary of the policy.

Sec. 5. RCW 48.18.060 and 1947 c 79 s .18.06 are each amended to read as follows:

~~(No) A life or disability insurance contract upon an individual(~~, except a contract of group life insurance or of group or blanket disability insurance as defined in this code, shall~~) may not be made or (~~effectuated~~) take effect unless at the time (~~of the making of~~) the contract is made the individual insured(~~, being of competent legal capacity to contract, in writing applies therefor or consents thereto,~~) applies for or consents to the contract in writing, except in the following cases:~~

(1) A spouse may (~~effectuate such insurance upon~~) insure the life of the other spouse.

(2) Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may (~~effectuate insurance upon~~) insure the life of the minor.

(3) A contract of group or blanket disability insurance may be effectuated upon an individual.

(4) A contract of group life insurance may be effectuated upon an individual, except as otherwise provided in section 4 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 48.18 RCW to read as follows:

With respect to employer-owned life insurance policies, this act shall apply only to policies issued and delivered after the effective date of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 48.18 RCW to read as follows:

The commissioner shall adopt rules to implement RCW 48.18.010, 48.18.030, and 48.18.060 and sections 4 and 6 of this act.

NEW SECTION. Sec. 8. The insurance commissioner shall report to the legislature on or before December 31, 2006, on steps taken to implement this act and whether the protections afforded in this act are adequate to protect consumers."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Senate Bill No. 5196.
Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Senate Bill No. 5196.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5196.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5196, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Absent: Senator Brown - 1

Excused: Senators Deccio, Esser, Finkbeiner, Haugen, Jacobsen, McCaslin, Mulliken, Oke, Poulsen, Stevens and Swecker - 11

SENATE BILL NO. 5196, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.12 RCW to read as follows:

Beginning on January 1, 2006, all electronic voting devices must produce a paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. This record may not be removed from the polling place, and must be human readable without an interface and machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter. Rejected records must either be destroyed or marked in order to clearly identify the record as rejected.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.44 RCW to read as follows:

Paper records produced by electronic voting devices are subject to all the requirements of this chapter and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.60 RCW to read as follows:

(1) The electronic record produced and counted by electronic voting devices is the official record of each vote for election purposes. The paper record produced under section 1 of this act must be stored and maintained for use only in the following circumstances:

- (a) In the event of a manual recount;
- (b) By order of the county canvassing board;
- (c) By order of a court of competent jurisdiction; or
- (d) For use in the random audit of results described in section 5 of this act.

(2) When such paper record is used in any of the circumstances listed in subsection (1) of this section, it shall be the official record of the election.

NEW SECTION. Sec. 4. A new section is added to chapter 29A.44 RCW to read as follows:

A voter voting on an electronic voting device may not leave the device during the voting process, except to request assistance from the precinct election officers, until the voting process is completed.

NEW SECTION. Sec. 5. A new section is added to chapter 29A.60 RCW to read as follows:

Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of results of votes cast on the direct recording electronic voting devices used in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or one direct recording electronic voting device, whichever is greater, and, for each device, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices selected for audit, the paper records must be tabulated manually; on the remaining devices, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.84 RCW to read as follows:

Anyone who, without authorization, removes from a polling place a paper record produced by an electronic voting device is guilty of a class C felony punishable under RCW 9A.20.021."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395.

Senator Berkey spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette,

Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 39

Excused: Senators Brown, Deccio, Haugen, Jacobsen, McCaslin, Mulliken, Oke, Poulsen, Stevens and Swecker - 10
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:59 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Tuesday, April 19, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 18, 2005

2005 REGULAR SESSION

ONE-HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 19, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Carrell, Finkbeiner, Kline, Mulliken, Sheldon, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Nicole Marsyla and Emily Slater, presented the Colors. The Elementary School Choir from King's Way Christian School of Vancouver performed for the Senate.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

PERSONAL PRIVILEGE

Senator Deccio: "Ladies and Gentlemen of the Senate, I'm sure most of you know by now that we do have a new Pope. Cardinal Joseph Ratzinger was elected Pope and he takes the name Pope Benedict XVI."

SECOND READING

CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Rasmussen, moved that Gubernatorial Reappointment No. 9321, Valoria Loveland, as a Director of the Department of Agriculture, be confirmed.

Senators Rasmussen, Hewitt, Eide, Morton, McAuliffe, Thibaudeau and Deccio spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

REAPPOINTMENT OF VALORIA LOVELAND

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9321, Valoria Loveland as a Director of the Department of Agriculture.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9321, Valoria Loveland as a Director of the Department of Agriculture and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 7; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 41

Absent: Senators Benton, Finkbeiner, Kline, Mulliken, Sheldon, Swecker and Zarelli - 7

Excused: Senator Carrell - 1

Gubernatorial Reappointment No. 9321, Valoria Loveland, having received the constitutional majority was declared confirmed as Director of the Department of Agriculture.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1034,
SUBSTITUTE HOUSE BILL NO. 1054,
SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1081,
HOUSE BILL NO. 1124,
HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1236,
SUBSTITUTE HOUSE BILL NO. 1711,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 1798,
HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1847,
SUBSTITUTE HOUSE BILL NO. 1856,
HOUSE BILL NO. 1864,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1995,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1158,

SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1181,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1299,
SUBSTITUTE HOUSE BILL NO. 1313,
SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1386,
SUBSTITUTE HOUSE BILL NO. 1393,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1408,
SUBSTITUTE HOUSE BILL NO. 1426,
SUBSTITUTE HOUSE BILL NO. 1486,
SUBSTITUTE HOUSE BILL NO. 1512,
HOUSE BILL NO. 1533,
ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1689,
HOUSE BILL NO. 1690,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
SUBSTITUTE HOUSE BILL NO. 1699,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 2255,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1002,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1110,
SUBSTITUTE HOUSE BILL NO. 1116,
SUBSTITUTE HOUSE BILL NO. 1137,
SUBSTITUTE HOUSE BILL NO. 1147,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1189,
SECOND SUBSTITUTE HOUSE BILL NO. 1220,
HOUSE BILL NO. 1303,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SUBSTITUTE SENATE BILL NO. 5169,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5415,
ENGROSSED SENATE BILL NO. 5423.

The President signed:

SUBSTITUTE SENATE BILL NO. 5038,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5064,
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5139,
SENATE BILL NO. 5254,
SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5767.

MOTION

On motion of Senator Thibaudeau, Senator Sheldon was excused.

MESSAGE FROM THE HOUSE

April 15, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5732, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to reconstitute the state board of education and to refocus its purpose; to abolish the academic achievement and accountability commission; to assign policy and rule-making authority for educator preparation and certification to the professional educator standards board and to clearly define its purpose; and to align the missions of the state board of education and the professional educator standards board to create a collaborative and effective governance system that can accelerate progress towards achieving the goals in RCW 28A.150.210.

PART 1

STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The membership of the state board of education shall be composed of the superintendent of public instruction, who shall be the president of the board, and fifteen members who are residents of the state of Washington as follows:

(a) Seven members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(b) Five members appointed by the governor;

(c) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(d) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.305 RCW to read as follows:

The election of state board of education members by school directors and private school board members shall be conducted by the office of the superintendent of public instruction for the members of the state board who begin serving on January 1, 2006, and thereafter.

(1) The superintendent shall adopt rules for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the twenty-fifth of August, and notification of the election results no later than the fifteenth of December.

(2) State board member positions one and two shall be filled by residents of the eastern Washington region and positions three, four, and five shall be filled by residents of the western Washington region.

(3) A school director shall be eligible to vote only for a candidate for each position in the geographic region within which the school director resides.

(4) Initial terms of the individuals elected by the school directors shall be for terms of two to four years in length as follows: Two members, one from eastern Washington and one from western Washington, shall be elected to two-year terms; two members, one from eastern Washington and one from western Washington, shall be elected to four-year terms; and one member from western Washington shall be elected to a three-year term. The term of the private school member shall be two years. All terms shall expire on the second Monday of January of the applicable year.

(5) No person employed in any public or private school, college, university, or other educational institution or any educational service district superintendent's office or in the office of the superintendent of public instruction is eligible for

membership on the state board of education. No member of a board of directors of a local school district or private school may continue to serve in that capacity after having been elected to the state board.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.305 RCW to read as follows:

By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

Sec. 104. RCW 28A.305.130 and 2002 c 205 s 3 are each amended to read as follows:

The purpose of the state board of education is to adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4) Until January 1, 2006:

(a) ~~((The state board of education shall))~~ Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter~~((:))~~; and

(b) ~~((The state board of education shall))~~ Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

(6) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business.

(7) Form committees as necessary to effectively and efficiently conduct the work of the board.

(8) Seek advice from the public and interested parties regarding the work of the board.

(9) For purposes of statewide accountability, the board shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately

academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Include in the biennial report required under section 103 of this act, information on the progress that has been made in achieving goals adopted by the board.

(10) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

~~((7))~~ (11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

~~((8))~~ (12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((9))~~ (13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students ~~((and))~~.

(14) Evaluate course of study requirements and articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system.

~~((10))~~ (15) Carry out board powers and duties relating to the organization and reorganization of school districts ~~((under RCW 28A.315.010 through 28A.315.680 and 28A.315.900))~~.

~~((11))~~ (16) Hear and decide appeals as otherwise provided by law.

~~((The state board of education is given the authority to))~~ (17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

(18) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW.

(19) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 105. RCW 28A.505.210 and 2001 c 3 s 3 are each amended to read as follows:

School districts shall have the authority to decide the best use of student achievement funds to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of chapter 3, Laws of 2001.

(1) Student achievement funds shall be allocated for the following uses:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators, including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school;

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed use of these funds to improve student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt a plan for the use of these funds for the upcoming school year. Annually, each school district shall provide to the citizens of their district a public accounting of the funds made available to the district during the previous school year under chapter 3, Laws of 2001, how the funds were used, and the progress the district has made in increasing student achievement, as measured by required state assessments and other assessments deemed appropriate by the district. Copies of this report shall be provided to the superintendent of public instruction ~~((and to the academic achievement and accountability commission))~~.

Sec. 106. RCW 28A.655.070 and 2004 c 19 s 204 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the ~~((academic achievement and accountability commission))~~ state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the (~~academic achievement and accountability commission~~) state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

PART 2

WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD

Sec. 201. RCW 28A.410.210 and 2000 c 39 s 103 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

(7) Hear and determine educator certification appeals as provided by RCW 28A.410.100;

(8) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

(9) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

(10) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

(11) Serve as an advisory body to the superintendent of public instruction (~~and as the sole advisory body to the state board of education~~) on issues related to educator recruitment, hiring, (~~preparation, certification including high quality alternative routes to certification,~~) mentoring and support, professional growth, retention, (~~governance, prospective teacher pedagogy assessment, prospective principal assessment,~~) educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

~~((2))~~ (12) Submit (annual reports and recommendations, beginning December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction concerning duties and activities within the board's advisory capacity. The Washington professional educator standards board shall submit a separate report by December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction providing recommendations for at least two high quality alternative routes to teacher certification. In its deliberations, the board shall consider at least one route that permits persons with substantial subject matter expertise to achieve residency certification through an on-the-job training program provided by a school district), by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210; ~~and~~

~~(3))~~ (13) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240; and

(14) Conduct meetings under the provisions of chapter 42.30 RCW.

Sec. 202. RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of twenty members to be appointed by the governor to four-year terms and the superintendent of public instruction(~~, who shall be an ex officio, nonvoting member~~).

(b) As the four-year terms of the first appointees expire or vacancies to the board occur for the first time, the governor shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for four years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall annually appoint the chair of the board from among the teachers and principals on the board. No board member may serve as chair for more than two consecutive years.

(2) Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.

(3) Public school teachers appointed to the board must:

(a) Have at least three years of teaching experience in a Washington public school;

(b) Be currently certificated and actively employed in a teaching position; and

(c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.

(4) Private school teachers appointed to the board must:

(a) Have at least three years of teaching experience in a Washington approved private school; and

(b) Be currently certificated and actively employed in a teaching position in an approved private school.

(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).

(6) School administrators appointed to the board must:

(a) Have at least three years of administrative experience in a Washington public school district;

(b) Be currently certificated and actively employed in a school administrator position; and

(c) Include two public school principals, one Washington approved private school principal, and one superintendent.

(7) Educational staff associates appointed to the board must:

(a) Have at least three years of educational staff associate experience in a Washington public school district; and

(b) Be currently certificated and actively employed in an educational staff associate position.

(8) Public school classified employees appointed to the board must:

(a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and

(b) Be currently employed in a position that requires the employee to assist in the instruction of students.

(9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.

(10) All appointments to the board made by the governor shall be subject to confirmation by the senate.

(11) The governor shall appoint the members of the initial board no later than June 1, 2000.

(12) In appointing board members, the governor shall consider the diversity of the population of the state.

(13) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(14) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.

(16) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

Sec. 203. RCW 28A.410.010 and 2001 c 263 s 1 are each amended to read as follows:

The (~~state board of education~~) Washington professional educator standards board shall establish, publish, and enforce rules (~~and regulations~~) determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete

Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

In establishing rules pertaining to the qualifications of instructors of American sign language the ~~((state))~~ board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

The superintendent of public instruction shall act as the administrator of any such rules ~~((and regulations))~~ and have the power to issue any certificates or permits and revoke the same in accordance with board rules ~~((and regulations))~~.

Sec. 204. RCW 28A.410.040 and 1992 c 141 s 101 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW ~~((28A.305.130 (1) and (2)))~~ 28A.410.210. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

Sec. 205. RCW 28A.410.050 and 1992 c 141 s 102 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring certification after August 31, 1992.

Sec. 206. RCW 28A.410.060 and 1990 c 33 s 407 are each amended to read as follows:

The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the ~~((state board of education))~~ Washington professional educator standards board by rule ~~((or regulation))~~ shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, and professional in-service training programs in accord with rules ~~((and regulations))~~ of the ~~((state board of education))~~ Washington professional educator standards board herein authorized.

Sec. 207. RCW 28A.410.100 and 1992 c 159 s 6 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the ~~((state board of education))~~ Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the ~~((state board of education))~~ Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 208. RCW 28A.410.120 and 1990 c 33 s 411 are each amended to read as follows:

Notwithstanding any other provision of this title, the ~~((state board of education))~~ Washington professional educator standards board or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent.

Sec. 209. RCW 28A.415.023 and 1997 c 90 s 1 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW ~~((28A.320.205))~~ 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;
(c) Is necessary to obtain an endorsement as prescribed by the ~~((state board of education))~~ Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification; or
(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

Sec. 210. RCW 28A.415.060 and 1991 c 155 s 1 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the ~~((state board of education))~~ Washington professional educator standards board.

Sec. 211. RCW 28A.415.205 and 1991 c 238 s 75 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the ~~((state board of education))~~ Washington professional educator standards board. The ~~((state board of education))~~ Washington professional educator standards board shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges, the department of employment security, and the work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the ~~((state board of education))~~ Washington professional educator standards board, and local school districts in working toward the goals of the program.

Sec. 212. RCW 28A.150.060 and 1990 c 33 s 102 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.195.010, 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, shall include those persons who hold certificates as authorized by rule ~~((or regulation))~~ of the ~~((state board of education))~~ Washington professional educator standards board or the superintendent of public instruction.

Sec. 213. RCW 28A.170.080 and 1990 c 33 s 157 are each amended to read as follows:

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

(a) Individual and family counseling, including preventive counseling;

(b) Assessment and referral for treatment;

(c) Referral to peer support groups;

(d) Aftercare;

(e) Development and supervision of student mentor programs;

(f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and

(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under ~~((state board of education))~~ Washington professional educator standards board rules adopted pursuant to RCW ~~((28A.305.130))~~ 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

Sec. 214. RCW 28A.205.010 and 1999 c 348 s 2 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the ~~((state board of education))~~ Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 215. RCW 28A.205.050 and 1995 c 335 s 201 are each amended to read as follows:

In accordance with chapter 34.05 RCW, the administrative procedure act, the ~~((state board of education))~~ Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter.

Sec. 216. RCW 28A.405.210 and 1996 c 201 s 1 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the ~~((state board of education))~~ Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have

been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 217. RCW 28B.10.140 and 2004 c 60 s 1 are each amended to read as follows:

The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the (~~state board of education~~) Washington professional educator standards board are required, for any grade, level, department, or position of the public schools of the state.

Sec. 218. RCW 18.118.010 and 1990 c 33 s 553 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of the real estate profession and other business professions which may seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on July 26, 1987: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 26, 1987, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or (~~state board of education~~) Washington professional educator standards board under RCW (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 26, 1987; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 219. RCW 18.120.010 and 1990 c 33 s 554 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of health professions not licensed or regulated prior to July 24, 1983, and those licensed or regulated health professions which seek to substantially increase their scope of practice: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 24, 1983, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or ~~((state board of education))~~ Washington professional educator standards board under RCW ~~((28A.305.130))~~ 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; and (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 24, 1983. The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall, after July 24, 1983, be imposed upon any health profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria. A health profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a health profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the health profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 220. RCW 28A.410.032 and 1996 c 135 s 4 are each amended to read as follows:

Teachers of visually impaired students shall be qualified according to rules adopted by the ~~((state board of education))~~ professional educator standards board.

PART 3 TRANSFER OF POWERS AND DUTIES

NEW SECTION. Sec. 301. (1) The state board of education as constituted prior to the effective date of this section is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education as specified in this act. All references to the director or the state board of education as constituted prior to the effective date of this section in the Revised Code of Washington shall be construed to mean the director or the state board of education as specified in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board of education as constituted prior to the effective date of this section shall be delivered to the custody of the state board of education as specified in this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board of education as constituted prior to the effective date of this section shall be made available to the state board of education as specified in this act. All funds, credits, or other assets held by the state board of education as constituted prior to the effective date of this section shall be assigned to the state board of education as specified in this act.

(b) Any appropriations made to the state board of education as constituted prior to the effective date of this section shall, on the effective date of this section, be transferred and credited to the state board of education as specified in this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state board of education as constituted prior to the effective date of this section are transferred to the jurisdiction of the state board of education as specified in this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board of education as specified in this act to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state board of education as constituted prior to the effective date of this section shall be continued and acted upon by the state board of education as specified in this act. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education as specified in this act.

(5) The transfer of the powers, duties, functions, and personnel of the state board of education as constituted prior to the effective date of this section shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 302. (1) The academic achievement and accountability commission is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education. All references to the director or the academic achievement and accountability commission in the Revised Code of Washington shall be construed to mean the director or the state board of education.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the academic achievement and accountability commission shall be delivered to the custody of the state board of education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the academic achievement and accountability commission shall be made available to the state board of education. All funds, credits, or other assets held by the academic achievement and accountability commission shall be assigned to the state board of education.

(b) Any appropriations made to the academic achievement and accountability commission shall, on the effective date of this section, be transferred and credited to the state board of education.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the academic achievement and accountability commission shall be continued and acted upon by the state board of education. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education.

(4) The transfer of the powers, duties, and functions of the academic achievement and accountability commission shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

PART 4 MISCELLANEOUS

NEW SECTION. Sec. 401. The following acts or parts of acts as now existing or hereafter amended, are each repealed:

(1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s 28A.04.010;

(2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

(3) RCW 28A.305.030 (Elections in new congressional districts--Call and conduct of--Member terms--Transitional measures to reduce number of members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

(4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of candidates--Members restricted from service on local boards--Forfeiture of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4, 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s 28A.04.040;

(5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

(6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283 s 25, & 1969 ex.s. c 223 s 28A.04.060;

(7) RCW 28A.305.070 (Action to contest election--Grounds--Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

(8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33 s 263, & 1969 ex.s. c 223 s 28A.04.070;

(9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969 ex.s. c 223 s 28A.04.080;

(10) RCW 28A.305.100 (Superintendent as ex officio member and chief executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s 28A.04.090;

(11) RCW 28A.305.110 (Executive director--Secretary of board) and 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s 28A.04.100;

(12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106 s 13, & 1969 ex.s. c 223 s 28A.04.110;

(13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140; and

(14) RCW 28A.300.130 (Center for the improvement of student learning--Educational improvement and research--Clearinghouse for academic achievement and accountability commission and for information regarding educational improvement and parental involvement programs) and 1999 c 388 s 401, 1996 c 273 s 5, 1993 c 336 s 501, & 1986 c 180 s 1.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) RCW 28A.655.020 (Academic achievement and accountability commission) and 1999 c 388 s 101;

(2) RCW 28A.655.030 (Essential academic learning requirements and assessments--Duties of the academic achievement and accountability commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102; and

(3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and 1999 c 388 s 502.

Sec. 403. RCW 28A.300.020 and 1996 c 25 s 2 are each amended to read as follows:

The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. However, the superintendent shall employ without undue delay the executive director of the state board of education and other state board of education office assistants and clerical help, appointed by the state board under RCW ((28A.305.110)) 28A.305.130, whose positions are allotted and funded in accordance with moneys appropriated exclusively for the operation of the state board of education. The rate of compensation and termination of any such executive director, state board office assistants, and clerical help shall be subject to the prior consent of the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the

provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent or at the pleasure of the superintendent and the state board of education as provided in this section. Expenditures by the superintendent of public instruction for direct and indirect support of the state board of education are valid operational expenditures by and in behalf of the office of the superintendent of public instruction.

Sec. 404. RCW 28A.310.110 and 1990 c 33 s 272 are each amended to read as follows:

Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to chapter 29A.68 RCW (~~28A.305.070~~).

Sec. 405. RCW 28A.315.085 and 1999 c 315 s 206 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW 28A.315.155, and such reimbursement for state board members to be in accordance with (~~RCW 28A.305.120~~) section 101 of this act.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

NEW SECTION. Sec. 406. The professional educator standards board shall conduct a comprehensive analysis of the strengths and weaknesses of Washington's educator and administrator certification and preparation systems, and by December 1, 2005, transmit its findings and any recommendations to the legislative committees on education, the superintendent of public instruction, the state board of education, and the governor. The board shall use the analysis to develop a planning document to guide the assumption of policy and rule-making authority responsibilities for educator and administrator preparation and certification, consistent with the board's purpose.

NEW SECTION. Sec. 407. A joint subcommittee of the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives, in collaboration with the state board of education, school directors, administrators, principals, the superintendent of public instruction, parents, teachers, and other interested parties, shall review the statutory duties of the state board of education held before the effective date of this section, except the duties for educator certification that have been transferred to the professional educator standards board. Recommendations shall be reported to the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives by December 15, 2005.

NEW SECTION. Sec. 408. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 409. Sections 101, 103, 105, 106, 201 through 220, 301, 401, and 403 through 405 of this act take effect January 1, 2006.

NEW SECTION. Sec. 410. Sections 104, 302, 402, and 406 through 408 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

NEW SECTION. Sec. 411. Section 102 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010, 28A.410.032, 28A.300.020, 28A.310.110, and 28A.315.085; adding new sections to chapter 28A.305 RCW; creating new sections; repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.300.130, 28A.655.020, 28A.655.030, and 28A.655.900; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732 and ask the House to recede therefrom.

Senators McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732 and ask the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732 and asked the House to recede therefrom.

MOTION

On motion of Senator Esser, Senators Finkbeiner and Mulliken were excused.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5158, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.02.010 and 2002 c 318 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, ~~((residence, sex))~~ location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

- (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
- (b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any ~~((record))~~ required accounting of disclosures of health care information.

(7) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset and fund-raising for the benefit of the health care provider, health care facility, or third-party payor.

(8) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((8))~~ (9) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

~~((9))~~ (10) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

~~((10))~~ (11) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((11))~~ (12) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(13) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((12))~~ (14) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and

handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((13))~~ (15) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

(16) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 2. RCW 70.02.020 and 1993 c 448 s 2 are each amended to read as follows:

(1) Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

~~((Health care providers or facilities shall chart all disclosures, except to third party payors, of health care information, such chartings to become part of the health care information.))~~

(2) A patient has a right to receive an accounting of disclosures of health care information made by a health care provider or a health care facility in the six years before the date on which the accounting is requested, except for disclosures:

(a) To carry out treatment, payment, and health care operations;

(b) To the patient of health care information about him or her;

(c) Incident to a use or disclosure that is otherwise permitted or required;

(d) Pursuant to an authorization where the patient authorized the disclosure of health care information about himself or herself;

(e) Of directory information;

(f) To persons involved in the patient's care;

(g) For national security or intelligence purposes if an accounting of disclosures is not permitted by law;

(h) To correctional institutions or law enforcement officials if an accounting of disclosures is not permitted by law; and

(i) Of a limited data set that excludes direct identifiers of the patient or of relatives, employers, or household members of the patient.

Sec. 3. RCW 70.02.030 and 2004 c 166 s 19 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name ~~((, address,))~~ and institutional affiliation of the person or class of persons to whom the information is to be disclosed;

~~((and))~~ (d) ~~((Except for third party payors,))~~ Identify the provider or class of providers who ~~((is))~~ are to make the disclosure;

(e) Identify the patient; and

(f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

(a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or

(b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

~~((5))~~ (6) When an authorization permits the disclosure of health care information to a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains to those disclosures shall expire ninety days after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made. ~~((This requirement shall not apply to disclosures to third party payors.~~

~~(6) Except for authorizations given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapter 18.71 or 18.130 RCW, when the patient is under the supervision of the department of corrections, or to provide information to third party payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form. If the authorization does not contain an expiration date and the patient is not under the supervision of the department of corrections, it expires ninety days after it is signed.~~

~~(7))~~ (8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 4. RCW 70.02.050 and 1998 c 158 s 1 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, ~~((or))~~ actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) ~~((Oral, and made))~~ To immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) ~~((In the case of a hospital or health care provider to provide, in cases reported by))~~ To fire, police, sheriff, or (other) another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(7) (a) and (b); or

(n) For payment.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To county coroners and medical examiners for the investigations of deaths;

(d) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5158.

Senators Keiser and Benson spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5158.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5158.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5158, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown, Doumit and Kline - 3

Excused: Senator Finkbeiner - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5522, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.038 and 1987 c 118 s 1 are each amended to read as follows:

Those members subject to this chapter who became disabled in the line of duty on or after March 27, 1984, and who received or are receiving benefits under Title 51 RCW or a similar federal workers' compensation program shall receive or continue to receive service credit subject to the following:

(1) No member may receive more than one month's service credit in a calendar month.

(2) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(3) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(4) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(5) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred. If contribution payments are made retroactively, interest shall be charged at the rate set by the director on both employee and employer contributions. No service credit shall be granted until the employee contribution has been paid.

(6) The service and compensation credit shall not be granted for a period to exceed (~~twelve~~) twenty-four consecutive months.

(7) Nothing in this section shall abridge service credit rights granted in RCW 41.40.220(2) and 41.40.320.

(8) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Senate Bill No. 5522.

Senator Franklin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Senate Bill No. 5522.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5522.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5522, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5522, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Brown, Kline and Pflug - 3

SENATE BILL NO. 5522, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, with the following amendment{s}:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that as consumers' prescription drug costs continue to rise, people across the state of Washington are seeking opportunities to purchase lower cost prescription drugs from Canada, the United Kingdom, Ireland, and other countries for their personal use. The state has a strong interest in promoting the safe use of prescription drugs by consumers in Washington state. To address this interest, the legislature intends to seek authorization from the federal government to license Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers, thereby providing licensed retail pharmacies the opportunity to purchase prescription drugs from approved wholesalers and pass those savings on to consumers, and providing consumers the opportunity to purchase prescription drugs from a trusted community pharmacist who is aware of all of their prescription drug needs.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

(1) By September 1, 2005, the board shall, in consultation with the department and the health care authority, submit a waiver request to the federal food and drug administration that will authorize the state of Washington to license Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers under RCW 18.64.046, thereby providing retail pharmacies licensed in Washington state the opportunity to purchase prescription drugs from approved wholesalers and pass those savings on to consumers. The waiver shall provide that:

(a) Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers meet the requirements of RCW 18.64.046 and any rules adopted by the board to implement those requirements;

(b) The board must ensure the integrity of the prescription drug products being distributed by:

(i) Requiring that prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers originate only from approved manufacturing locations;

(ii) Routinely testing prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers for safety;

(iii) Establishing safe labeling, tracking, and shipping procedures for prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers; and

(iv) Closely monitoring compliance with RCW 18.64.046 and any rules adopted to implement the waiver;

(c) The prescription drugs purchased from Canadian, United Kingdom, Irish, and other nondomestic wholesalers must be limited to those that are not temperature sensitive or infused and for which potential savings to consumers can be demonstrated and those available through purchase by individuals only at licensed retail pharmacies;

(d) To ensure that the program benefits those consumers without insurance coverage for prescription drugs who are most in need of price relief, prescription drug purchases from pharmacies under the waiver will be limited to those not eligible for reimbursement by third party insurance coverage, whether public or private, for the particular drug being purchased; and

(e) Savings associated with purchasing prescription drugs from Canadian, United Kingdom, Irish, and other nondomestic wholesalers will be passed on to consumers.

(2) Upon approval of the federal waiver submitted in accordance with subsection (1) of this section, the board, in consultation with the department and the health care authority, shall submit a detailed implementation plan to the governor and appropriate committees of the legislature that details the mechanisms that the board will use to implement each component of the waiver under subsection (1) of this section.

(3) The board shall adopt rules as necessary to implement this act.

NEW SECTION. Sec. 3. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470. Senators Franklin and Pflug spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5470, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5470, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Delvin, Honeyford, Morton, Pflug and Stevens - 5

Absent: Senators Brown, Deccio and Kline - 3

Excused: Senator Haugen - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5558, with the following amendment{s}:

On page 2, line 35, after "activities." insert "No general-fund state funds shall be used for the ongoing operation of the foundation."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5558.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5558.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5558.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5558, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brown, Deccio, Delvin and Kline - 4

Excused: Senator Haugen - 1

SUBSTITUTE SENATE BILL NO. 5558, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Kline were excused.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010, with the following amendment{s):

Beginning on page 2, line 29, after "rule;" strike all material through "beef." on page 3, line 8 and insert the following:

"NOW, THEREFORE, Your Memorialists respectfully pray that the United States Department of Agriculture: (1) Reaffirm to the Congress and the courts that the rule to lift the limited ban on importation of Canadian beef is based on sound scientific proof that consumer safety and animal health in the United States will be maintained; and (2) redouble its efforts to swiftly and successfully conclude negotiations with our trading partners to reestablish critical export markets for United States beef based on the same sound science."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Joint Memorial No. 8010.

Senators Rasmussen and Schoesler spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Joint Memorial No. 8010.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Joint Memorial No. 8010 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Joint Memorial No. 8010, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Memorial No. 8010, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Deccio - 1

Excused: Senators Brown and Kline - 2

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5699, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that aquatic invasive species and freshwater aquatic algae are causing economic, environmental, and public health problems that affect the citizens and aquatic resources of our state. Many highly destructive species, such as the zebra mussel, are currently not found in Washington's waters and efforts should be made to prevent the introduction or spread of these aquatic invasive species into our state waters. Preventing new introductions is significantly less expensive and causes far less ecological damage than trying to control new infestations.

The legislature also finds that freshwater algae, particularly blue-green algae, are also seriously degrading the water quality and recreational value of a number of our lakes. Blue-green algae can produce toxins that inhibit recreational uses and pose a threat to humans and pets.

It is therefore the intent of the legislature to clarify the roles of the different state agencies involved in these issues in order to address the threat of aquatic invasive species and the problem caused by aquatic freshwater algae, and to provide a dedicated fund source to prevent and control further impacts.

Sec. 2. RCW 88.02.050 and 2002 c 286 s 13 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. ~~((In addition, two))~~

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in section 3 of this act.

(c) One dollar must be deposited into the freshwater aquatic algae control account created in section 4 of this act.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in section 5 of this act.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the ~~((two-dollar derelict vessel))~~ five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal

regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational watercraft. Funds must be expended as follows:

(a) To inspect watercraft, watercraft trailers, and outboard motors at selected boat launching sites;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by marine recreational watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan.

(3) The department shall provide training to Washington state patrol employees working at port of entry weigh stations on how to inspect recreational watercraft for the presence of zebra mussels and other aquatic invasive species. The department shall also cooperatively work with the Washington state patrol to set up random check stations to inspect watercraft at areas of high boating activity.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of this act. The first report is due December 1, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 43.21A RCW to read as follows:

(1) The freshwater aquatic algae control account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the freshwater aquatic algae control account may be appropriated to the department to develop a freshwater aquatic algae control program. Funds must be expended as follows:

(a) As grants to cities, counties, tribes, special purpose districts, and state agencies to manage excessive freshwater algae, with priority for the treatment of lakes in which harmful algal blooms have occurred within the past three years; and

(b) To provide technical assistance to applicants and the public about aquatic algae control.

(3) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of this act. The first report is due December 1, 2007.

NEW SECTION. Sec. 5. A new section is added to chapter 43.43 RCW to read as follows:

(1) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol to develop an aquatic invasive species enforcement program for recreational watercraft. Funds must be expended as follows:

(a) To inspect recreational watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of zebra mussels and other aquatic invasive species; and

(b) To establish random check stations, in conjunction with the department of fish and wildlife, to inspect watercraft in areas of high boating activity.

(3) The Washington state patrol shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of this act. The first report is due December 1, 2007.

NEW SECTION. Sec. 6. Section 2 of this act applies to vessel registration fees that are due or become due on or after August 1, 2005.

NEW SECTION. Sec. 7. Section 2 of this act expires June 30, 2012." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5699.

Senators Jacobsen and Oke spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5699.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5699.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5699, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5699, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benton and Stevens - 2

Absent: Senator Fairley - 1

Excused: Senators Brown and Kline - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5699, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5841, with the following amendment{s}:

On page 2, line 29, after "procedures" strike "and asthma prevention policies"

Beginning on page 3, line 35, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 31, after "plans," insert "On January 1, 2007, and January 1, 2009, the authority shall issue a status report to the legislature summarizing any results it attains in exploring and coordinating strategies for asthma, diabetes, heart disease, and other chronic diseases."

On page 5, beginning on line 1, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with its public and private partners, shall design a state asthma plan, based on clinically sound criteria including nationally recognized guidelines such as those established by the national asthma education prevention partnership expert panel report guidelines for the diagnosis and management of asthma.

(2) The plan shall include recommendations in the following areas:

(a) Evidence-based processes for the prevention and management of asthma;

(b) Data systems that support asthma prevalence reporting, including population disparities and practice variation in the treatment of asthma;

(c) Quality improvement strategies addressing the successful diagnosis and management of the disease; and

(d) Cost estimates and sources of funding for plan implementation.

(3) The department shall submit the completed state plan to the governor and the legislature by December 1, 2005. After the initial state plan is submitted, the department shall provide progress reports to the governor and the legislature on a biennial basis beginning December 1, 2007.

(4) The department shall implement the state plan recommendations made under subsection (2) of this section only to the extent that federal, state, or private funds, including grants, are available for that purpose."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5841.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5841.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5841.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5841, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5841, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Absent: Senators Benton and Zarelli - 2

Excused: Senators Kline and Parlette - 2

SUBSTITUTE SENATE BILL NO. 5841, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 19, 2005

SGA 9211 DARLENE WILDER, appointed November 17, 2003, for the term ending September 30, 2007, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9302 MARK WOLFRAM, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9320 BETTI L. SHELDON, appointed February 24, 2005, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Eide, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Gubernatorial Appointment No. 9320 which was placed on the day's calendar.

MOTION

On motion of Senator Weinstein, Senator Prentice was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9320, Betti Sheldon, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Rockefeller, Oke, Regala, McCaslin, Eide, Kohl-Welles, Pflug, McAuliffe, Thibaudeau, Rasmussen and Shin spoke in favor of the motion.

MOTIONS

On motion of Senator Honeyford, Senators Benton and Zarelli were excused.
On motion of Senator Esser, Senator Hewitt was excused.

APPOINTMENT OF BETTI SHELDON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9320, Betti Sheldon as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9320, Betti Sheldon as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brown and Pflug - 2

Excused: Senators Kline, Parlette and Prentice - 3

Gubernatorial Appointment No. 9320, Betti Sheldon, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1915

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2255

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1915

ENGROSSED HOUSE BILL NO. 2255.

MOTION

At 11:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:13 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8680

By Senators Rasmussen, Mulliken, McCaslin, Carrell, Kastama, Deccio, Schmidt, Hewitt, Prentice, Hargrove, Sheldon, Spanel, Roach, Schoesler, Haugen, Benton, Finkbeiner, Morton, Parlette, Delvin, Shin, Honeyford, Fairley, Esser, Franklin, Stevens, Wyss, Zarelli, Swecker, Keiser, Fraser, Doumit, Pflug, Brandland, Poulsen, McAuliffe, Johnson, Jacobsen and Brown

WHEREAS, Washington has been blessed with local granges since 1873 and a statewide grange organization since shortly before the admission of Washington Territory to statehood in 1889; and

WHEREAS, The Washington State Grange enjoys the distinction of having more Grangers than any other state – currently around 50,000 members of a nationwide total of 350,000 members in 37 states; and

WHEREAS, The Washington State Grange coordinates the activities of the state's 300 subordinate granges; and

WHEREAS, The Washington State Grange invites all state residents to consider becoming members of this progressive, active, and concerned organization; and

WHEREAS, The Grange continues to honor its long-standing commitment to boosting the standard of living for farmers and other rural residents; and

WHEREAS, The Washington State Grange, a nonpartisan, grass roots organization, takes pride in sponsoring a multitude of activities ranging from presenting college scholarships to legislative involvement and coordinating projects and contests; and

WHEREAS, Dedicated to community building and involvement, many Pomona Granges organize countywide events such as softball or bowling leagues, camping clubs, or fund-raising drives for food banks, charities, or other community services; and

WHEREAS, The Grange maintains a strong and abiding interest in quality of life issues important to rural and urban residents of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Grange on more than 130 years of service in Washington Territory and the State of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington State Grange for its many positive contributions to our communities and encourage officers and members to keep up the good and useful work they do; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to State Grange President Terry Hunt at the Washington State Grange headquarters in Olympia.

Senators Rasmussen, Mulliken, Roach, Jacobsen and Morton spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Terry Hunt, President, and members of the Washington State Grange who were seated in the gallery.

MOTION

At 12:23 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9265, Victor Moore, as Director of the Office of Financial Management, be confirmed.

Senators Prentice, Delvin, Benson, Regala, Parlette, Rockefeller and Thibaudeau spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senators Doumit, Brown, Fraser and Shin were excused.

On motion of Senator Hewitt, Senator Stevens was excused.

APPOINTMENT OF VICTOR MOORE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9265, Victor Moore as Director of the Office of Financial Management.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9265, Victor Moore as Director of the Office of Financial Management and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Haugen and McCaslin - 2

Excused: Senators Brown, Fraser and Shin - 3

Gubernatorial Appointment No. 9265, Victor Moore, having received the constitutional majority was declared confirmed as Director of the Office of Financial Management.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin, moved that Gubernatorial Appointment No. 9324, John Batiste, as a Chief of the Washington State Patrol, be confirmed.

Senators Franklin, Oke, Haugen, Rasmussen and Brandland spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner, Mulliken, Swecker and McCaslin were excused.

APPOINTMENT OF JOHN BATISTE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9324, John Batiste as a Chief of the Washington State Patrol.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9324, John Batiste as Chief of the Washington State Patrol and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Brown, Finkbeiner, Fraser, McCaslin, Mulliken, Shin and Swecker - 7

Gubernatorial Appointment No. 9324, John Batiste, having received the constitutional majority was declared confirmed as Chief of the Washington State Patrol.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5112,
SENATE BILL NO. 5196,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5577,
ENGROSSED SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,
SUBSTITUTE SENATE BILL NO. 5631,
SUBSTITUTE SENATE BILL NO. 5692,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5806,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5872,
SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5899,
SENATE BILL NO. 5979,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5983,
SUBSTITUTE SENATE BILL NO. 5992,
SUBSTITUTE SENATE BILL NO. 6022

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6014, with the following amendment{s):

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 3. The department of labor and industries may adopt rules to implement this act."

Renumber the remaining section consecutively.

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6014.

Senator Kline spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6014.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6014.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6014, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6014, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Fairley, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Delvin and Esser - 2

Excused: Senators Brown, Finkbeiner, Fraser, McCaslin, Mulliken, Shin and Swecker - 7

SUBSTITUTE SENATE BILL NO. 6014, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Haugen, Senator Prentice was excused.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5039, with the following amendment(s):

On page 3, after line 4, insert the following:

"**Sec. 4.** RCW 15.36.491 and 1999 c 291 s 23 are each amended to read as follows:

All moneys received for licenses under this chapter shall be deposited in the general fund, except that all moneys received for annual milk processing plant licenses under RCW 15.36.051 shall be deposited in the agricultural local fund established under RCW 43.23.230."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

On page 3, line 5, after "**Sec. 4.**" strike "Section 1 of this act is" and insert "Sections 1 and 4 of this act are"

On page 3, line 8, strike "takes" and insert "take"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5039.

Senator Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Schmidt and Delvin were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Senate Bill No. 5039.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5039.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5039, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senator Rockefeller - 1

Excused: Senators Brown, Delvin, Fraser, McCaslin, Prentice, Schmidt and Swecker - 7

SENATE BILL NO. 5039, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5202, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.006 and 1988 c 107 s 2 are each amended to read as follows:

(1) The legislature recognizes that (a) the state is a major purchaser of health care services, (b) the increasing costs of such health care services are posing and will continue to pose a great financial burden on the state, (c) it is the state's policy, consistent with the best interests of the state, to provide comprehensive health care as an employer, to state employees and officials and their dependents and to those who are dependent on the state for necessary medical care, and (d) it is imperative that the state begin to develop effective and efficient health care delivery systems and strategies for procuring health care services in order for the state to continue to purchase the most comprehensive health care possible.

(2) It is therefore the purpose of this chapter to establish the Washington state health care authority whose purpose shall be to (a) develop health care benefit programs(~~(s)~~) that provide access to at least one comprehensive benefit plan funded to the fullest extent possible by the employer, (~~that provide comprehensive health care~~) and a health savings account/high deductible health plan option as defined in section 1201 of the medicare prescription drug improvement and modernization act of 2003, as amended, for eligible state employees, officials, and their dependents, and (b) study all state-purchased health care, alternative health care delivery systems, and strategies for the procurement of health care services and make recommendations aimed at minimizing the financial burden which health care poses on the state, its employees, and its charges, while at the same time allowing the state to provide the most comprehensive health care options possible.

Sec. 2. RCW 41.05.065 and 2003 c 158 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall

prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

~~((6))~~ (8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

~~((7))~~ (9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide

education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5202 and ask the House to recede therefrom.

Senators Keiser and Parlette spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5202 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5202 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5274, with the following amendment{s):

On page 23, line 32, after "4," strike all material through "20" and insert "7, 9, 13, 20, and 22"

On page 24, line 1, after "3," insert "5,"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5274.

Senator Keiser spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5274.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5274.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Deccio and Finkbeiner - 2

Excused: Senators Brown, Fraser, McCaslin, Prentice and Swecker - 5
SENATE BILL NO. 5274, as amended by the House, having received the constitutional majority, was declared passed.
There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:43 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 4:11 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5158,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,
SENATE BILL NO. 5522,
SUBSTITUTE SENATE BILL NO. 5558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5841,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5321, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.370 and 2004 c 230 s 1 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers;

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from law enforcement agencies or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business. The residence address may also be disclosed for use in legal proceedings or preparation for legal proceedings. Legal proceedings include, but are not limited to, lawsuits and repossessions.

If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution,

toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 2. RCW 46.12.380 and 1995 c 254 s 10 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from law enforcement agencies or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business. The residence address may also be disclosed for use in legal proceedings or preparation for legal proceedings. Legal proceedings include, but are not limited to, lawsuits and repossessions.

~~(3)~~ The disclosing entity shall retain the request for disclosure for three years.

~~((3))~~ (4) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

~~((4))~~ (5) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

~~((5))~~ (6) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners.

~~((6))~~ (7) This section shall not apply to title history information under RCW 19.118.170."

On page 2, beginning on line 9 of the amendment, strike everything through "repossessions." on line 17, and insert "Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business."

On page 3, beginning on line 14 of the amendment, strike everything through "repossessions." on line 22, and insert "(2) Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5321.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown and Rasmussen were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Senate Bill No. 5321.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5321.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5321, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5321, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Delvin - 1

Excused: Senators Brown and Rasmussen - 2

SENATE BILL NO. 5321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Weinstein, Senator Prentice was excused.

On motion of Senator Esser, Senator Delvin was excused.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to improve recycling, eliminate illegal disposal of recyclable materials, protect consumers from sham recycling, and to further the purposes of RCW 70.95.020 and the goal of consistency in jurisdictional treatment of the statewide solid waste management plan adopted by the department of ecology.

Sec. 2. RCW 70.95.020 and 1998 c 156 s 1 and 1998 c 90 s 1 are each reenacted and amended to read as follows:

The purpose of this chapter is to establish a comprehensive statewide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling, including that all sites where recyclable materials are generated and transported from shall provide a separate container for solid waste;

(4) To encourage the development and operation of waste recycling facilities needed to accomplish the management priority of waste recycling, ~~((and))~~ to promote consistency in the requirements for such facilities throughout the state, and to ensure that recyclable materials diverted from the waste stream for recycling are routed to facilities in which recycling occurs;

(5) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(6) To encourage storage, proper disposal, and recycling of discarded vehicle tires and to stimulate private recycling programs throughout the state; and

(7) To encourage the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling and to promote consistency in the permitting requirements for such facilities and activities throughout the state.

It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

Sec. 3. RCW 70.95.305 and 1998 c 156 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, the department may by rule exempt from the requirements to obtain a solid waste handling permit any category of solid waste handling facility that it determines to:

(a) Present little or no environmental risk; and

(b) Meet the environmental protection and performance requirements required for other similar solid waste facilities.

(2) This section does not apply to any facility or category of facilities that:

(a) Receives municipal solid waste destined for final disposal, including but not limited to transfer stations, landfills, and incinerators;

(b) Applies putrescible solid waste on land for final disposal purposes;

(c) Handles mixed solid wastes that have not been processed to segregate solid waste materials destined for disposal from other solid waste materials destined for a beneficial use or recycling;

(d) Receives or processes organic waste materials into compost in volumes that generally far exceed those handled by municipal park departments, master gardening programs, and households; or

(e) Receives solid waste destined for recycling or reuse, the operation of which is determined by the department to present risks to human health and the environment.

(3) Rules adopted under this section shall contain such terms and conditions as the department deems necessary to ensure compliance with applicable statutes and rules. If a facility does not operate in compliance with the terms and conditions established for an exemption under subsection (1) of this section, the facility is subject to the permitting requirements for solid waste handling under this chapter.

(4) This section shall not be deemed to invalidate the exemptions or determinations of nonapplicability in the department's solid waste rules as they exist on June 11, 1998, which exemptions and determinations are recognized and confirmed subject to the department's continuing authority to modify or revoke those exemptions or determinations by rule.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

(1) For the purposes of this section and section 5 of this act, "transporter" means any person or entity that transports recyclable materials from commercial or industrial generators over the public highways of the state of Washington for compensation, and who are required to possess a permit to operate from the Washington utilities and transportation commission under chapter 81.80 RCW. "Transporter" includes commercial recycling operations of certificated solid waste collection companies as provided in chapter 81.77 RCW. "Transporter" does not include:

(a) Carriers of commercial recyclable materials, when such materials are owned or being bought or sold by the entity or person, and being carried in their own vehicle, when such activity is incidental to the conduct of an entity or person's primary business;

(b) Entities or persons hauling their own recyclables or hauling recyclables they generated or purchased and transported in their own vehicles;

(c) Nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, drop box, or from a commercial or industrial generator of recyclable materials;

(d) City municipal solid waste departments or city solid waste contractors; or

(e) Common carriers under chapter 81.80 RCW whose primary business is not the transportation of recyclable materials.

(2) All transporters shall register with the department prior to the transportation of recyclable materials. The department shall supply forms for registration.

(3) A transporter who transports recyclable materials within the state without a transporter registration required by this section is subject to a civil penalty in an amount up to one thousand dollars per violation.

NEW SECTION. Sec. 5. A new section is added to chapter 70.95 RCW to read as follows:

(1) A transporter may not deliver any recyclable materials for disposal to a transfer station or landfill.

(2) A transporter shall keep records of locations and quantities specifically identified in relation to a generator's name, service date, address, and invoice, documenting where recyclables have been sold, delivered for processing, or otherwise marketed. These records must be retained for two years from the date of collection, and must be made accessible for inspection by the department and the local health department.

(3) A transporter who violates the provisions of this section is subject to a civil penalty of up to one thousand dollars per violation.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW to read as follows:

Any person damaged by a violation of sections 4 through 8 of this act may bring a civil action for such a violation by seeking either injunctive relief or damages, or both, in the superior court of the county in which the violation took place or in Thurston county. The prevailing party in such an action is entitled to reasonable costs and attorneys' fees, including those on appeal.

NEW SECTION. Sec. 7. A new section is added to chapter 70.95 RCW to read as follows:

(1) All facilities that recycle solid waste, except for those facilities with a current solid waste handling permit issued under RCW 70.95.170, must notify the department in writing within thirty days prior to operation, or ninety days from the effective date of this section for existing recycling operations, of the intent to conduct recycling in accordance with this section.

Notification must be in writing, and include:

- (a) Contact information for the person conducting the recycling activity;
- (b) A general description of the recycling activity;
- (c) A description of the types of solid waste being recycled; and
- (d) A general explanation of the recycling processes and methods.

(2) Each facility that recycles solid waste, except those facilities with a current solid waste handling permit issued under RCW 70.95.170, shall prepare and submit an annual report to the department by April 1st on forms supplied by the department. The annual report must detail recycling activities during the previous calendar year and include the following information:

- (a) The name and address of the recycling operation;
- (b) The calendar year covered by the report;
- (c) The annual quantities and types of waste received, recycled, and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and

(d) Any additional information required by written notification of the department that is needed to determine progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4).

(3) Any facility, except for product take-back centers, that recycles solid waste materials within the state without first obtaining a solid waste handling permit under RCW 70.95.170 or completing a notification under this section is subject to a civil penalty of up to one thousand dollars per violation.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95 RCW to read as follows:

(1) The department may adopt rules that establish financial assurance requirements for recycling facilities that do not already have financial assurance requirements under this chapter, or are not already specifically exempted from financial assurance requirements under this chapter. The financial assurance requirements must take into consideration the amounts and types of recyclable materials recycled at the facility, and the potential closure and postclosure costs associated with the recycling facility; which assurance may consist of posting of a surety bond in an amount sufficient to meet these requirements or other financial instrument, but in no case less than ten thousand dollars.

(2) A recycling facility is required to meet financial assurance requirements adopted by the department by rule, unless the facility is already required to provide financial assurance under other provisions of this chapter.

(3) Facilities that collect, recover, process, or otherwise recycle scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal are exempt from the requirements of this section.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788.

Senators Poulsen and Morton spoke in favor the motion.

Senator Fraser spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 40

Voting nay: Senators Fairley, Franklin, Fraser, Kohl-Welles, Thibaudeau and Weinstein - 6

Excused: Senators Brown, Prentice and Rasmussen - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6033, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.70.430 and 2001 c 234 s 1 are each amended to read as follows:

(1) In order to administer a Puget Sound crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab--Puget Sound fishery license to reimburse the department for the production of Puget Sound crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program.

(2) In order to administer a Washington coastal Dungeness crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab--coastal or a Dungeness crab coastal class B fishery license to reimburse the department for the production of Washington coastal crab pot buoy tags and the administration of a Washington coastal crab pot buoy tag program.

(3) The department shall annually review the costs of crab pot buoy tag production under this section with the goal of minimizing the per tag production costs. Any savings in production costs shall be passed on to the fishers required to purchase crab pot buoy tags under this section in the form of a lower tag fee.

Sec. 2. RCW 77.70.440 and 2001 c 234 s 2 are each amended to read as follows:

The Puget Sound crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from RCW 77.70.430(1) must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures.

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.70 RCW to read as follows:

The Washington coastal crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from RCW 77.70.430(2) must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Washington coastal crab pot buoy tag program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6033.

Senators Jacobsen and Oke spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 6033.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6033.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6033, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Benson, Benton, Johnson, McCaslin and Roach - 5

Excused: Senators Brown, Prentice and Rasmussen - 3

SENATE BILL NO. 6033, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Schual-Berke, Cody, Haler, Moeller, Clibborn, Darneille, Fromhold and Chase

Establishing the joint public health financing committee. (REVISED FOR ENGROSSED: Establishing the joint select committee on public health financing.)

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed House Concurrent Resolution No. 4410.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 4410 and the resolution passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senators Benson and Carrell - 2

Excused: Senator Prentice - 1

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5418, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 19.182 RCW to read as follows:

(1) A victim of identity theft who has submitted a valid police report to a consumer reporting agency may elect to place a security freeze on his or her report by making a request in writing by certified mail to a consumer reporting agency. "Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(2) For purposes of this section and sections 2 through 5 of this act, a "victim of identity theft" means:

(a) A victim of identity theft as defined in RCW 9.35.020; or

(b) A person who has been notified by an agency, person, or business that owns or licenses computerized data of a breach in a computerized data system which has resulted in the acquisition of that person's unencrypted personal information by an unauthorized person or entity.

(3) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer.

(4) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(5) If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(a) Proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently identify himself or herself, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(b) The unique personal identification number or password provided by the credit reporting agency under subsection (4) of this section; and

(c) The proper information regarding the third party who is to receive the credit report or the time period for which the report is available to users of the credit report.

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section, shall comply with the request no later than three business days after receiving the request.

(7) A consumer reporting agency may develop procedures involving the use of telephone, fax, the internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section in an expedited manner.

(8) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(a) Upon consumer request, under subsection (5) or (11) of this section; or

(b) When the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze upon a consumer's credit report under this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

(9) When a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

(10) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

(11) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides both of the following:

(a) Proper identification, as defined in subsection (5)(a) of this section; and

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section.

(12) This section does not apply to the use of a consumer credit report by any of the following:

(a) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(b) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (5) of this section for purposes of facilitating the extension of credit or other permissible use;

(c) Any federal, state, or local entity, including a law enforcement agency, court, or their agents or assigns;

(d) A private collection agency acting under a court order, warrant, or subpoena;

(e) A child support agency acting under Title IV-D of the social security act (42 U.S.C. et seq.);

(f) The department of social and health services acting to fulfill any of its statutory responsibilities;

(g) The internal revenue service acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

(h) The use of credit information for the purposes of prescreening as provided for by the federal fair credit reporting act;

(i) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; and

(j) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

NEW SECTION. Sec. 2. A new section is added to chapter 19.182 RCW to read as follows:

If a security freeze is in place, a consumer reporting agency may not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within thirty days of the change being posted to the consumer's file: Name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

NEW SECTION. Sec. 3. A new section is added to chapter 19.182 RCW to read as follows:

A consumer reporting agency is not required to place a security freeze in a consumer credit report under section 1 of this act if it acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced. However, a consumer reporting agency must honor any security freeze placed on a consumer credit report by another consumer reporting agency.

NEW SECTION. Sec. 4. A new section is added to chapter 19.182 RCW to read as follows:

The following entities are not required to place a security freeze in a consumer credit report under section 1 of this act:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; and

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

NEW SECTION. Sec. 5. A new section is added to chapter 19.182 RCW to read as follows:

A consumer reporting agency may furnish to a governmental agency a consumer's name, address, former address, places of employment, or former places of employment."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5418.

Senator Berkey spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5418.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5418.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5418, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senators Hewitt and Mulliken - 2

ENGROSSED SENATE BILL NO. 5418, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5049, with the following amendment{s}:

On page 3, line 33, after "old." insert "Information may be provided in written format individually to each tenant, or may be posted in a visible, public location at the dwelling unit property."

On page 4, line 4, after "January 1, 2006" insert ", or must be posted in a visible, public location at the dwelling unit property beginning the effective date of this act"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5049.
Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5049.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5049.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5049, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5049, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Absent: Senator Rockefeller - 1

Excused: Senator Carrell - 1

ENGROSSED SENATE BILL NO. 5049, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1496 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate recede from its position on Substitute House Bill No. 1496.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate recede from its position on Substitute House Bill No. 1496.

The motion by Senator Kohl-Welles carried and the Senate receded from its position on Substitute House Bill No. 1496.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended and Substitute House Bill No. 1496 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1496, by House Committee on Judiciary (originally sponsored by Representatives Simpson, Roach, P. Sullivan, Quall, McDermott, Santos, Appleton, McCoy, Hunt, Kenney, Kagi and Blake)

Authorizing the use of enrollment cards issued by federally recognized Indian tribes.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Parlette be adopted:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 66.16.040 and 2004 c 61 s 1 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of age, such person shall be required to present any one of the following officially issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

(1) Liquor control authority card of identification of any state or province of Canada.
(2) Driver's license, instruction permit or identification card of any state or province of Canada, or "identocard" issued by the Washington state department of licensing pursuant to RCW 46.20.117.

(3) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an imbedded, digital signature in lieu of a visible signature.

(4) Passport.

(5) Merchant Marine identification card issued by the United States Coast Guard.

(6) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority shall give notice to the board. The board shall publish and communicate to licensees regarding the implementation of each new enrollment card.

The board may adopt such regulations as it deems proper covering the cards of identification listed in this section.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash, except as allowed under RCW 66.16.041. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

Sec. 2. RCW 70.155.090 and 1993 c 507 s 10 are each amended to read as follows:

(1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer, sampler, or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: (a) Liquor control authority card of identification of a state or province of Canada; (b) driver's license, instruction permit, or identification card of a state or province of Canada; (c) "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; (d) United States military identification; (e) passport; (f) enrollment card, issued by the governing authority of a federally recognized Indian tribe located in Washington, that incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority shall give notice to the board. The board shall publish and communicate to licensees regarding the implementation of each new enrollment card; or (g) merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080(~~(4)~~) that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Kohl-Welles and Parlette spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Weinstein, Senator Haugen was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Parlette to Substitute House Bill No. 1496.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "tribes;" strike the remainder of the title and insert "amending RCW 66.16.040 and 70.155.090."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1496, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1496, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1496, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SUBSTITUTE HOUSE BILL NO. 1496, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5039

SENATE BILL NO. 5274,

SUBSTITUTE SENATE BILL NO. 6014

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1652 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

Senator Keiser moved that the Senate recede from its position on Substitute House Bill No. 1652.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on Substitute House Bill No. 1652.

The motion by Senator Keiser carried and the Senate receded from its position on Substitute House Bill No. 1652.

On motion of Senator Keiser, the rules were suspended and Substitute House Bill No. 1652 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Health Care (originally sponsored by Representatives Ericks, Appleton, Simpson, Kilmer, Eickmeyer, Woods, Lovick, Santos and Linville)

Authorizing fire protection districts to establish or participate in health clinic services.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Deccio be adopted.

On page 2, after line 2, insert the following:

"NEW SECTION. Sec. 2. The department of health shall conduct a study to evaluate the merits of allowing fire protection districts to establish or participate in the provision of health clinic services.

(1) The study shall consider any relevant matters, including but not limited to: the scope of the services which might be provided, the interest among Washington's fire protection districts in providing these services, the need for having them do so, the impact on overall health expenditures of allowing health services to be provided this way, potential government liability, and patient health and safety issues.

(2) The secretary of health shall appoint an advisory group of affected parties, including local physicians and other health care providers, to assist in the study.

(3) The department shall report the results of the study and any recommendations to the legislature by September 1, 2006. At a minimum, the recommendations shall include: (a) the criteria and process which should be used to evaluate requests by fire protection districts to establish or participate in the provision of health clinic services; and (b) any other statutory or administrative changes needed to address the concerns identified."

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Deccio on page 2, after line 2 to Substitute House Bill No. 1652.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike "and" and on line 3, after "52.02.020" insert "; and creating a new section"

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1652, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1652, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Voting nay: Senator Mulliken - 1

SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, with the following amendment{s}:
Strike everything after the enacting clause and insert the following:

"PART I - FINDINGS AND INTENT

NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(2) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

(3) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (a) Source of support or opposition to those candidates; and (b) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(4) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(5) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(6) The state also has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17.640. Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

NEW SECTION. **Sec. 2.** Based upon the findings in section 1 of this act, this act is narrowly tailored to accomplish the following and is intended to:

(1) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(2) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(3) Reenact and amend the contribution limits in RCW 42.17.640 (6) and (14) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17.640 (6) and (14) in light of *McConnell*

et al. v. Federal Elections Commission, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy;

(4) Authorize the commission to adopt rules to implement this act.

PART II - ELECTIONEERING COMMUNICATIONS

NEW SECTION. Sec. 3. (1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and

(iii) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, and 42.17.100 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100 and 42.17.103.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

NEW SECTION. Sec. 4. (1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time the sponsor is required to report the electioneering communication expense under section 3 of this act.

NEW SECTION. Sec. 5. (1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under section 3 of this act shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the

sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf.

PART III - AMENDMENTS TO AND REENACTMENT OF CURRENT LAWS

Sec. 6. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1)~~ "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

~~(2)~~ "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((2))~~ ~~(3)~~ "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((3))~~ ~~(4)~~ "Ballot proposition" means any "measure" as defined by RCW ~~((29.01.110))~~ 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

~~((4))~~ ~~(5)~~ "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((5))~~ ~~(6)~~ "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ~~((29.24))~~ 29A.20 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW ~~((29.01.090))~~ 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((6))~~ ~~(7)~~ "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((7))~~ ~~(8)~~ "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((8))~~ ~~(9)~~ "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((9))~~ ~~(10)~~ "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((10))~~ ~~(11)~~ "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((11))~~ ~~(12)~~ "Commission" means the agency established under RCW 42.17.350.

~~((12))~~ ~~(13)~~ "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((13))~~ ~~(14)~~ "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((14))~~ ~~(15)~~(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((15))~~ (16) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (17) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (18) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (19) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

~~((19))~~ (20) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of five thousand dollars or more.

(21) "Electioneering communication" does not include:

(a) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(b) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(c) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(i) Of primary interest to the general public;

(ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political committee;

(d) Slate cards and sample ballots;

(e) Advertising for books, films, dissertations, or similar works (i) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (ii) written about a candidate;

(f) Public service announcements;

(g) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(h) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(i) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((20))~~ (23) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((21))~~ (24) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

~~((22))~~ (25) "Gift," is as defined in RCW 42.52.010.

~~((23))~~ (26) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

~~((24))~~ (27) "Incumbent" means a person who is in present possession of an elected office.

(28) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

~~((25))~~ (29)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((26))~~ (30) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((27))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((28))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((29))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((30))~~ (34) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate prior to contributions being made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed prior to a contribution being made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

(35) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((31))~~ (36) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((32))~~ (37) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((33))~~ (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((34))~~ (39) "Primary" for the purposes of RCW 42.17.640 means the procedure for nominating a candidate to state office under chapter ~~((29.18 or 29.21))~~ 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter ~~((29.18 or 29.21))~~ 29A.52 RCW.

~~((35))~~ (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((36))~~ (41) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following:

All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((37))~~ (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW ~~((29.82.015))~~ 29A.56.120 and ending thirty days after the recall election.

~~((38))~~ (43) "Sponsor of an electioneering communications, independent expenditures, or political advertising" means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(44) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((39))~~ (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((40))~~ (46) "State official" means a person who holds a state office.

~~((41))~~ (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((42))~~ (48) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 7. RCW 42.17.103 and 2001 c 54 s 1 are each amended to read as follows:

(1) The sponsor of political advertising who, within twenty-one days of an election, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or supporting or opposing the same ballot proposition that was the subject of the previous independent expenditure.

(3) The special report must include at least:

- (a) The name and address of the person making the expenditure;
- (b) The name and address of the person to whom the expenditure was made;
- (c) A detailed description of the expenditure;
- (d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;
- (e) The amount of the expenditure;
- (f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and
- (g) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, ~~((and))~~ 42.17.100, and section 3 of this act are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or

suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 8. RCW 42.17.110 and 1975-'76 2nd ex.s. c 112 s 5 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

- (a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;
- (b) The exact nature and extent of the ~~((advertising))~~ services rendered; and
- (c) The consideration and the manner of paying that consideration for such services.

(2) Each commercial advertiser which must comply with subsection (1) of this section shall deliver to the commission, upon its request, copies of such information as must be maintained open for public inspection pursuant to subsection (1) of this section.

Sec. 9. RCW 42.17.510 and 1995 c 397 s 19 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. ~~((The party with which a candidate files))~~ For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising ~~((for partisan office))~~.

(2) In addition to the materials required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization, and all electioneering communications, must include the following statement ~~((or))~~ as part of the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter~~((; and~~

~~((d) Be clearly spoken on any broadcast advertisement))~~.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

~~(6)~~ Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

~~((5))~~ (7) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

Sec. 10. RCW 42.17.530 and 1999 c 304 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;

(b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence.

Sec. 11. RCW 42.17.640 and 2001 c 208 s 1 are each reenacted and amended to read as follows:

(1) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed ~~((five))~~ seven hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed ~~((five))~~ seven hundred dollars if for a state legislative office or one thousand four hundred dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) ~~((fifty))~~ seventy cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed ~~((twenty-five))~~ thirty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed (i) ~~((fifty))~~ seventy cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed

~~((twenty-five))~~ thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed ~~((five))~~ seven hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed ~~((two))~~ three thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

Sec. 12. RCW 42.17.660 and 1993 c 2 s 6 are each amended to read as follows:

For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit ~~((;))~~ or branch ~~((; or affiliate))~~ of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the ~~((same person or entity))~~ trade association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17.370(1).

PART IV - TECHNICAL PROVISIONS

NEW SECTION. Sec. 13. RCW 42.17.505 (Definitions) and 1988 c 199 s 1 are each repealed.

NEW SECTION. Sec. 14. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 15. (1) Sections 1 through 5 of this act are each added to chapter 42.17 RCW to be codified with the subchapter heading of "Reporting of Electioneering Communications."

(2) The code reviser must change the subchapter heading "Political Advertising" to "Political Advertising and Electioneering Communications" in chapter 42.17 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 6 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005. The remainder of this act takes effect January 1, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5034.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5034.

POINT OF ORDER

Senator Benton: "As it passed the Senate, Engrossed Substitute Senate Bill No. 5034 focused solely on electioneering communications. It defined electioneering communications and required twenty-four hour reporting of independent expenditures of over five thousand dollars within sixty days of an election and independent expenditures or electioneering communications transmitted through TV or other media to contain information regarding who paid for the advertisement. The House amendment adds provisions that have no connection to electioneering communications. None what so ever. Instead, it addresses a recent Supreme Court decision holding that, even if it a corporation or a union has multiple divisions, they share a single contribution limit. The amendment attempts to overturn the decision of the Court by allowing each union or corporation and their local affiliates to operate under separate contribution limits in most circumstances. The amendment also provides an emergency clause for these new provisions. The amendment does not deal with reporting of contributions of any kind, much less reporting of electioneering communications which is, in fact, the subject of the underline bill. For these reasons I submit that the House amendment is beyond the scope and object of the underline bill and ask you to rule as such."

Senator Kastama spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5034 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2156 and asks Senate to recede therefrom.

and the same is herewith transmitted.

MOTIONS

Senator Hargrove moved that the Senate recede from its position on House Bill No. 2156.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on House Bill No. 2156.

The motion by Senator Hargrove carried and the Senate receded from its position on House Bill No. 2156.

On motion of Senator Hargrove, the rules were suspended and House Bill No. 2156 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2156, by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams

Regarding dependency and termination of parental rights.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A joint task force on child safety for children in child protective services or child welfare services is established. The joint task force shall consist of the following members:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the Washington council for prevention of child abuse and neglect;
- (d) One representative from each of the four most recent child fatality review committees;
- (e) The secretary of the department of social and health services or the secretary's designee;
- (f) The executive director of the office of public defense or the executive director's designee;
- (g) The director of the office of family and children's ombudsman or the director's designee;
- (h) A representative of the Washington association of sheriffs and police chiefs;
- (i) The secretary of the department of health or the secretary's designee;
- (j) A representative of the office of attorney general;
- (k) A representative of the superior court judges association;
- (l) One representative each from social workers for child protective services and social workers for child welfare services, appointed by the secretary of the department of social and health services; and
- (m) The following members, jointly appointed by the speaker of the house of representatives and the president of the senate:
 - (i) A representative from a statewide foster parents association and a foster parent not affiliated with the statewide foster parents association;
 - (ii) A representative from a statewide birth parent organization or a birth parent who has been involved in the child welfare system;
 - (iii) Two representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.); and
 - (iv) One representative each from two different organizations that primarily provide services to children and families involved with the child welfare system.

(2) Two of the legislative members shall serve as cochaIRS of the task force.

(3) The task force shall review and make recommendations to the legislature and the governor on improving the health, safety, and welfare of Washington children in child protective services or child welfare services. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

- (a) State and federal statutes regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;
- (b) Current and ongoing department of social and health services work groups or work plans regarding child safety, placement, removal from the home, termination of parental rights, and reunification with parents;
- (c) The purpose and value of child protection teams and determine whether any changes should be made;

(d) Best practices regarding children removed from parents at birth and placed in out-of-home care, transition services for families with children in out-of-home placement for an extended period of time, and standards for return to home placement when a child has been placed out-of-home including situations where a child has been placed out-of-home and returned to home multiple times;

(e) The training that is offered to social workers regarding child development and determine whether any changes should be made;

(f) Best practices regarding sharing of accurate, complete, and relevant medical, mental health, and substance abuse information between case workers, supervisors, the courts, child protection teams, counsel, guardians, parents, and other relevant participants in child placement decisions;

(g) Best practices for assessing and addressing chemical dependency issues of parents;

(h) The effectiveness of current home-based service providers currently used and determine whether any changes should be made;

(i) Best practices addressing family cultural and tribal issues and the role, if any, of social worker training or bias in safety assessment and placement decisions; and

(j) Other issues deemed relevant to improving child safety outcomes.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its preliminary findings and recommendations to the legislature by December 31, 2005, and a final report on its findings and recommendations by September 1, 2006.

NEW SECTION. Sec. 2. This act expires October 1, 2006.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to House Bill No. 2156.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2156, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2156, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2156, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator McAuliffe - 1

SUBSTITUTE HOUSE BILL NO. 2156, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2169 and asks the Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

Senator Hargrove moved that the Senate recede from its position on Substitute House Bill No. 2169.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on Substitute House Bill No. 2169.

The motion by Senator Hargrove carried and the Senate receded from its position on Substitute House Bill No. 2169.

On motion of Senator Hargrove, the rules were suspended and Substitute House Bill No. 2169 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2169, by House Committee on Children & Family Services (originally sponsored by Representatives Walsh, Grant, Buri, Cox and Haler)

Authorizing specified counties to regulate day care. Revised for 1st Substitute: Creating a pilot project authorizing small counties to regulate day care.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Schoesler and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Notwithstanding RCW 74.15.030, counties with a population of three thousand or less may adopt and enforce ordinances and regulations as provided in this act for family day-care providers as defined in RCW 74.15.020(1)(f) as a twelve-month pilot project. Before a county may regulate family day-care providers in accordance with this act, it shall adopt ordinances and regulations that address, at a minimum, the following: (a) The size, safety, cleanliness, and general adequacy of the premises; (b) the plan of operation; (c) the character, suitability, and competence of a family day-care provider and other persons associated with a family day-care provider directly responsible for the care of children served; (d) the number of qualified persons required to render care; (e) the provision of necessary care, including food, clothing, supervision, and discipline; (f) the physical, mental, and social well-being of children served; (g) educational and recreational opportunities for children served; and (h) the maintenance of records pertaining to children served.

(2) The county shall notify the department of social and health services in writing sixty days prior to adoption of the family day-care regulations required pursuant to this act. The transfer of jurisdiction shall occur when the county has notified the department in writing of the effective date of the regulations, and shall be limited to a period of twelve months from the effective date of the regulations. Regulation by counties of family day-care providers as provided in this act shall be administered and enforced by those counties. The department shall not regulate these activities nor shall the department bear any civil liability under chapter 74.15 RCW for the twelve-month pilot period. Upon request, the department shall provide technical assistance to any county that is in the process of adopting the regulations required by this act, and after the regulations become effective.

(3) Any county regulating family day-care providers pursuant to this act shall report to the governor and the appropriate committees of the legislature concerning the outcome of the pilot project upon expiration of the twelve-month pilot period. The report shall include the ordinances and regulations adopted pursuant to subsection (1) of this section and a description of how those ordinances and regulations address the specific areas of regulation identified in subsection (1) of this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Schoesler and Stevens to Substitute House Bill No. 2169.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2169 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2169, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2169, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Voting nay: Senator Thibaudeau - 1

Absent: Senator Haugen - 1

SUBSTITUTE HOUSE BILL NO. 2169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on Engrossed Substitute House Bill No. 2171.

Senator Mulliken spoke against the motion.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on Engrossed Substitute House Bill No. 2171.

MOTION

A division was demanded.

The motion by Senator Kastama carried and the Senate receded from its position on Engrossed Substitute House Bill No. 2171 by a rising vote.

MOTION

Senator Kastama moved that the rules be suspended and House Bill No. 2171 be returned to second reading for the purpose of amendment.

Senator Mulliken spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the rules be suspended and that House Bill No. 2171 be returned to second reading for the purposes of an amendment.

The motion by Senator Kastama carried and the bill was returned to second reading.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, by House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn)

Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. Revised for 1st Substitute: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. (REVISED FOR ENGROSSED: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.)

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Berkey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts.

Sec. 2. RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons ~~((therefore))~~ therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

~~((b))~~ (d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsection (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsection (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section ~~((shall have the requisite authority to))~~ and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve

months out of compliance with the schedules in this section for development regulations that protect critical areas is deemed to be making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section ~~((shall))~~ may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section.

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section.

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kastama spoke in favor of adoption of the striking amendment.

Senator Mulliken spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Berkey to Engrossed Substitute House Bill No. 2171.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "36.70A.130;" strike the remainder of the title and insert "amending RCW 36.70A.130; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2171, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2171, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2171, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Deccio, Delvin, Finkbeiner, Hewitt, Honeyford, Morton, Mulliken, Parlette, Schoesler and Swecker - 10

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House concurred in the Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290,
ENGROSSED SUBSTITUTE SENATE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1379,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 1418,
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
HOUSE BILL NO. 1019,
HOUSE BILL NO. 1485,
SUBSTITUTE HOUSE BILL NO. 2289,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1938,
SUBSTITUTE HOUSE BILL NO. 2073,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 5:39 p.m., on motion of Senator Eide, the Senate was recessed until 7:30 pm.

EVENING SESSION

The Senate was called to order at 7:30 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House receded from its amendment{s} to SUBSTITUTE SENATE BILL NO. 5708 and passed the bill without the House amendment{s}.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House receded from its amendment{s} to ENGROSSED SUBSTITUTE SENATE BILL NO. 5719 and passed the bill without the House amendment{s}.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House receded from its amendment{s} to ENGROSSED SUBSTITUTE SENATE BILL NO. 5308 and passed the bill without the House amendment{s}.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 7, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5914, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

- (i) Are based upon the limiting factors analysis identified under RCW 77.85.060;
- (ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;
- (iii) Will benefit listed species and other fish species; and
- (iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

- (i) Are the most cost-effective;
- (ii) Have the greatest matched or in-kind funding; and
- (iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 77.85.060, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 77.85.050, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(8) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(9) ~~((The board may condition a grant or loan to include the requirement that property may only be transferred to a federal agency if the agency that will acquire the property agrees to comply with all terms of the grant or loan to which the project sponsor was obligated.))~~ Property acquired or improved by a project sponsor may be conveyed to a federal agency~~((, but only))~~ if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5914.

Senators Jacobsen and Parlette spoke in favor of the motion.

MOTIONS

On motion of Senator Mulliken, Senators Morton, Roach, Kastama, Hewitt, Pflug, Oke, Carrell, Delvin, McCaslin and Schoesler were excused.

On motion of Senator Regala, Senator Brown was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5914.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5914.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5914, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5914, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Doumit, Franklin, Prentice and Rasmussen - 4

Excused: Senators Brown, Delvin, Morton, Oke and Schoesler - 5

SUBSTITUTE SENATE BILL NO. 5914, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.56 RCW to read as follows:

(1) The trial court improvement account is created in the custody of the state treasurer. Expenditures from the account may be made only to fund improvements to trial courts, including but not limited to improvements in trial court staffing, programs, facilities, and services. Revenues to the account consist of amounts appropriated by the legislature from the judicial improvement subaccount of the public safety and education account pursuant to section 3(2) of this act. Only the administrator for the courts may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The administrator for the courts shall establish criteria by which applications for funds shall be submitted, approved, and funded. The criteria shall, at a minimum, include requirements for applicants to demonstrate the need for funding.

Sec. 2. RCW 2.56.030 and 2002 c 49 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180.

(20) Administer funds in the trial court improvement account and make grants from the account under section 1 of this act.

Sec. 3. RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-

based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2) The judicial improvement subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 4, 5, 7, 8, 9, 12, and 14 of this act shall be deposited in the judicial improvement subaccount and shall be appropriated only for: (a) criminal indigent defense in the trial courts; (b) representation of parents in dependency and termination proceedings initiated by the state; (c) civil legal representation of indigent persons; and (d) deposit in the trial court improvement account under section 1 of this act.

Sec. 4. RCW 3.62.060 and 2003 c 222 s 15 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((thirty-one))~~ forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of ~~((six))~~ twelve dollars.

(3) For filing a supplemental proceeding a fee of ~~((twelve))~~ twenty dollars.

(4) For demanding a jury in a civil case a fee of ~~((fifty))~~ one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of ~~((six))~~ twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic ~~((tape or tapes))~~ recording of a proceeding ten dollars per tape or other electronic storage medium.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

NEW SECTION. Sec. 5. A new section is added to chapter 3.62 RCW to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars. This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 6. RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended to read as follows:

(1) When an order is made transferring an action or proceeding for trial, the clerk of the court must transmit the pleadings and papers therein to the court to which it is transferred and charge a fee as provided in RCW 36.18.016. The costs and fees thereof and of filing the papers anew must be paid by the party at whose instance the order was made, except in the cases mentioned in RCW 4.12.030(1), in which case the plaintiff shall pay costs of transfer and, in addition thereto, if the court finds that the plaintiff could have determined the county of proper venue with reasonable diligence, it shall order the plaintiff to pay the reasonable attorney's fee of the defendant for the changing of venue to the proper county. The court to which an action or proceeding is transferred has and exercises over the same the like jurisdiction as if it had been originally commenced therein.

(2) In acting on any motion for dismissal without prejudice in a case where a motion for change of venue under subsection (1) of this section has been made, the court shall, if it determines the motion for change of venue proper, determine the amount of attorney's fee properly to be awarded to defendant and, if the action be dismissed, the attorney's fee shall be a setoff against any claim subsequently brought on the same cause of action.

Sec. 7. RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace shall be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions ~~((, and when tried by a jury before a committing magistrate, twenty five dollars for jury fee,))~~ for which judgment shall be rendered and ~~((collection had as in cases of fines))~~ collected. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk ~~((, to be by him))~~ and applied as the jury fee in civil cases is applied.

Sec. 8. RCW 12.12.030 and 1981 c 260 s 3 are each amended to read as follows:

After the appearance of the defendant, and before the ~~((justice))~~ judge shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number:

PROVIDED, That the party demanding the jury shall first pay to the ~~((justice))~~ clerk of the court the sum of one hundred twenty-five dollars, which shall be paid over by the ~~((justice))~~ clerk of the court to the county, and ~~((said))~~ such amount shall be taxed as costs against the losing party.

Sec. 9. RCW 12.40.020 and 1990 c 172 s 3 are each amended to read as follows:

A small claims action shall be commenced by the plaintiff filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ~~((ten))~~ fourteen dollars plus any surcharge authorized by RCW 7.75.035 shall be paid when the claim is filed. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of fourteen dollars plus any surcharge authorized by RCW 7.75.035.

Sec. 10. RCW 26.12.240 and 1993 c 435 s 2 are each amended to read as follows:

A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to ~~((ten))~~ twenty dollars on only those superior court cases filed under Title 26 RCW, or both, to pay for the expenses of the courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

Sec. 11. RCW 27.24.070 and 1992 c 54 s 6 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to ~~((twelve))~~ seventeen dollars for every new probate or civil filing fee, including appeals and for every fee for filing a counterclaim, cross-claim, or third-party claim in any civil action, collected by the clerk of the superior court and ~~((six))~~ seven dollars for every fee collected for the commencement of a civil action and for the filing of a counterclaim, cross-claim, or third-party claim in any civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the ~~((twelve))~~ seventeen dollar contribution may be increased up to ~~((fifteen))~~ twenty dollars or in counties with multiple library sites up to thirty dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies.

Sec. 12. RCW 36.18.012 and 2001 c 146 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of ~~((fifteen))~~ twenty dollars.

(3) The clerk shall collect a fee of twenty dollars for: Filing a paper not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law.

(4) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action ~~((eighty))~~ one hundred twelve dollars.

(5) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(6) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(7) A fee of ~~((two))~~ twenty dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96A.220, if it is filed within an existing case in the same court.

(8) A fee of thirty-five dollars must be charged for filing a petition regarding a common law lien under RCW 60.70.060.

(9) For certification of delinquent taxes by a county treasurer under RCW 84.64.190, a fee of five dollars must be charged.

(10) For the filing of a tax warrant for unpaid taxes or overpayment of benefits by any agency of the state of Washington, a fee of five dollars on or after July 22, 2001, and for the filing of such a tax warrant or overpayment of benefits on or after July 1, 2003, a fee of twenty dollars, of which forty-six percent of the first five dollars is directed to the public safety and education account established under RCW 43.08.250.

Sec. 13. RCW 36.18.016 and 2002 c 338 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of ~~((twenty))~~ thirty-six dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of ~~((fifty))~~ one hundred twenty-five dollars for a jury of six, or ~~((one))~~ two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

~~((4))~~ For preparing ~~((transcribing, or certifying))~~ a certified copy of an instrument on file or of record in the clerk's office, ~~((with or without seal,))~~ for the first page or portion of the first page, a fee of ~~((two))~~ five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of ~~((one))~~ two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

~~((5))~~ For executing a certificate, with or without a seal, a fee of two dollars must be charged.

~~((6))~~ For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

~~((7))~~ For filing a supplemental proceeding, a fee of twenty dollars must be charged.

~~((8))~~ For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

~~((9))~~ (9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

~~((10))~~ (10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

~~((11))~~ (11) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

~~((12))~~ (12) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

~~((12))~~ For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

~~((13))~~ (13) ~~For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.~~

~~((14))~~ For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

~~((15))~~ (14) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars must be charged.

~~((16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty dollars must be charged as authorized under RCW 26.12.240.

~~((17))~~ (16) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

~~((18))~~ (17) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(18) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

~~((19))~~ (20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

~~((20))~~ (21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

~~((21))~~ (22) Investment service charge and earnings under RCW 36.48.090 must be charged.

~~((22))~~ (23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

~~((23))~~ (24) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

~~((24))~~ (25) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(26) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to the effective date of this section, and no claim shall lie against the state for such benefits.

Sec. 14. RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) The party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of ~~((thirty))~~ forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The ~~((thirty))~~ forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of ~~((forty-one))~~ fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454 and ask the House to recede therefrom.

Senators Kline and Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

Senator Poulsen moved that the Senate recede from its position on Engrossed Substitute House Bill No. 1539.

The President declared the question before the Senate to be motion by Senator Poulsen that the Senate recede from its position on Engrossed Substitute House Bill No. 1539.

The motion by Senator Poulsen carried and the Senate receded from its position on Engrossed Substitute House Bill No. 1539.

On motion of Senator Poulsen, the rules were suspended and Engrossed Substitute House Bill No. 1539 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Linville, Roach, Morris, DeBolt, Ericksen, Williams and Upthegrove)

Making it a crime to excavate without notification near a transmission pipeline.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following striking amendment by Senator Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.122.020 and 2000 c 191 s 15 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.
- (2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.
- (3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.
- (4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.
- (5) "Excavation confirmation code" means a code or ticket issued by the one-number locator service for the site where an excavation is planned. The code must be accompanied by the date and time it was issued.
- ~~(6)~~ "Excavator" means any person who engages directly in excavation.
- ~~((6))~~ (7) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.
- ~~((7))~~ (8) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.
- ~~((8))~~ (9) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.
- ~~((9))~~ (10) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.
- ~~((10))~~ (11) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.
- ~~((11))~~ (12) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

~~((42))~~ (13) "Notice" or "notify" means contact in person or by telephone or other electronic methods that results in the receipt of a valid excavation confirmation code.

(14) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

(15) "Operator" means the individual conducting the excavation.

(16) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((43))~~ (17) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in RCW 81.88.010.

~~((44))~~ (18) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

~~((45))~~ (19) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

~~((46))~~ (20) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

(21) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not include pipelines as defined in subsection ~~((43))~~ (17) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

~~((17) "One number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.)~~

Sec. 2. RCW 19.122.027 and 2000 c 191 s 16 are each amended to read as follows:

(1) ~~((By December 31, 2000,))~~ The utilities and transportation commission shall cause to be established a single statewide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services ~~((consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate))~~.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 3. RCW 19.122.055 and 2001 c 238 s 5 are each amended to read as follows:

(1)~~(a)~~ Any ~~(person)~~ excavator who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

~~(b) The civil penalty in this subsection may also be imposed on any excavator who violates section 5 of this act.~~

(2) All civil penalties recovered under this section shall be deposited into the pipeline safety account created in RCW 81.88.050.

Sec. 4. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who violates any provision of this chapter not amounting to a violation of RCW 19.122.055, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.

(2) Any excavator who willfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed willful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

NEW SECTION. Sec. 5. A new section is added to chapter 19.122 RCW to read as follows:

Any excavator who excavates, without a valid excavation confirmation code when required under this chapter, within thirty-five feet of a transmission pipeline is guilty of a misdemeanor.

NEW SECTION. Sec. 6. A new section is added to chapter 19.122 RCW to read as follows:

If charged with a violation of section 5 of this act, an operator will be deemed to have established an affirmative defense to such charges if:

(1) The operator was provided a valid excavation confirmation code;

(2) The excavation was performed in an emergency situation;

(3) The operator was provided a false confirmation code by an identifiable third party; or

(4) Notice of the excavation was not required under this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 19.122 RCW to read as follows:

Any person who intentionally provides an operator with a false excavation confirmation code is guilty of a misdemeanor.

NEW SECTION. Sec. 8. A new section is added to chapter 19.122 RCW to read as follows:

Upon receipt, during normal business hours, of notice of an intended excavation, the one-number locator service shall provide an excavation confirmation code."

Senators Poulsen and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Poulsen to Engrossed Substitute House Bill No. 1539.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "pipeline;" strike the remainder of the title and insert "amending RCW 19.122.020, 19.122.027, 19.122.055, and 19.122.070; adding new sections to chapter 19.122 RCW; and prescribing penalties."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute House Bill No. 1539, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1539, as amended by the Senate.

MOTION

On motion of Senator Regala, Senators Prentice and Doumit were excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1539, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Delvin, Doumit, Oke and Prentice - 5

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5962, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 7.48 RCW to read as follows:

(1) A farmer who prevails in any action, claim, or counterclaim alleging that agricultural activity on a farm constitutes a nuisance may recover the full costs and expenses determined by a court to have been reasonably incurred by the farmer as a result of the action, claim, or counterclaim.

(2) A farmer who prevails in any action, claim, or counterclaim (a) based on an allegation that agricultural activity on a farm is in violation of specified laws, rules, or ordinances, (b) where such activity is not found to be in violation of the specified laws, rules, or ordinances, and (c) actual damages are realized by the farm as a result of the action, claim, or counterclaim, may recover the full costs and expenses determined by a court to have been reasonably incurred by the farmer as a result of the action, claim, or counterclaim.

(3) The costs and expenses that may be recovered according to subsection (1) or (2) of this section include actual damages and reasonable attorneys' fees and costs. For the purposes of this subsection, "actual damages" include lost revenue and the replacement value of crops or livestock damaged or unable to be harvested or sold as a result of the action, claim, or counterclaim.

(4) In addition to any sums recovered according to subsection (1) or (2) of this section, a farmer may recover exemplary damages if a court finds that the action, claim, or counterclaim was initiated maliciously and without probable cause.

NEW SECTION. Sec. 2. A new section is added to chapter 7.48 RCW to read as follows:

A state or local agency required to investigate a complaint alleging agricultural activity on a farm is in violation of specified laws, rules, or ordinances and where such activity is not found to be in violation of such specified laws, rules, or ordinances may recover its full investigative costs and expenses if a court determines that the complaint was initiated maliciously and without probable cause.

NEW SECTION. Sec. 3. A new section is added to chapter 64.06 RCW to read as follows:

A seller of real property located within one mile of the property boundary of a farm or farm operation shall make available to the buyer the following statement: "This notice is to inform prospective residents that the real property they are about to acquire lies within one mile of the property boundary of a farm. The farm may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Washington right to farm act."

Sec. 4. RCW 70.94.640 and 1981 c 297 s 30 are each amended to read as follows:

(1) Odors or fugitive dust caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of this chapter unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the department of ecology or board of any authority shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.

(2) Any notice of violation issued under this chapter pertaining to odors or fugitive dust caused by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors or fugitive dust have substantial adverse effect on public health.

(3) In any appeal to the pollution control hearings board or any judicial appeal, the agency issuing a final order pertaining to odors or fugitive dust caused by agricultural activity shall prove the activity is inconsistent with good agricultural practices or that the odors or fugitive dust have a substantial adverse impact on public health.

(4) If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

(5) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, shellfish, grain, mint, hay, and dairy products.

(b) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(c) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock ~~((or))~~ agricultural commodities, or cultured aquatic products.

(d) "Fugitive dust" means a particulate emission made airborne by human activity, forces of wind, or both, and which do not pass through a stack, chimney, vent, or other functionally equivalent opening.

(6) The exemption for fugitive dust provided in subsection (1) of this section does not apply to facilities subject to RCW 70.94.151 as specified in WAC 173-400-100 as of the effective date of this act, 70.94.152, or 70.94.161.

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5962.

Senators Rasmussen and Schoesler spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5962.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5962.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5962, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5962, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 38

Voting nay: Senators Fairley, Fraser, Kline, Kohl-Welles, McAuliffe and Thibaudeau - 6

Excused: Senators Brown, Delvin, Doumit, Oke and Prentice - 5

ENGROSSED SENATE BILL NO. 5962, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE DECLARATION. The legislature declares that promoting the health of state residents is a fundamental purpose of state government. The legislature declares it to be a clear public purpose and governmental function to promote life sciences research to foster a preventive and predictive vision of the next generation of health-related innovations, to enhance the competitive position of Washington state in this vital sector of the economy, and to improve the quality and delivery of health care for the people of Washington. The legislature finds that public support for and promotion of life sciences research will benefit the state and its residents through improved health status and health outcomes, economic development, and contributions to scientific knowledge, and such research will lead to breakthroughs and improvements that might not otherwise be discovered due to lack of existing market incentives, especially in the area of regenerative medicine. The legislature finds that public support for and promotion of life sciences research has the potential to provide cures or new treatments for many debilitating diseases that cost the state millions of dollars each year. It is appropriate and consistent with the intent of the master settlement agreement between the state and tobacco product manufacturers to invest a portion of the revenues derived therefrom by the state in life sciences research, to leverage the revenues with other funds, and to encourage cooperation and innovation among public and private institutions involved in life sciences research. The purpose of this chapter is to establish a life sciences discovery fund authority, to grant that authority the power to contract with the state to receive revenues under the master settlement agreement, and to contract with other entities to receive other funds, and to disburse those funds consistent with the purpose of this chapter. The life sciences discovery fund is intended to promote the best available research in life sciences disciplines through diverse Washington institutions and to build upon existing strengths in the area of biosciences and biomanufacturing in order to spread the economic benefits across the state. The life sciences discovery fund is also intended to foster improved health care outcomes and improved agricultural production research across this state and the world. The research investments of the life sciences discovery fund are intended to further the goals of the "Bio 21" report and to support future statewide, comprehensive strategies to lead the nation in life sciences-related research and employment.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the life sciences discovery fund authority created in this chapter.

(2) "Board" means the governing board of trustees of the authority.

(3) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees to provide to the authority contributions for the purpose of promoting life sciences research.

(4) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.

(5) "Master settlement agreement" means the national master settlement agreement and related documents entered into on November 23, 1998, by the state and the four principal United States tobacco product manufacturers, as amended and supplemented, for the settlement of litigation brought by the state against the tobacco product manufacturers.

(6) "Public employee" means any person employed by the state of Washington or any agency or political subdivision thereof.

(7) "Public facilities" means any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Washington or any agency or political subdivision thereof.

(8) "Public funds" means any funds received or controlled by the state of Washington or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

(9) "State agreement" means the agreement authorized under this chapter in which the state provides to the authority the strategic contribution payments required to be made by tobacco product manufacturers to the state and the state's rights to receive such payments, pursuant to the master settlement agreement, for the purpose of promoting life sciences research.

(10) "Strategic contribution payments" means the payments designated as such under the master settlement agreement, which will be made to the state in the years 2008 through 2017.

NEW SECTION. Sec. 3. LIFE SCIENCES DISCOVERY FUND AUTHORITY--ESTABLISHED. (1) The life sciences discovery fund authority is created and constitutes a public instrumentality and agency of the state, separate and distinct from the state, exercising public and essential governmental functions.

(2) The powers of the authority are vested in and shall be exercised by a board of trustees consisting of: Two members of either the house appropriations committee or the house committee dealing with technology issues, one from each caucus, to be appointed by the speaker of the house of representatives; two members of either the senate committee on ways and means or the senate committee dealing with technology issues, one from each caucus, to be appointed by the president of the senate; and seven members appointed by the governor with the consent of the senate, one of whom shall be appointed by the governor as chair of the authority and who shall serve on the board and as chair of the authority at the pleasure of the governor. The respective officials shall make the initial appointments no later than thirty days after the effective date of this section. The term of the trustees, other than the chair, is four years from the date of their appointment, except that the terms of three of the initial gubernatorial appointees, as determined by the governor, are for two years from the date of their appointment. A trustee appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080. The appropriate official shall fill any vacancy on the board by appointment for the remainder of the unexpired term. The trustees appointed by the governor shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter, subject to RCW 43.03.050 and 43.03.060. The trustees who are legislators shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(3) Seven members of the board constitute a quorum.

(4) The trustees shall elect a treasurer and secretary annually, and other officers as the trustees determine necessary, and may adopt bylaws or rules for their own government.

(5) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the trustees so requests. Meetings of the board may be held at any location within or out of the state, and trustees may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

(6) The authority is subject to audit by the state auditor.

(7) The attorney general must advise the authority and represent it in all legal proceedings.

NEW SECTION. Sec. 4. SPECIAL TRUST POWERS. In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the authority for this purpose shall be deposited in the life sciences discovery fund created in section 8 of this act;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements shall specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

NEW SECTION. Sec. 5. GENERAL POWERS--RESTRICTIONS. The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers. In addition to other powers specified in this chapter, the authority may: (1) Sue and be sued in its own name; (2) make and execute agreements, contracts, and other instruments, with any public or private person or entity, in accordance with this chapter; (3) employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter; (4) establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter; (5) enter into contracts with public and private entities for life sciences research to be conducted in the state; (6) adopt rules, consistent with this chapter; (7) delegate any of its powers and duties if consistent with the purposes of this chapter; (8) exercise any other power reasonably required to implement the purposes of this chapter; and (9) hire staff and pay administrative costs.

NEW SECTION. Sec. 6. LIMITATION OF LIABILITY. Members of the board and persons acting on behalf of the authority, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter. Neither the state nor the authority is liable for any loss, damage, harm, or other consequence resulting directly or indirectly from grants made by the authority or by any life sciences research funded by such grants.

NEW SECTION. Sec. 7. DISSOLUTION OF THE AUTHORITY. The authority may petition the legislature to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be distributed to one or more similar entities approved by the legislature. The legislature reserves the right to dissolve the authority after its contractual obligations to its funders and grant recipients have expired.

NEW SECTION. Sec. 8. LIFE SCIENCES DISCOVERY FUND. The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to section 4 of this act, moneys received from gifts, grants, and bequests, and interest earned on the fund.

NEW SECTION. Sec. 9. By December 1, 2005, the executive director of the life sciences discovery fund authority shall explore and make recommendations to the legislature regarding the potential for the state to receive royalty income and direct it to the higher education legacy trust fund.

NEW SECTION. Sec. 10. By December 1, 2006, the executive director of the life sciences discovery fund shall provide a report to the legislature on the anticipated return on investment to the state from the investment of public funds in the life sciences discovery fund, including potential job growth, royalty income, intellectual property rights, and other significant long-term benefits to the state.

NEW SECTION. Sec. 11. A new section is added to chapter 82.04 RCW to read as follows:

BUSINESS AND OCCUPATION TAX EXEMPTION. This chapter does not apply to income received by the life sciences discovery fund authority under chapter 43.-- RCW (sections 1 through 8 of this act).

Sec. 12. RCW 43.79.480 and 2002 c 365 s 15 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in section 2 of this act to the life sciences discovery fund created in section 8 of this act.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

Sec. 13. RCW 42.30.110 and 2003 c 277 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter does not apply to employees of the life sciences discovery fund authority under chapter 43.-- RCW (sections 1 through 8 of this act).

Sec. 15. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st session.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.-- RCW (sections 1 through 8 of this act), to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 16. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.-- RCW (sections 1 through 8 of this act), to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 17. RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the ~~((chairman))~~ chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The

Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 18. RCW 43.79A.040 and 2004 c 246 s 8 and 2004 c 58 s 10 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, ~~((and))~~ the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 19. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 20. LIBERAL CONSTRUCTION. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed.

NEW SECTION. Sec. 21. CODIFICATION. Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 22. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. EXPIRATION DATES. Section 15 of this act expires June 30, 2005.

NEW SECTION. Sec. 24. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 16 of this act, which takes effect June 30, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5581 and request of the House a conference thereon.

Senators Kohl-Welles spoke in favor of the motion.

MOTIONS

Senator Zarelli moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5581 and insist in its position thereon.

On motion of Senator Eide, further consideration of Engrossed Second Substitute Senate Bill No. 5581 was deferred and the bill held its place on the concurrence calendar.

MOTION

At 8:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 9:01 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5308,
SUBSTITUTE SENATE BILL NO. 5708,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5719

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate insist on its position in the House amendment(s) to Engrossed Substitute House Bill No. 1062 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Poulsen that the Senate insist on its position in the House amendment(s) to Engrossed Substitute House Bill No. 1062 and ask the House to concur thereon.

Senators Morton spoke in favor of the motion.

The motion by Senator Poulsen carried and the Senate insisted on its position in the House amendment(s) to Engrossed Substitute House Bill No. 1062 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1791 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Dunshee, Chase & Jarrett.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Regala, the Senate granted the request of the House for a conference on Substitute House Bill No. 1791.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1791 and the House amendment(s) there to: Senators Zarelli, Regala and Prentice.

MOTION

On motion of Senator Regala, the appointments to the conference committee were confirmed.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Nathan Holmes and Patrick McDonald, staff with the Office of the Secretary of State who seated in the gallery. Members of the Washington National Guard's 448th Civil Affairs Battalion, Mr. Holmes and Mr. McDonald were scheduled to be deployed to Iraq for nine months.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5396, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as "farm and agricultural land" in RCW 84.34.020(2).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

~~((5))~~ (6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

~~((6))~~ (7) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

(8) "Special needs populations" means physically restricted people or people of limited means.

~~((7))~~ (9) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

(10) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

~~((8))~~ (11) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

~~((9))~~ (12) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

Sec. 2. RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read as follows:

(1) Moneys appropriated for this chapter shall be divided ~~((equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter))~~ as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Ten percent to the habitat conservation account; (B) ten percent to the outdoor recreation account; (C) forty percent to the riparian protection account; and (D) forty percent to the farmlands preservation account; and (iii) any amounts over fifty million dollars must be allocated as follows: (A) Thirty percent to the habitat conservation account; (B) thirty percent to the outdoor recreation account; (C) thirty percent to the riparian protection account; and (D) ten percent to the farmlands preservation account.

(2) Except as otherwise provided in this act, moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation ~~((and))~~ outdoor recreation, riparian protection, and farmlands preservation accounts shall be allocated as provided under RCW 79A.15.040 ~~((and))~~ 79A.15.050, and sections 6 and 7 of this act as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter. Moneys appropriated to these accounts that are not obligated to a specific project may be used to fund projects from lists of alternate projects from the same account in biennia succeeding the biennium in which the moneys were originally appropriated.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public ~~((on a nondiscriminatory basis)).~~

(5) The committee may make grants to an eligible project from ~~((both))~~ the habitat conservation ~~((and))~~ outdoor recreation, riparian protection, and farmlands preservation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040 ~~((and))~~ 79A.15.050, and sections 6 and 7 of this act.

(6) The committee may accept private donations to the habitat conservation account, the outdoor recreation account, the riparian protection account, and the farmlands preservation account for the purposes specified in this chapter.

(7) The committee may apply up to three percent of the funds appropriated for this chapter for the administration of the programs and purposes specified in this chapter.

(8) Habitat and recreation land and facilities acquired or developed with moneys appropriated for this chapter may not, without prior approval of the committee, be converted to a use other than that for which funds were originally approved. The committee shall adopt rules and procedures governing the approval of such a conversion.

Sec. 3. RCW 79A.15.040 and 1999 c 379 s 917 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than ~~((thirty-five))~~ forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than ~~((twenty))~~ thirty percent for the acquisition and development of natural areas;

(c) Not less than ~~((fifteen))~~ twenty percent for the acquisition and development of urban wildlife habitat; and

~~(d) ((The remaining amount shall be considered unallocated and))~~ Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund ((high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997)) restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for ~~((critical habitat and))~~ natural areas projects under subsection (1)~~((a,))~~ (b)~~((, and (d)))~~ of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) ~~((and (d)))~~ of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of sections 11 and 12 of this act.

Sec. 4. RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than ~~((twenty five))~~ thirty percent to the state parks and recreation commission for the acquisition and development of state parks, with at least ~~((seventy five))~~ fifty percent of ~~((this))~~ the money for acquisition costs~~((-- However, between July 27, 2003, and June 30, 2009, at least fifty percent of this money for the acquisition and development of state parks must be used for acquisition costs))~~;

(b) Not less than ~~((twenty five))~~ thirty percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than ~~((fifteen))~~ twenty percent for the acquisition ~~((and)),~~ renovation, or development of trails;

(d) Not less than ~~((ten))~~ fifteen percent for the acquisition ~~((and)),~~ renovation, or development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) ~~((The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites))~~ Not less than five percent for development and renovation projects on state recreation lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the outdoor recreation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) Only state and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) Only state and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.15 RCW to read as follows:

A state or local agency shall review the proposed project application with the county or city with jurisdiction over the project area prior to applying for funds for the acquisition of property under this chapter. The appropriate county or city legislative authority may, at its discretion, submit a letter to the committee identifying the authority's position with regard to the acquisition project. The committee shall make the letters received under this section available to the governor and the legislature when the prioritized project list is submitted under section 6 of this act, RCW 79A.15.060, and 79A.15.070.

NEW SECTION. Sec. 6. A new section is added to chapter 79A.15 RCW to read as follows:

(1) The riparian protection account is established in the state treasury. The committee must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (10)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The committee may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of riparian habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (8) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where riparian habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.

(8) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(9) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

(10) In determining acquisition priorities with respect to the riparian protection account, the committee must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

(11) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the committee

and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

NEW SECTION. Sec. 7. A new section is added to chapter 79A.15 RCW to read as follows:

(1) The farmlands preservation account is established in the state treasury. The committee will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2)(a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

(b) If a city or county acquires a property through this program in fee simple, the city or county shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city or county shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities and counties may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The committee may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) The acquisition of a property right in a project under this section by a county or city does not provide a right of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

(6) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a city or county to fund operation or maintenance of areas acquired under this chapter.

(7) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) The committee may not approve a local project where the local agency's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's share.

(9) In determining the acquisition priorities, the committee must consider, at a minimum, the following criteria:

- (a) Community support for the project;
- (b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;
- (c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;
- (d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;
- (e) Benefits to salmonids;
- (f) Benefits to other fish and wildlife habitat;
- (g) Integration with recovery efforts for endangered, threatened, or sensitive species;
- (h) The viability of the site for continued agricultural production, including, but not limited to:
 - (i) Soil types;
 - (ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;
 - (iii) Suitability for producing different types or varieties of crops;
 - (iv) Farm-to-market access;
 - (v) Water availability; and
- (i) Other community values provided by the property when used as agricultural land, including, but not limited to:
 - (i) Viewshed;
 - (ii) Aquifer recharge;
 - (iii) Occasional or periodic collector for storm water runoff;

- (iv) Agricultural sector job creation;
- (v) Migratory bird habitat and forage area; and
- (vi) Educational and curriculum potential.

(10) In allotting funds for environmental enhancement or restoration projects, the committee will require the projects to meet the following criteria:

- (a) Enhancement or restoration projects must further the ecological functions of the farmlands;
- (b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;
- (c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and
- (d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the committee and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 8. RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) ~~Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ((additional)) staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation ((and)) or maintenance of areas acquired under this chapter((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) ~~((Except as provided in subsection (5) of this section,))~~ Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of critical habitat and urban wildlife habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (5) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where critical habitat or urban wildlife habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.

(5) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

~~((5) During the fiscal biennium ending June 30, 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.))~~

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

- (a) For critical habitat and natural areas proposals:
 - (i) Community support for the project;
 - (ii) The project proposal's ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;
 - (iii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;

- (iv) Immediacy of threat to the site;
- ~~((iii))~~ (v) Uniqueness of the site;
- ~~((iv))~~ (vi) Diversity of species using the site;
- ~~((v))~~ (vii) Quality of the habitat;
- ~~((vi))~~ (viii) Long-term viability of the site;
- ~~((vii))~~ (ix) Presence of endangered, threatened, or sensitive species;
- ~~((viii))~~ (x) Enhancement of existing public property;

~~((ix))~~ (xi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130; ~~(and~~

~~(x))~~ (xii) Educational and scientific value of the site;

(xiii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiv) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(7) ~~((Before October 1st of each even numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.~~

~~(8))~~ Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all state agency and local projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 9. RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ~~((additional))~~ staff or other overhead expenses, or by a state, regional, or local agency to fund operation ~~((and))~~ or maintenance of areas acquired under this chapter ~~((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition and development, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support for the project;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with ~~((an existing))~~ a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support for the project;

(ii) Distance from similar water access opportunities;

(iii) Immediacy of threat to the site;

(iv) Diversity of possible recreational uses; ~~(and)~~

(v) Public demand in the area; and

(vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130.

~~(7) ((Before October 1st of each even numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.~~

~~(8))~~ Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all state agency and local projects to be funded under RCW 79A.15.050(1) (a), (b), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 10. RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each amended to read as follows:

The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account ~~((or))~~, the outdoor recreation account, the riparian protection account, or the farmlands preservation account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

NEW SECTION. **Sec. 11.** A new section is added to chapter 79.70 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. **Sec. 12.** A new section is added to chapter 79.71 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

Sec. 13. RCW 84.33.140 and 2003 c 170 s 5 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	\$234
1	2	229

	3	217
	4	157
	1	198
2	2	190
	3	183
	4	132
	1	154
3	2	149
	3	148
	4	113
	1	117
4	2	114
	3	113
	4	86
	1	85
5	2	78
	3	77
	4	52
	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable

up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

- (a) Transfer to a government entity in exchange for other forest land located within the state of Washington;
- (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;
- (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;
- (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;
- (f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- (g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;
- (h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or
- (i) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(i).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

- (a) An action described in subsection (13) of this section; or
- (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 14. RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each amended to read as follows:

(1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. Sec. 15. (1) The interagency committee for outdoor recreation may apply up to three percent of the funds appropriated for chapter 79A.15 RCW for the administration of the programs and purposes specified in chapter 79A.15 RCW.

(2) Habitat and recreation land and facilities acquired or developed with moneys appropriated for chapter 79A.15 RCW may not, without prior approval of the interagency committee for outdoor recreation, be converted to a use other than that for which funds were originally approved. The interagency committee for outdoor recreation shall adopt rules and procedures governing the approval of such a conversion.

(3) This section expires July 1, 2007.

NEW SECTION. Sec. 16. (1) The interagency committee for outdoor recreation, the department of fish and wildlife, the department of natural resources, and counties shall work together to obtain necessary information to complete a report on the fiscal impact of payments in lieu of taxes provided for in this act.

(2) The report shall include a financial analysis determining the difference by county, for those counties having less than thirty percent of their total land in private ownership, of assessing property taxes on lands acquired under chapter 79A.15 RCW by state agencies based on one hundred percent of a property's true and fair value compared to assessing property as open space under chapter 84.34 RCW. The analysis shall also compare the fiscal impacts of using these different property tax rates by those counties for existing game lands held by the department of fish and wildlife and natural areas managed by the department of natural resources.

(3) The interagency committee for outdoor recreation shall provide the report to the appropriate committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 17. Sections 1 through 14 of this act take effect July 1, 2007.

NEW SECTION. Sec. 18. Section 15 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140, and 77.12.203; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5396.

Senator Jacobsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5396.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5396.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5396, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5396, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator McCaslin - 1

Absent: Senator Benton - 1

Excused: Senators Delvin and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5396, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6096, by Senators Poulsen, Fraser and Prentice

Generating revenues to fund Initiative No. 728. Revised for 1st Substitute: Generating new tax revenues to provide education funding.

The measure was read the second time.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6096 was not substituted for Engrossed Senate Bill No. 6096 and the substitute bill was not adopted.

PARLIAMENTARY INQUIRY

Senator Johnson: "Mr. President, a ruling is requested as to whether passage of this bill, Senate Bill No. 6096, would require two-thirds vote or a simple majority. I can elaborate on that now, or as the President wishes. Today, about seven or eight hours ago, the Washington Farm Bureau filed a referendum to overturn Substitute Senate Bill No. 6078. 6078 is the bill that rolled back, or, if you prefer, repealed Initiative 601. It's asserted that 6078 has an emergency clause, though a referendum was filed with the Secretary of State. I have a stamped copy to provide the President of that referendum filed today. It's asserted that, while it has an emergency clause, it's invalid on its face. An emergency clause is to be used when the immediate peace, health or safety or the support of state government is threatened. None of those is the case here. In addition to that, Mr. President, Substitute Senate Bill No. 6078 does not comply with Article 2, Section 37 of the Constitution, which was also one of the bases for the downfall of Initiative 695. That constitutional provision states that, 'No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.' That isn't what happened in Senate Bill No. 6078. Therefore, I request a ruling that two-thirds vote would be required to pass this bill, Senate Bill No. 6096."

Senator Rockefeller spoke against the point of order.

REPLY BY THE PRESIDENT

Senator Johnson: "We're going to move forward on the amendments while we're waiting for the ruling to be written up."

The President declared the question before the Senate to be the motion by Senator Prentice that the bill not be substituted.

The motion by Senator Prentice carried by voice vote.

MOTION

Senator Doumit moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that on February 3, 2005, the Washington state supreme court decided in *Estate of Hemphill v. Dep't of Rev.*, Docket No. 74974-4, that Washington's estate tax is tied to the current federal Internal Revenue Code. The legislature finds that the revenue loss resulting from the *Hemphill* decision will severely affect the legislature's ability to fund programs vital to the peace, health, safety, and support of the citizens of this state. The legislature intends to address the adverse fiscal impact of the *Hemphill* decision and provide funding for education by creating a stand-alone state estate tax.

Sec. 2. RCW 83.100.020 and 2001 c 320 s 15 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) ~~("Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;~~
- (4)) (4) "Federal return" means any tax return required by chapter 11 ~~((or 13))~~ of the Internal Revenue Code;
- ~~((5))~~ (4) "Federal tax" means ~~((a) for a transfer,))~~ a tax under chapter 11 of the Internal Revenue Code; ~~((and (b) for a generation skipping transfer, the tax under chapter 13 of the Internal Revenue Code;~~
- ~~(6) "Generation skipping transfer" means a "generation skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;~~
- ~~(7))~~ (5) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;
- ~~((8) "Nonresident" means a decedent who was domiciled outside Washington at his death;~~
- (9)) (6) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;
- ~~((10))~~ (7) "Person required to file the federal return" means any person required to file a return required by chapter 11 ~~((or 13))~~ of the Internal Revenue Code, such as the personal representative of an estate ~~((; or a transferor, trustee, or beneficiary of a generation skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(e) of the Internal Revenue Code));~~
- ~~((11))~~ (8) "Property" means ~~((a) for a transfer,))~~ property included in the gross estate ~~((; and (b) for a generation skipping transfer, all real and personal property subject to the federal tax));~~
- ~~((12))~~ (9) "Resident" means a decedent who was domiciled in Washington at time of death;
- ~~((13))~~ (10) "Taxpayer" means a person upon whom tax is imposed under this chapter, including an estate or a person liable for tax under RCW 83.100.120;
- (11) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code ~~((; or a disposition or cessation of qualified use as defined and used in section 2032A(e) of the Internal Revenue Code)). However, "transfer" does not include a qualified heir disposing of an interest in property qualifying for a deduction under section 4 of this act or ceasing to use the property for farming purposes;~~
- ~~((14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and~~
- ~~(15))~~ (12) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered as of January 1, ~~((2004))~~ 2005;
- (13) "Washington taxable estate" means the federal taxable estate, less: (a) One million five hundred thousand dollars for decedents dying before January 1, 2006; and (b) two million dollars for decedents dying on or after January 1, 2006; and (c) the amount of any deduction allowed under section 4 of this act; and
- (14) "Federal taxable estate" means the taxable estate as determined under chapter 11 of the Internal Revenue Code without regard to: (a) The termination of the federal estate tax under section 2210 of the Internal Revenue Code or any other provision of law, and (b) the deduction for state estate, inheritance, legacy, or succession taxes allowable under section 2058 of the Internal Revenue Code.

Sec. 3. RCW 83.100.040 and 1988 c 64 s 4 are each amended to read as follows:

- (1) A tax in an amount computed as provided in this section is imposed on every transfer of property located in Washington ~~((of every nonresident)). For the purposes of this section, any intangible property owned by a resident is located in Washington.~~
- (2) ~~((The tax shall be computed by multiplying the federal credit by a fraction, the numerator of which is the value of the property located in Washington, and the denominator of which is the value of the decedent's gross estate.~~

~~(3) The transfer of the property of a nonresident is exempt from the tax imposed by this section to the extent that the property of residents is exempt from taxation under the laws of the state in which the nonresident is domiciled.)~~ (a) Except as provided in (b) of this subsection, the amount of tax is the amount provided in the following table:

If Washington Taxable

<u>Estate is at least</u>	<u>But Less Than</u>	<u>The amount of Tax Equals</u>		<u>Of Washington Taxable Estate Value Greater than</u>
		<u>Initial Tax Amount</u>	<u>Plus Tax Rate %</u>	
<u>\$0</u>	<u>\$1,000,000</u>	<u>\$0</u>	<u>10.00%</u>	<u>\$0</u>
<u>\$1,000,000</u>	<u>\$2,000,000</u>	<u>\$100,000</u>	<u>14.00%</u>	<u>\$1,000,000</u>
<u>\$2,000,000</u>	<u>\$3,000,000</u>	<u>\$240,000</u>	<u>15.00%</u>	<u>\$2,000,000</u>
<u>\$3,000,000</u>	<u>\$4,000,000</u>	<u>\$390,000</u>	<u>16.00%</u>	<u>\$3,000,000</u>
<u>\$4,000,000</u>	<u>\$6,000,000</u>	<u>\$550,000</u>	<u>17.00%</u>	<u>\$4,000,000</u>
<u>\$6,000,000</u>	<u>\$7,000,000</u>	<u>\$890,000</u>	<u>18.00%</u>	<u>\$6,000,000</u>
<u>\$7,000,000</u>	<u>\$9,000,000</u>	<u>\$1,070,000</u>	<u>18.50%</u>	<u>\$7,000,000</u>
<u>Above \$9,000,000</u>		<u>\$1,440,000</u>	<u>19.00%</u>	<u>Above \$9,000,000</u>

(b) If any property in the decedent's estate is located outside of Washington, the amount of tax is the amount determined in (a) of this subsection multiplied by a fraction. The numerator of the fraction is the value of the property located in Washington. The denominator of the fraction is the value of the decedent's gross estate. Property qualifying for a deduction under section 4 of this act shall be excluded from the numerator and denominator of the fraction.

(3) The tax imposed under this section is a stand-alone estate tax that incorporates only those provisions of the Internal Revenue Code as amended or renumbered as of January 1, 2005, that do not conflict with the provisions of this chapter. The tax imposed under this chapter is independent of any federal estate tax obligation and is not affected by termination of the federal estate tax.

NEW SECTION. Sec. 4. A new section is added to chapter 83.100 RCW to read as follows:

(1) For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate for the value of qualified real property and the value of any tangible personal property used primarily for farming purposes conducted on the qualified real property, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the Internal Revenue Code, if the decedent was at the time of his or her death a citizen or resident of the United States. For the purposes of determining the deduction amount, the value of property is its value as used to determine the value of the gross estate.

(2) Property shall be considered to have been acquired from or to have passed from the decedent if:

(a) The property is so considered under section 1014(b) of the Internal Revenue Code;

(b) The property is acquired by any person from the estate; or

(c) The property is acquired by any person from a trust, to the extent the property is includible in the gross estate of the decedent.

(3) If the decedent and the decedent's surviving spouse at any time held qualified real property as community property, the interest of the surviving spouse in the property shall be taken into account under this section to the extent necessary to provide a result under this section with respect to the property which is consistent with the result which would have obtained under this section if the property had not been community property.

(4) In the case of any qualified woodland, the value of trees growing on the woodland may be deducted if otherwise qualified under this section.

(5) If property is qualified real property with respect to a decedent, hereinafter in this subsection referred to as the "first decedent," and the property was acquired from or passed from the first decedent to the surviving spouse of the first decedent, active management of the farm by the surviving spouse shall be treated as material participation by the surviving spouse in the operation of the farm.

(6) Property owned indirectly by the decedent may qualify for a deduction under this section if owned through an interest in a corporation, partnership, or trust as the terms corporation, partnership, or trust are used in section 2032A(g) of the Internal Revenue Code. In order to qualify for a deduction under this subsection, the interest, in addition to meeting the other tests for qualification under this section, must qualify under section 6166(b)(1) of the Internal Revenue Code as an interest in a closely held business on the date of the decedent's death and for sufficient other time, combined with periods of direct ownership, to equal at least five years of the eight-year period preceding the death.

(7)(a) If, on the date of the decedent's death, the requirements of subsection (10)(f)(i)(C)(II) of this section with respect to the decedent for any property are not met, and the decedent (i) was receiving old age benefits under Title II of the social security act for a continuous period ending on such date, or (ii) was disabled for a continuous period ending on this date, then subsection (10)(f)(i)(C)(II) of this section shall be applied with respect to the property by substituting "the date on which the longer of such continuous periods began" for "the date of the decedent's death" in subsection (10)(f)(i)(C) of this section.

(b) For the purposes of (a) of this subsection, an individual shall be disabled if the individual has a mental or physical impairment which renders that individual unable to materially participate in the operation of the farm.

(8) Property may be deducted under this section whether or not special valuation is elected under section 2032A of the Internal Revenue Code on the federal return.

(9)(a) In the case of any qualified replacement property, any period during which there was ownership, qualified use, or material participation with respect to the replaced property by the decedent or any member of the decedent's family shall be treated as a period during which there was ownership, use, or material participation, as the case may be, with respect to the qualified replacement property.

(b) Subsection (9)(a) of this section shall not apply to the extent that the fair market value of the qualified replacement property, as of the date of its acquisition, exceeds the fair market value of the replaced property, as of the date of its disposition.

(c) For the purposes of this subsection (9), the following definitions apply:

(i) "Qualified replacement property" means any real property:

(A) Which is acquired in an exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) The acquisition of which results in the nonrecognition of gain under section 1033 of the Internal Revenue Code.

The term "qualified replacement property" only includes property which is used for the same qualified use as the replaced property was being used before the exchange.

(ii) "Replaced property" means the property was:

(A) Transferred in the exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) Compulsorily or involuntarily converted within the meaning of section 1033 of the Internal Revenue Code.

(10) For the purposes of this section, the following definitions apply:

(a) "Active management" means the making of the management decisions of a farm, other than the daily operating decisions.

(b) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms; plantations; ranches; nurseries; ranges; greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities; and orchards and woodlands.

(c) "Farming purposes" means:

(i) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(ii) Handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half of the commodity so treated; and

(iii)(A) The planting, cultivating, caring for, or cutting of trees; or

(B) The preparation, other than milling, of trees for market.

(d) "Member of the family" means, with respect to any individual, only:

(i) An ancestor of the individual;

(ii) The spouse of the individual;

(iii) A lineal descendant of the individual, of the individual's spouse, or of a parent of the individual; or

(iv) The spouse of any lineal descendant described in (d)(iii) of this subsection.

For the purposes of this subsection (10)(d), a legally adopted child of an individual shall be treated as the child of such individual by blood.

(e) "Qualified heir" means, with respect to any property, a member of the decedent's family who acquired property, or to whom property passed, from the decedent.

(f)(i) "Qualified real property" means real property which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family, but only if:

(A) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(I) On the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family; and

(II) Was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of (f)(i)(A)(II) and (f)(i)(C) of this subsection; and

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(I) The real property was owned by the decedent or a member of the decedent's family and used for a qualified use by the decedent or a member of the decedent's family; and

(II) There was material participation by the decedent or a member of the decedent's family in the operation of the farm.

For the purposes of this subsection (f)(i)(C)(II), material participation shall be determined in a manner similar to the manner used for purposes of section 1402(a)(1) of the Internal Revenue Code.

(ii) For the purposes of this subsection, the term "adjusted value" means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction under section 2053(a)(4) of the Internal Revenue Code; or

(B) In the case of any real or personal property, the value of the property for purposes of chapter 11 of the Internal Revenue Code, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction in respect of such property under section 2053(a)(4) of the Internal Revenue Code.

(g) "Qualified use" means the property is used as a farm for farming purposes. In the case of real property which meets the requirements of (f)(i)(C) of this subsection, residential buildings and related improvements on the real property occupied on a regular basis by the owner or lessee of the real property or by persons employed by the owner or lessee for the purpose of operating or maintaining the real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use.

(h) "Qualified woodland" means any real property which:

(i) Is used in timber operations; and

(ii) Is an identifiable area of land such as an acre or other area for which records are normally maintained in conducting timber operations.

(i) "Timber operations" means:

(i) The planting, cultivating, caring for, or cutting of trees; or

(ii) The preparation, other than milling, of trees for market.

Sec. 5. RCW 83.100.050 and 1988 c 64 s 6 are each amended to read as follows:

(1) ~~((The))~~ A Washington return must be filed if: (a) A federal return is required to be filed; or (b) for decedents dying prior to January 1, 2006, the gross estate exceeds one million five hundred thousand dollars; or (c) for decedents dying on or after January 1, 2006, the gross estate exceeds two million dollars.

~~(2)(a) A person required to file ((the)) a federal return shall file with the department on or before the date the federal return is required to be filed, including any extension of time for filing ((the federal return:~~

~~(a)) under subsection (4) of this section, a Washington return for the tax due under this chapter((=and~~

~~(b) A copy of the federal return.~~

~~No Washington return need be filed if no federal return is required)).~~

(b) If no federal return is required to be filed, a taxpayer shall file with the department on or before the date a federal return would have been required to be filed, including any extension of time for filing under subsection (5) of this section, a Washington return for the tax due under this chapter.

(3) A Washington return delivered to the department by United States mail shall be considered to have been received by the department on the date of the United States postmark stamped on the cover in which the return is mailed, if the postmark date is within the time allowed for filing the Washington return, including extensions.

~~((2))~~ (4) In addition to the Washington return required to be filed in subsection (2) of this section, a person, if required to file a federal return, shall file with the department on or before the date the federal return is required to be filed a copy of the federal return along with all supporting documentation. If the person required to file the federal return has obtained an extension of time for filing the federal return, the person shall file the Washington return within the same time period and in the same manner as provided for the federal return. A copy of the federal extension shall be filed with the department on or before the date the Washington return is due, not including any extension of time for filing, or within thirty days of issuance, whichever is later.

(5) A person who is required to file a Washington return under subsection (2) of this section, but is not required to file a federal return, may obtain an extension of time for filing the Washington return as provided by rule of the department.

Sec. 6. RCW 83.100.060 and 1988 c 64 s 7 are each amended to read as follows:

(1) The taxes imposed by this chapter shall be paid by the person required to file ~~((the federal))~~ a Washington return on or before the date the Washington return is required to be filed under RCW 83.100.050, not including any extension of time for filing. Payment delivered to the department by United States mail shall be considered to have been received by the department on the date of the United States postmark stamped on the cover in which payment is mailed, if the postmark date is within the time allowed for making the payment, including any extensions.

(2) If the person ~~((required to file the federal return))~~ has obtained an extension of time for payment of the federal tax or has elected to pay such tax in installments, the person may elect to pay the tax imposed by this chapter within the same time period and in the same manner as provided for payment of the federal tax. A copy of the federal extension shall be filed on or before the date the tax imposed by this chapter is due, not including any extension of time for payment, or within thirty days of issuance, whichever is later.

(3) A person who is required to file a Washington return under RCW 83.100.050, but is not required to file a federal return, may obtain an extension of time for payment of the Washington tax or elect to pay such tax in installments as provided by rule of the department.

(4) The periods of limitation in RCW 83.100.130 and section 14 of this act shall extend an additional three years beyond the due date of the last scheduled installment payment authorized under this section.

Sec. 7. RCW 83.100.070 and 2000 c 105 s 1 are each amended to read as follows:

(1) For periods before January 2, 1997, any tax due under this chapter which is not paid by the due date under RCW 83.100.060(1) shall bear interest at the rate of twelve percent per annum from the date the tax is due until the date of payment.

(2) Interest imposed under this section for periods after January 1, 1997, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year.

(3)(a) If the Washington return is not filed when due under RCW 83.100.050 and the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 voluntarily ~~((reports the filing and))~~ files ~~((both))~~ the ~~((state and federal estate tax returns))~~ Washington return with the department before the department notifies the person in writing that the department has determined that the person has not filed a Washington return, no penalty is imposed on the person required to file the ~~((federal))~~ Washington return.

(b) If the Washington return is not filed when due under RCW 83.100.050 and the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 does not file a return with the department before the department notifies the person in writing that the department has determined that the person has not filed a ~~((state estate tax))~~ Washington return, the person required to file the ~~((federal))~~ Washington return shall pay, in addition to interest, a penalty equal to five percent of the tax due for each month after the date the return is due until filed. However, in no instance may the penalty exceed the lesser of twenty-five percent of the tax due or one thousand five hundred dollars.

(c) If the department finds that a return due under this chapter has not been filed by the due date, and the delinquency was the result of circumstances beyond the control of the responsible person, the department shall waive or cancel any penalties imposed under this chapter with respect to the filing of such a tax return. The department shall adopt rules for the waiver or cancellation of the penalties imposed by this section.

Sec. 8. RCW 83.100.090 and 1988 c 64 s 10 are each amended to read as follows:

Notwithstanding the periods of limitation in section 14 of this act and RCW 83.100.130:

(1) If the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 files an amended federal return, that person shall immediately file with the department an amended Washington return with a copy of the amended federal return. If the amended Washington return requires payment of an additional tax under this chapter, the tax shall be paid in accordance with RCW 83.100.060 and interest shall be paid in accordance with RCW 83.100.070.

(2) Upon any adjustment in, or final determination of, the amount of federal tax due, the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 shall notify the department in writing within ~~((sixty))~~ one hundred twenty days after the adjustment or final determination. If the adjustment or final determination requires payment of an additional tax under this chapter, the tax shall be paid in accordance with RCW 83.100.060 and interest shall be paid in accordance with RCW 83.100.070.

(3) If the department determines the amended Washington return, adjustment, or final determination requires payment of an additional tax under this chapter, the department may assess against the taxpayer an additional amount found to be due within one year of receipt of the amended Washington return or written notice as required by this section, or at any time if no amended Washington return is filed or notice is provided as required by this section. The execution of a written waiver at the request of the department by the person required to file the Washington return under RCW 83.100.050 may extend this limitation. Interest shall be added to the amount of tax assessed by the department in accordance with RCW 83.100.070. The department shall notify the taxpayer by mail of the additional amount, and the additional amount shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(4) If the department determines the amended Washington return, adjustment, or final determination requires the refund of overpaid tax, penalties, or interest under this chapter, the department shall refund the amount of the overpayment with interest in accordance with RCW 83.100.130. The person required to file the Washington return under RCW 83.100.050 shall provide the department with any additional information or supporting documents necessary to determine if a refund is due. The execution of a written waiver to extend the period for assessment under subsection (3) of this section shall extend the time for making a refund, if prior to the expiration of the waiver period an application for refund of the taxes is made by the person required to file the Washington return under RCW 83.100.050, or the department discovers a refund is due.

Sec. 9. RCW 83.100.110 and 1988 c 64 s 11 are each amended to read as follows:

(1) Unless any tax due under this chapter is sooner paid in full, it shall be a lien upon the property subject to the tax for a period of ten years from the date of the transfer ~~((or the generation-skipping transfer))~~, except that any part of the property which is used for the payment of claims against the property or expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of the lien. Liens created under this subsection shall be qualified as follows:

(a) Any part of the property subject to the tax which is sold to a bona fide purchaser shall be divested of the lien and the lien shall be transferred to the proceeds of the sale; and

(b) The lien shall be subordinate to any mortgage or deed of trust on the property pursuant to an order of court for payment of claims against the property or expenses of administration. The lien shall attach to any proceeds from the sale of the property in excess of the obligations secured by the mortgage or deed of trust and the expenses of sale, including a reasonable charge by the trustee and by his or her attorney where the property has been sold by a nonjudicial trustee's sale pursuant to chapter 61.24 RCW, and including court costs and any attorneys' fees awarded by the superior court of the county in which the property is sold at sheriff's sale pursuant to a judicial foreclosure of the mortgage or deed of trust.

(2) If the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 has obtained an extension of time for payment of the ~~((federal))~~ tax or has elected to pay such tax in installments, the tax lien under this section shall be extended as necessary to prevent its expiration prior to twelve months following the expiration of any such extension or the installment.

(3) The tax lien shall be extended as necessary to prevent its expiration prior to twelve months following the conclusion of litigation of any question affecting the determination of the amount of tax due if a lis pendens has been filed with the auditor of the county in which the property is located.

Sec. 10. RCW 83.100.130 and 1997 c 157 s 6 are each amended to read as follows:

(1) ~~((Whenever))~~ If, upon receipt of an application by a taxpayer for a refund, or upon examination of the returns or records of any taxpayer, the department determines that within the statutory period for assessment of taxes, penalties, or interest prescribed by section 14 of this act a person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 has overpaid the tax due under this chapter, the department shall refund the amount of the overpayment, together with interest ~~((at the then existing rate under RCW 83.100.070(1))~~ as provided in subsection (2) of this section. If the application for refund, with supporting documents, is filed within ~~((four months))~~ one hundred twenty days after an adjustment or final determination of federal tax liability, the department shall pay interest until the date the refund is mailed. If the application for refund, with supporting documents, is filed after ~~((four months))~~ one hundred twenty days after the adjustment or final determination, the department shall pay interest only until the end of the ~~((four month))~~ one hundred twenty-day period.

(2) Interest refunded under this section for periods before January 2, 1997, shall be computed at the rate provided in RCW 83.100.070(1). Interest refunded under this section for periods after January 1, 1997, through December 31, 1998, shall be computed on a daily basis at the rate as computed under RCW 82.32.050(2) less one percentage point. Interest allowed for periods after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). Except as provided in subsection (1) of this section, interest shall be refunded from the date of overpayment until the date the refund is mailed. The rate so computed shall be adjusted on the first day of January of each year.

(3) Except as otherwise provided in subsection (4) of this section and RCW 83.100.090, no refund shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or an examination of records is complete.

(4) The execution of a written waiver under section 14 of this act shall extend the time for making a refund if, prior to the expiration of the waiver period, an application for refund is made by the taxpayer or the department discovers a refund is due.

(5) An application for refund shall be on a form prescribed by the department and shall contain any information and supporting documents the department requires.

Sec. 11. RCW 83.100.140 and 1988 c 64 s 13 are each amended to read as follows:

Any person required to file the ~~((federal))~~ Washington return who ~~((willfully))~~ willfully fails to file a Washington return when required by this chapter or who ~~((willfully))~~ willfully files a false return commits a gross misdemeanor as defined in Title 9A RCW and shall be punished as provided in Title 9A RCW for the perpetration of a gross misdemeanor.

Sec. 12. RCW 83.100.150 and 1988 c 64 s 14 are each amended to read as follows:

~~((1))~~ The department may collect the estate tax imposed under RCW ~~((83.100.030 and))~~ 83.100.040, including interest and penalties, and shall represent this state in all matters pertaining to the same, either before courts or in any other manner. At any time after the Washington return is due, the department may file its findings regarding the amount of the tax ~~((, the federal credit))~~ computed as provided in RCW 83.100.040, the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050, and all persons having an interest in property subject to the tax with the clerk of the superior court in the matter of the estate of the decedent or, if no probate or administration proceedings have been commenced in any court of this state, of the superior court for the county in which the decedent was a resident, if the resident was a domiciliary, or, if the decedent was a nondomiciliary, of any superior court which has jurisdiction over the property. Such a court first acquiring jurisdiction shall retain jurisdiction to the exclusion of every other court.

~~((2)) The department may collect the generation skipping transfer tax under RCW 83.100.045, including interest and penalties, and shall represent this state in all matters pertaining to the same, either before courts or in any other manner. At any time after the Washington return is due, the department may file its findings regarding the amount of the tax, the federal credit, the person required to file the federal return, and all persons having an interest in property subject to the tax with the clerk of the superior court in the matter of the trust or the estate of the decedent, if any, or, if no trust, probate or administration proceedings have been commenced in any court of this state, of any superior court which has jurisdiction over the property. Such a court first acquiring jurisdiction shall retain jurisdiction to the exclusion of every other court.~~

NEW SECTION. Sec. 13. A new section is added to chapter 83.100 RCW to read as follows:

(1) If the federal taxable estate on the federal return is determined by making an election under section 2056 or 2056A of the Internal Revenue Code, or if no federal return is required to be filed, the department may provide by rule for a separate election on the Washington return, consistent with section 2056 or 2056A of the Internal Revenue Code, for the purpose of determining the amount of tax due under this chapter. The election shall be binding on the estate and the beneficiaries, consistent with the Internal Revenue Code. All other elections or valuations on the Washington return shall be made in a manner consistent with the federal return, if a federal return is required, and such rules as the department may provide.

(2) Amounts deducted for federal income tax purposes under section 642(g) of the Internal Revenue Code of 1986, shall not be allowed as deductions in computing the amount of tax due under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 83.100 RCW to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer an additional amount found to be due and shall add interest as provided in RCW 83.100.070 on the tax only. The department shall notify the taxpayer by mail of the additional amount, and the additional amount shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(2) Interest shall be computed from the original due date of the Washington return until the due date of the notice. If payment in full is not made by the due date of the notice, additional interest shall be computed until the date of payment.

(3) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the calendar year in which a Washington return is due under this chapter,

including any extension of time for filing, except upon a showing of fraud or of misrepresentation of a material fact by the taxpayer or as provided under subsection (4) or (5) of this section or as otherwise provided in this chapter.

(4) For persons liable for tax under RCW 83.100.120, the period for assessment or correction of an assessment shall extend an additional three years beyond the period described in subsection (3) of this section.

(5) A taxpayer may extend the periods of limitation under subsection (3) or (4) of this section by executing a written waiver. The execution of the waiver shall also extend the period for making a refund as provided in RCW 83.100.130.

Sec. 15. RCW 83.100.210 and 1996 c 149 s 18 are each amended to read as follows:

(1) The following provisions of chapter 82.32 RCW have full force and application with respect to the taxes imposed under this chapter unless the context clearly requires otherwise: RCW 82.32.110, 82.32.120, 82.32.130, 82.32.320, and 82.32.340. The definitions in this chapter have full force and application with respect to the application of chapter 82.32 RCW to this chapter unless the context clearly requires otherwise.

(2) The department may enter into closing agreements as provided in RCW 82.32.350 and 82.32.360.

NEW SECTION. Sec. 16. A new section is added to chapter 83.100 RCW to read as follows:

All receipts from taxes, penalties, interest, and fees collected under this chapter must be deposited into the education legacy trust account.

NEW SECTION. Sec. 17. A new section is added to chapter 83.100 RCW to read as follows:

This act shall be liberally construed to carry out the legislature's intent to impose a stand-alone Washington estate tax to provide funding for education.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) RCW 83.100.030 (Residents--Estate tax imposed--Credit for tax paid other state) and 1988 c 64 s 3 & 1981 2nd ex.s. c 7 s 83.100.030; and

(2) RCW 83.100.045 (Generation-skipping transfers--Tax imposed--Credit for tax paid to another state) and 1988 c 64 s 5.

NEW SECTION. Sec. 19. The repealed sections in section 18 of this act do not affect any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted under those statutes nor do they affect any proceeding instituted under them.

Sec. 20. RCW 83.100.010 and 1988 c 64 s 1 are each amended to read as follows:

This chapter may be cited as the "Estate and Transfer Tax Act (~~of 1988~~)."

NEW SECTION. Sec. 21. This act applies prospectively only and not retroactively. Sections 2 through 18 of this act apply only to estates of decedents dying on or after the effective date of this section.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Zarelli to the striking amendment be adopted.

On page 3, line 5, beginning with ":(a)" strike every thing through "act" on line 8, and insert "the applicable exclusion amount in section 2010(c) of the Internal Revenue Code and less the amount of any deduction allowed under section 4 of this act"

On page 3, line 11, beginning with ":(a)" strike everything through "(b)" on line 12

On page 4, line 18, beginning with "The tax" strike everything through "tax" on line 20, and insert "No tax under this section is imposed for estates of decedents dying after December 31, 2009, and before January 1, 2011"

On page 9, line 14, beginning with ":(a)" strike everything through "dollars" on line 18, and insert "a federal return is required to be filed"

On page 16, line 24, beginning with "If" strike everything through "Provide" on line 34, and insert "All elections or valuations on the Washington return shall be made in a manner consistent with the federal return"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Zarelli on page 3, line 5 to the striking amendment to Senate Bill No. 6096.

MOTION

A division was demanded.

The motion by Senator Johnson failed and the amendment to the striking amendment was not adopted by a rising voice vote.

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Zarelli to the striking amendment be adopted.

On page 3, line 8, strike "section 4" and insert "section 4 or 5"

One page 4, line 13, strike "section 4" and insert "section 4 or 5"

On page 9, after line 11, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 83.100 RCW to read as follows:

For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate for the first five hundred thousand dollars in value of real property that is the primary residence of the decedent, reduced by any amounts allowable as a deduction for the primary residence under section 2053(a)(4) of the Internal Revenue Code. "Residence" shall have the same meaning as in RCW 84.36.383, except for the limitation on acreage. The deduction under this subsection is not allowed if the value of the primary residence is already deductible from the decedent's gross estate under any other provision of this chapter or any provision of the Internal Revenue Code."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senator Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Zarelli on page 3, line 8 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Johnson and Zarelli, on page 3, line 8 to the striking amendment to Senate Bill No. 6096 and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Absent: Senator McCaslin - 1

Excused: Senators Delvin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Johnson to the striking amendment be adopted.

On page 3, line 8, strike "section 4" and insert "section 4 or 5"

One page 4, line 13, strike "section 4" and insert "section 4 or 5"

On page 9, after line 11, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 83.100 RCW to read as follows:

(1) For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate of up to one million dollars for the adjusted value of qualified family-owned business interests of the decedent determined as provided in section 2057(d) of the Internal Revenue Code. This deduction applies only if the requirements of section 2057(b)(1)(A), (C), and (D) of the Internal Revenue Code are met and the qualified family-owned business interest is acquired by any qualified heir from, or passed to any qualified heir from, the decedent, within the meaning of section 2032A(e)(9) of the Internal Revenue Code. Only property in the federal taxable estate and not deductible under section 4 of this act may be deducted under this subsection. For the purposes of determining the deduction amount, the value of property is its value as used to determine the value of the gross estate. For purposes of this subsection, the following definitions apply:

(i) "Qualified family-owned business interest" has the same meaning as in section 2057(e) of the Internal Revenue Code."

(ii) "Qualified heir" has the same meaning as in section 2057(i) of the Internal Revenue Code.

(2) The one million dollar maximum deduction in this section shall grow each year by the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index

for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the index in this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli and Johnson spoke in favor of adoption of the amendment to the striking amendment.

Senators Doumit and Brown spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Johnson on page 3, line 8 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Zarelli and Johnson to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 3, line 8, following "act" insert ". The amounts referenced in (b) and (c) of this subsection, including any deductions allowed under this chapter, shall grow each year by the previous fiscal year's fiscal growth factor as identified in RCW 43.135.025"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 3, line 8 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon and Swecker to the striking amendment be adopted.

On page 7, line 6, after "agricultural" insert ", aquacultural,"

On page 7, line 15, strike "and"

On page 7, after line 15, insert the following:

"(iii) The growing, farming, or cultivating of aquatic products in marine or freshwaters including shell fish and fin fish; and"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Sheldon and Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon and Swecker on page 7, line 6 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Sheldon and Swecker to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon to the striking amendment be adopted.

On page 7, line 6, after "agricultural" insert ", aquacultural,"

On page 7, line 15, strike "and"

On page 7, after line 15, insert the following:

"(iii) The growing, farming, or cultivating of shellfish; and"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Doumit spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 7, line 6 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sheldon to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

MOTION

Senator Doumit moved that the following amendment by Senators Doumit, Johnson and Zarelli to the striking amendment be adopted.

On page 18, beginning on line 11, strike all of Section 17.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Doumit and Johnson spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit, Johnson and Zarelli on page 18, line 11 to the striking amendment to Senate Bill No. 6096.

The motion by Senator Doumit carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Johnson to the striking amendment be adopted.

On page 19, line 8, strike all of section 23 and insert the following:

"NEW SECTION. Sec. 23. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Renumber the sections consecutively and correct any internal references accordingly.

On page 19, line 17 of the title amendment, strike "declaring an emergency" and insert "providing for submission of this act to a vote of the people"

Senators Zarelli, Schoesler, Pflug, Honeyford and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Doumit, Brown and Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Johnson on page 19, line 8 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Zarelli and Johnson to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

MOTION

Senator Esser moved that the following amendment by Senator Esser to the striking amendment be adopted.

On page 19, beginning on line 12 of the title amendment, after "page 1," strike all material through "amending" on line 13, and insert "line 1 of the title, after "Relating to" strike the remainder of the title and insert "instituting the death tax; amending"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Esser, Roach, Zarelli, Schoesler, Sheldon, Deccio, Stevens and Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

Senators Kline, Keiser, Kohl-Welles, Rockefeller, Fairley, Weinstein and Brown spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Eide: "This is completely uncalled for and not on the issue on hand."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, I think you're correct. Besides, my recollection was there's a question about who those dead people voted for."

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 19, line 12 to the striking amendment to Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Esser to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Delvin, McCaslin and Oke - 3

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice as amended to Senate Bill No. 6096.

The motion by Senator Doumit carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, and 83.100.010; adding new sections to chapter 83.100 RCW; creating new sections; repealing RCW 83.100.030 and 83.100.045; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Johnson spoke against passage of the bill.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President. I move, pursuant to Rule 29, that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 24, 2005."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate pursuant to Rule 29.

The motion by Senator Eide carried and debate was limited through April 24, 2005 by voice vote.

Senators Franklin, Kohl-Welles, Doumit, Shin, Fairley, McAuliffe and Kline spoke in favor of passage of the bill.

Senators Zarelli, Deccio, Mulliken, Schoesler, Benton and Benson spoke against the passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put carried by voice vote.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Johnson as to whether Senate Bill 6096 takes a simple majority or a two-thirds vote on final passage, the President finds and rules as follows:

Senator Johnson essentially argues that statutes enacted by Initiative No. 601 are still in force and effect notwithstanding the enactment, earlier this Session, of modifications to these statutes under Senate Bill 6078. He reasons that, because a referendum has been filed on Senate Bill 6078, its provisions are stayed from taking effect until the referendum is voted upon. For the sake of argument, the President takes notice of the fact that an Affidavit for Proposed Referendum Measure was filed with the Secretary of State today on Senate Bill 6078.

The President also notes, however, that Senate Bill 6078 contained, at Section 7, what is commonly referred to as an emergency clause that calls for the major provisions of the act at issue to take effect immediately. The Governor signed this act into law yesterday, and those provisions went into effect immediately. It may be that those seeking the referendum may prevail in their legal arguments to have the emergency clause set aside, and it may also be that the act, for this or other legal reasons, may be found unconstitutional in a court of law. These are matters, however, to be decided by a court, not by the President.

The President reminds the body that he rules on parliamentary, and not legal, issues; it is up to the body to decide the policies and language to enact, and it is up to the courts to rule as to the various legal limitations or invalidities of such language. The body undoubtedly accepts some risk that a court decision could disaffirm all or parts of Senate Bill 6078, and such a ruling could also jeopardize any subsequent measures enacted pursuant to its mandates. Unless and until there is such a ruling, however, the President has no recourse other than to interpret those provisions of law enacted by Senate Bill 6078 to be in full force and effect. For these reasons, only a simple majority vote of this body is needed for final passage of this measure."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senators Delvin, McCaslin and Oke - 3

ENGROSSED SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Senate Bill No. 6096 was immediately transmitted to the House of Representatives.

MOTION

At 11:26 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, April 20, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDREDTH DAY, APRIL 19, 2005

2005 REGULAR SESSION

ONE-HUNDRED FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 20, 2005

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present except Senators Carrell and Poulsen.

The Sergeant at Arms Color Guard consisting of Pages Karleigh Sandwith and John Ogle, presented the Colors. Pastor Jon Sanné of Calvary Chapel of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 19, 2005

HCR 4408 Prime Sponsor, Quall: Creating a joint select committee on secondary education. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Kohl-Welles, Pflug, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning, K-12

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

April 19, 2005

HCR 4411 Prime Sponsor, McCoy: Creating a joint select committee on equitable opportunity for all. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Kohl-Welles, Pridemore, Vice Chair, Higher Education; Rasmussen, Rockefeller, Schmidt, Shin and Weinstein, Vice Chair, Early Learning, K-12

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

April 19, 2005

SGA 9051 MICKEY FEARN, appointed October 9, 2003, for a term ending December 31, 2008, as Member of Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9180 ELIOT SCULL, appointed January 1, 2005, for a term ending December 31, 2010, as Member of Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Fraser, Morton Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9198 JOAN K. THOMAS, appointed October 9, 2003, for a term ending December 31, 2008, as Member of Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9206 CECILIA VOGT, appointed January 1, 2005, for a term ending December 31, 2010, as Member of Parks and Recreation Commission. Reported by the Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

April 19, 2005

SGA 9271 ROBERT C. PETERSEN, appointed October 9, 2003, for a term ending December 31, 2008, as Member of Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 16, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRIS HEDRICK, appointed March 16, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESB 6129 by Senators Poulsen and Morton

AN ACT Relating to providing incentives to industry and consumers to promote renewable energy; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Bill No. 6129 listed on the Introduction and First Reading report was placed on the day's second reading calendar..

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HB 1019 by Representatives Campbell, Kirby, McCune, Clements, Wood, Hudgins, Simpson, Green, Morrell, Conway, P. Sullivan, Linville, B. Sullivan, McDonald, Lovick, Dunn, Chase and Ormsby

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.379 and 84.36.381; and creating a new section.

Referred to Committee on Finance.

HB 1485 by Representatives Hunter, Jarrett, Wallace, Tom, Fromhold, McDermott, Haigh, Kenney and P. Sullivan

AN ACT Relating to the school bus bid process; and amending RCW 28A.160.195.

Referred to Committee on Education.

SHB 2289 by House Committee on Appropriations (originally sponsored by Representatives Sommers and Cody)

AN ACT Relating to hospital efficiencies; and amending RCW 74.09.5225.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Introduction and First Reading report, House Bill No. 1019; House Bill No. 1485; and Substitute House Bill No. 2289 were held at the desk.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1003,
ENGROSSED HOUSE BILL NO. 1068,
HOUSE BILL NO. 1128,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1304,
HOUSE BILL NO. 1307,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1330,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1478,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SUBSTITUTE HOUSE BILL NO. 1687,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688,
SUBSTITUTE HOUSE BILL NO. 1756,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
ENGROSSED HOUSE BILL NO. 1848,
SUBSTITUTE HOUSE BILL NO. 1934,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015,
ENGROSSED HOUSE BILL NO. 2185,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Jacobsen, moved that Gubernatorial Reappointment No. 9273, Constance L. Proctor, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Jacobsen spoke in favor of the motion.

REAPPOINTMENT OF CONSTANCE L. PROCTOR

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9273, Constance L. Proctor as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9273, Constance L. Proctor as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Carrell and Poulsen - 2

Gubernatorial Reappointment No. 9273, Constance L. Proctor, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Jacobsen, moved that Gubernatorial Reappointment No. 9252, Fred Kiga, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Jacobsen spoke in favor of the motion.

REAPPOINTMENT OF FRED KIGA

MOTIONS

On motion of Senator Weinstein, Senator Poulsen was excused.

On motion of Senator Esser, Senator Mulliken was excused.

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9252, Fred Kiga as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9252, Fred Kiga as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Poulsen - 1

Gubernatorial Reappointment No. 9252, Fred Kiga, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Weinstein, moved that Gubernatorial Reappointment No. 9230, Jeffrey H. Brotman, as a member of the Board of Regents, University of Washington, be confirmed.

Senators Weinstein and Esser spoke in favor of the motion.

REAPPOINTMENT OF JEFFREY H. BROTMAN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9230, Jeffrey H. Brotman as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9230, Jeffrey H. Brotman as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Delvin, Honeyford, Mulliken, Schoesler and Stevens - 6

Gubernatorial Reappointment No. 9230, Jeffrey H. Brotman, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

PERSONAL PRIVILEGE

Senator Deccio: "I'd like to have everybody listen to what I'm going to say, if Senator McCaslin will sit down. Today is gentle Bob's seventy-ninth birthday. I know he looks ninety but he's really only seventy-nine. Bob, we've been here since day one and I really appreciate your friendship. I hope that you don't make too many people mad, so you can get through the day safely. His friend gave him a little kitty cat there and I think that's very appropriate but may you have seventy-nine more. Glad to call you my friend."

PERSONAL PRIVILEGE

Senator McCaslin: "I don't know who the last Senator was that spoke but seems like a pretty nice fella. Anyway, the press was interviewing a ninety-nine year old and they asked him when he wanted to be ninety-nine and he said, 'When I was ninety-eight.' So I want to be eighty. I'm twenty-nine or so right now and I'm enjoying life immensely in spite of some of you guys and some of your bills but I guess that's the nature of the beast. I thank you very much. Thank you for the kitty cat. This person has two cats and they're long-haired cats and I don't like long-haired cat so she sent me a short haired cat but it's so cute and cuddly. If any of you want to feel it I'll charge you a dollar but if you want to hug me that's two bucks. Madam, may I go to a point of generic preference? I have no idea what I should go into because I asked the one attorney up there, they had no idea but I'd like to go into a point of generic preference or....."

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "Senator, your point for a generic discussion is granted."

Senator McCaslin: "Thank you very much. The gentleman that brought their cowboy hats in today, would they please place them on their heads? That's what there for. You ladies and gentlemen in the audience may not know what's going on down here but we don't either. We will try to explain it to you. The ladies have a 'Red Hat Day.' I'm sure you all heard of that. Weinstein can't afford a hat so I told him ... He's got more money than all of us put together so he's really going to get hurt on that...Hey, you need more hats than that if you're going stay in the Senate. Anyway this is in response to the Red Hat Day that you ladies did and the men honored you and we loved you. Since there's so few, Senator Rockefeller, look back in the back row there. Look at Jacobsen. Is that your hat? I wondered why they called you 'Pinhead.' Now we know. Now we know. But anyway this is cowboy hat day, this is the original. Look at this hat back here. I'm sorry they didn't have your size. This is in response to the ladies and their Red Hat Day and of course they all look beautiful and Senator Franklin when she was here, not at her lofty post that she's at today, she shared her hat with me but she took it back but she's a very gracious lady. The women over on the Democrat side the men aren't wearing hats. Guess who's in control of the Democrat Caucus? Guess who's in control of the Senate? Anyway, this is the original Cowboy Hat Day. Senator Brown, we welcome you - we started earlier you know. Anyway this is going to go on every year - hopefully I'll be here the next three years - and every April 20. Well, in a sixty day session ... - well, the way the Democrats run the place, we'll probably be here on the 20th of April next year. But, if we are, we'll enjoy it. If we don't do it, then we'll do it the following year. May God bless all of you, thank you."

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "We wish you a happy number seventy-nine and may you have seventy-nine more."

PERSONAL PRIVILEGE

Senator Hewitt: "Well, I thought this was Cowboy Hat Day, not Urban Cowboy Hat Day. I mean, I thought we were suppose to wear cowboy hats. So I brought my cowboy hat. Now, what is this stuff? What is this? This is a cowboy hat? I tell you, talk about a divide, you know the state's divided. This is why. This is what they call a cowboy hat in Bellevue. Gosh, this is unbelievable. This hat has been around as you can tell. It has cow blood on it, whew, it stinks too. This hat really has been

around. I know that it's hard for all of you to believe that I grew up on a horse. Me, on a horse? But I did. I was raised on a farm and rode a horse almost everyday of my life. This hat was not with me at that time by the way, but this hat has been around and it a true cowboy hat not an urban cowboy hat. Thank you Madam President."

PERSONAL PRIVILEGE

Senator Schoesler: "The black hat, symbol of the bad guys. The black hat confirms what liberal special interest have suspicioned for years."

PERSONAL PRIVILEGE

Senator Swecker: "I just want to mention that I can tell I've been spending too much time with the legislature because the rats got at my hat and ate a hole in it while I was gone. But it's here so...."

PERSONAL PRIVILEGE

Senator McAuliffe: "In honor of your seventy-ninth birthday and the cowboy hat day I wore my happy trails jacket for you. So, if you remember, happy trails, Roy Rogers. I wish you many of them as well."

PERSONAL PRIVILEGE

Senator McCaslin: "Because it's my birthday may I speak twice Madam President?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Since you're seventy-nine, you get to speak twice."

PERSONAL PRIVILEGE

Senator McCaslin: "I have to tell you a story. I joined the Navy in 1944 Great Lakes, San Diego, Pasco and we had a bombing range above a little place called Beverly which is on...anybody ever heard of Beverley? It's on the Columbia River. It's under water now. Anyway we had a bombing range there and that's where the wild horses are. Anyway I met a young lady going to Central and she was a farmer, girl farmer. She invited us out for the weekend. She put me on a horse, I'll never forgive her. She put me on a horse, and I'm a city boy. So we take off for the hills and the horse snapped it's head and pulled the reins out of my hands, did a one-eighty and headed for the barn with Sailor McCaslin hanging on for dear life on that horn. He went into the barn and I ducked, otherwise he'd take my head off and I don't who would have been here today. That's the last time I've been on a horse and that's the last time I'm going to be on a horse. So I'm an urban cowboy whether I like it or not. But that's my horse story and you guys, especially Schoesler, you can have all the horses they have in the world son."

PERSONAL PRIVILEGE

Senator Jacobsen: "I also have to say. I'm going, I have to ask Senator McCaslin next time you chair a committee I'd like a birthday present. I'd like to get one bill in twenty-five years out of your committee. I don't think I ever got a bill out of Senator McCaslin's committee and then the other thing that I have to say. I was over in the Senate when I was in the House and getting ready to testify on a bill and there was an earlier bill that came up and it was dealt with truth in campaigns. Senator McCaslin said about the bill, he said, 'Well, you know in my last campaign my opponent said I was stupid, fat, ignorant and lazy.' He said to the members of the committee and audience he said 'I knew I had a problem right away. I had a leak at the top of my campaign staff.'"

POINT OF INQUIRY

Senator Hewitt: "Would Senator McCaslin yield to a question? Senator McCaslin you said that the horse jerked the reins out of your hands."

Senator McCaslin: "Yes, it did."

Senator Hewitt: "I just was wondering maybe if that was what the women in your lives did to you as well."

Senator McCaslin: "Lisa. The Republicans are down to twenty-one."

PERSONAL PRIVILEGE

Senator Brown: "Well, I have to rise Madam President in defense of the gentleman from the fourth district. Senator McCaslin. You have to admit, you're a bit of ladies man, however, Senator McCaslin. Also to thank Senator Pflug for my cowgirl jacket. I'm not a cowgirl, I think that's probably obvious to all of you. Although I was raised in a rural area, come from a farming family and have ridden horses. I like to read about cowgirls, however. Some of my favorite books, 'Cowboys are my weakness', 'Even Cowgirls get the blues' and then the every famous 'Cowgirls guide to modern life: Never ask the man the size of his spread.'"

PERSONAL PRIVILEGE

Senator Honeyford: "Some of us or all hat and no cattle and some of us are no hat and no cattle and there are very few of us that have cattle and a hat and I'd like to recognize Senator Morton and Senator Schoesler is the two that I'm aware of that really are in the cattle industry and deserve their recognition. I'd also like to point out that we will have a picture immediately when we adjourn for lunch, which I hope is soon, so we have a recording of this momentous day."

The President assumed the chair.

PERSONAL PRIVILEGE

Senator Franklin: "Yes. You left and we took over but we took over with laughter and the cowpokes would like to pay a tribute. We had a birthday, and now the Red Hatters would like to pay a tribute to the cow pokes. 'Step aside ya'll onery tenderfeets, let a big bad buckaroo pass, I'm the toughest hombre you'll ever meet. Though I may be the last, yes are we. We are a vanishing race. No sirree can't last long. Step aside ya'll onery tenderfeets 'cause I'm about to sing my song. I'm an old cow hand, from the Rio Grande, but my legs ain't bowed and my cheeks ain't tanned. Well, I'm a cowboy who never saw a cow, never roped a steer 'cause I don't know how and I sure ain't fixing to start it now. Yippie-yi-yo-ki-yay. Oh Yippie-yi-yo-ki-yay."

PERSONAL PRIVILEGE

Senator Shin: "I don't know if you folks who have ever participated in this, but 1996 in Ellensburg Rodeo I was invited to be Grand Marshall, wear cowboy hat, cowboy clothes and boots and all that on a horse too. I was selected as the best cowboy every year in Ellensburg. And that goes to show, even a Korean boy coming to the United States, you can settle here and you can become a cowboy. Thank you for the opportunity."

PERSONAL PRIVILEGE

Senator Thibaudeau: "I just wanted to personally welcome these young men. I had a group from O'Dea here last year, last week, or the week before. I don't know what year it is or nor what week. I was so impressed because what they brought down was their opposition to any cuts in human services. This is a very fine school and they get very good grades and they also care a lot about people because they are required to do some community service is part of their education. So welcome and thank you very much."

PERSONAL PRIVILEGE

Senator Hewitt: "Well, this is directed to those in the gallery this morning. For those of you who think we do this all the time, this really isn't the way we operate down here. We were on the floor last night until almost midnight doing your business. So if you think this is something we do daily, please, rest assured it's not. We really do work down here."

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED HOUSE BILL NO. 1241,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,
ENGROSSED HOUSE BILL NO. 1074,
SECOND SUBSTITUTE HOUSE BILL NO. 2212,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE SENATE BILL NO. 5256,
SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5999,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5914,
ENGROSSED SENATE BILL NO. 5962,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5396,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5049,
SENATE BILL NO. 5321,
ENGROSSED SENATE BILL NO. 5418,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,
SENATE BILL NO. 6033

MOTION

On motion of Senator Honeyford, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SENATE BILL NO. 5094, was returned to second reading for purpose of an amendment, adopted the following amendment and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read as follows:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2) Special assessments to finance the activities of a conservation district may be imposed by the county legislative authority of the county in which the conservation district is located for a period or periods each not to exceed ten years in duration.

The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

On or before the first day of August in that year, the supervisors of a conservation district shall file the proposed system of assessments, indicating the years during which it is proposed that the special assessments shall be imposed, and a proposed budget for the succeeding year with the county legislative authority of the county within which the conservation district is located. The county legislative authority shall hold a public hearing on the proposed system of assessments. After the hearing, the county legislative authority may accept, or modify and accept, the proposed system of assessments, including the number of years during which the special assessments shall be imposed, if it finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district. The findings of the county legislative authority shall be final and conclusive. Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

Notice of the public hearings held by the supervisors and the county legislative authority shall be posted conspicuously in at least five places throughout the conservation district, and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars, except that for counties with a population of over five hundred thousand persons, the maximum annual per parcel rate shall not exceed ten dollars.

Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

(4) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the county legislative authority. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected special assessments, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

(5) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the county legislative

authority but prior to the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and ask the House to recede therefrom.

Senators Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rasmussen that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and ask the House to recede therefrom.

The motion by Senator Rasmussen carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5094 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5101, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the use of renewable energy resources generated from local sources such as solar and wind power benefit our state by reducing the load on the state's electric energy grid, by providing nonpolluting sources of electricity generation, and by the creation of jobs for local industries that develop and sell renewable energy products and technologies.

The legislature finds that Washington state has become a national and international leader in the technologies related to the solar electric markets. The state can support these industries by providing incentives for the purchase of locally made renewable energy products. Locally made renewable technologies benefit and protect the state's environment. The legislature also finds that the state's economy can be enhanced through the creation of incentives to develop additional renewable energy industries in the state.

The legislature intends to provide incentives for the greater use of locally created renewable energy technologies, support and retain existing local industries, and create new opportunities for renewable energy industries to develop in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Customer-generated electricity" means the alternating current electricity that is generated from a renewable energy system located on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. A system located on a leasehold interest does not qualify under this definition. "Customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

(2) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

(3) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(4) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

(5) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(6) "Solar inverter" means the device used to convert direct current to alternating current in a photovoltaic cell system.

(7) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(8) "Standards for interconnection to the electric distribution system" means technical, engineering, operational, safety, and procedural requirements for interconnection to the electric distribution system of a light and power business.

NEW SECTION. Sec. 3. (1) Any individual, business, or local governmental entity, not in the light and power business or in the gas distribution business, may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated

electricity renewable energy system installed on its property that is not interconnected to the electric distribution system. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2014.

(2) When light and power businesses serving eighty percent of the total customer load in the state adopt uniform standards for interconnection to the electric distribution system, any individual, business, or local governmental entity, not in the light and power business or in the gas distribution business, may apply to the light and power business serving the situs of the system, each fiscal year, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system installed on its property that is not interconnected to the electric distribution system and from a customer-generated electricity renewable energy system installed on its property that is interconnected to the electric distribution system. Uniform standards for interconnection to the electric distribution system means those standards established by light and power businesses that have ninety percent of total requirements the same. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2014.

(3)(a) Before submitting for the first time the application for the incentive allowed under this section, the applicant shall submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;
(ii) The applicant's tax registration number;
(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;
(B) A wind generator powered by blades manufactured in Washington state;
(C) A solar inverter manufactured in Washington state;
(D) A solar module manufactured in Washington state; or
(E) Solar or wind equipment manufactured outside of Washington state;
(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems;

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue shall advise the applicant in writing whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(4)(a) By August 1st of each year application for the incentive shall be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;
(ii) The applicant's tax registration number;
(iii) The date of the letter from the department of revenue stating that the renewable energy system is eligible for the incentives under this section;

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system shall notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons receiving incentive payments shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records shall be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and shall add thereto interest on the amount. Interest shall be assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(5) The investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(6) No individual, household, business, or local governmental entity is eligible for incentives for more than two thousand dollars per year.

(7) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments shall be reduced proportionately.

(8) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(9) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

NEW SECTION. Sec. 4. (1) A light and power business shall be allowed a credit against taxes due under this chapter in an amount equal to investment cost recovery incentive payments made in any fiscal year under section 3 of this act. The credit shall be taken in a form and manner as required by the department. The credit under this section for the fiscal year shall not exceed twenty-five one-hundredths of one percent of the businesses' taxable power sales due under RCW 82.16.020(1)(b) or twenty-five thousand dollars, whichever is greater. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(2) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 3 of this act, the amount of tax against which credit was claimed for the excess payments shall be immediately due and payable. The department shall assess interest but not penalties on the taxes against which the credit was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the taxes against which the credit was claimed are repaid.

(3) The right to earn tax credits under this section expires June 30, 2015. Credits may not be claimed after June 30, 2016.

NEW SECTION. Sec. 5. (1) Using existing sources of information, the department shall report to the house appropriations committee, the house committee dealing with energy issues, the senate committee on ways and means, and the senate committee dealing with energy issues by December 1, 2009. The report shall measure the impacts of this act, including the total number of solar energy system manufacturing companies in the state, any change in the number of solar energy system manufacturing companies in the state, and, where relevant, the effect on job creation, the number of jobs created for Washington residents, and such other factors as the department selects.

(2) The department shall not conduct any new surveys to provide the report in subsection (1) of this section.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 82.16 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5101.

Senator Poulsen spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5101.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5101.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5101, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Benton - 1

Excused: Senators Hewitt and Parlette - 2

SUBSTITUTE SENATE BILL NO. 5101, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the welfare of the people of the state of Washington is positively impacted through the encouragement and expansion of key growth industries in the state. The legislature further finds that targeting tax incentives to focus on key growth industries is an important strategy to enhance the state's business climate.

A recent report by the Washington State University energy program recognized the solar electric industry as one of the state's important growth industries. It is of great concern that businesses in this industry have been increasingly expanding and relocating their operations elsewhere. The report indicates that additional incentives for the solar electric industry are needed in recognition of the unique forces and issues involved in business decisions in this industry.

Therefore, the legislature intends to enact comprehensive tax incentives for the solar electric industry that address activities of the manufacture of these products and to encourage these industries to locate in Washington. Tax incentives for the solar electric industry are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this growth industry within our state, will create jobs, and will bring many indirect benefits to the state.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules, or silicon components of such systems; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(2) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules, or silicon components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules multiplied by the rate of 0.2904 percent.

(3) The definitions in this subsection apply throughout this section.

(a) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(b) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(c) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(4) This section expires June 30, 2014.

Sec. 3. RCW 82.04.440 and 2004 c 174 s 5 and 2004 c 24 s 7 are each reenacted and amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, section 2(2) of this act, or 82.04.260 (4) or (13) with respect to selling products in this state shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable under RCW 82.04.240 or 82.04.260(1)(b) shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), section 2(1) of this act, or 82.04.260 (1), (2), (4), (6), or (13) with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), ~~((and))~~ 82.04.260 (1), (2), (4), and (13), and section 2(1) of this act; and (ii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed in RCW 82.04.230 and similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under section 2 of this act shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under section 2 of this act. The report is due by March 31st following any year in which a preferential tax rate under section 2 of this act is used. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(b) If a person fails to submit an annual report under (a) of this subsection, the department shall declare the amount of taxes reduced for the previous calendar year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest, but not penalties, at the rate provided for delinquent taxes, as provided under this chapter. The department shall assess interest, retroactively to the date the preferential tax rate under section 2 of this act, was used. The interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, and shall accrue until the taxes for which the preferential tax rate was used are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

NEW SECTION. Sec. 5. (1) Using existing sources of information, the department shall report to the house appropriations committee, the house committee dealing with energy issues, the senate committee on ways and means, and the senate committee dealing with energy issues by December 1, 2013. The report shall measure the impacts of this act, including the total number of solar energy system manufacturing companies in the state, any change in the number of solar energy system manufacturing companies in the state, and, where relevant, the effect on job creation, the number of jobs created for Washington residents, and any other factors the department selects.

(2) The department shall not conduct any new surveys to provide the report in subsection (1) of this section.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5111.

Senator Morton spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Morton that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5111.

The motion by Senator Morton carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5111.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5111, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Kastama - 1

Excused: Senators Hewitt and Parlette - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1591 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1591 and ask the House to concur.

Senators Keiser and Deccio spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Finkbeiner, Zarelli and Hewitt were excused.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 1591 and ask the House to concur.

The motion by Senator Keiser carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 1591 and ask the House to concur.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1366 and asks Senate to recede therefrom.

and the same is herewith transmitted.

MOTION

Senator Hargrove moved that the Senate recede from its position on Substitute House Bill No. 1366 without the Senate amendments.

Senators Hargrove, Stevens and Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on Substitute House Bill No. 1366 and passed the bill without the Senate amendments.

The motion by Senator Hargrove carried and the Senate receded from its position and passed Substitute House Bill No. 1366 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 1366, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Absent: Senator Deccio - 1

Excused: Senators Finkbeiner, Hewitt and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 1366, without Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Benton that the House striking amendment to Engrossed Substitute Senate Bill 5034 is beyond the scope and object of the underlying bill, the President finds and rules as follows:

While the main provisions of the bill relate to electioneering communications, the bill, as it passed the Senate, also included a provision to raise contribution limits.

The House's striking amendment includes the electioneering and contribution limit provisions that were in the Senate version, but it also adds an additional section, Section 12, which amends RCW 42.17.660. This section relates to allowing corporations and unions that have multiple subdivisions or affiliates to have each such division or affiliate be subject to a separate contribution limit. Because this language relates to contribution limits—a subject included in the version of the measure passed by the Senate—this subject may properly be amended and is within the scope and object of the underlying bill. For these reasons, Senator Benton's point is not well-taken and the measure is properly before us as amended by the House."

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5034 which had been held on the concurrence calendar on the previous day.

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5034.

Senator Kastama spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5034.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5034.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Brandland, Carrell, Deccio, Delvin, Esser, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens and Swecker - 20

Excused: Senators Finkbeiner, Hewitt and Zarelli - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Eide moved that Engrossed Substitute Senate Bill No. 5034 be immediately transmitted to the House of Representatives.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Benton gave notice of his intent to move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5034 passed the Senate.

POINT OF ORDER

Senator Johnson: "My understanding for prior rulings is that, until the bill actually leaves the Senate, such a notice can be given."

PARLIAMENTARY INQUIRY

Senator Eide: "Beings my motion was first, won't it be voted upon first before we do anything else?"

REPLY BY THE PRESIDENT

President Owen: "We are checking on that right now."

RULING BY THE PRESIDENT

President Owen: "Senator Eide had made a motion to immediately transmit Engrossed Substitute Senate Bill No. 5034 to the House of Representatives. Prior to the vote being taken, Senator Benton had given notice of reconsideration. The Senate had amended their rule, Rule 37, on reconsideration that seems to give considerable consideration to the motion to reconsider. In the rule it says that, 'the prevailing side may give notice of reconsideration unless the motion to immediately transmit the measure to the House has been decided in the affirmative.' In this case, it had not been decided. Senator Benton, your notice is received."

PARLIAMENTARY INQUIRY

Senator Eide: "Then do we go ahead and proceed, now, with my motion or how does this work?"

REPLY BY THE PRESIDENT

President Owen: "Since he has a motion to reconsider, I mean, he has a notice of reconsideration, he has until the end of today in order to follow through with that. It would make your motion out of order."

PARLIAMENTARY INQUIRY

Senator Eide: "Even though I made the motion first?"

REPLY BY THE PRESIDENT

President Owen: "Because of your rule – which you may further clarify in the future, if you so desire."

PARLIAMENTARY INQUIRY

Senator Eide: "Mr. President, if I may? This bill has passed, 26-20, correct."

REPLY BY THE PRESIDENT

President Owen: "Approximately. It did pass, yes, and the President declared it passed."

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5492, was returned to second reading for purpose of an amendment, adopted the following amendment and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.41.210 and 1994 sp.s. c 9 s 743 are each amended to read as follows:

(1) The chief administrator or executive officer of a hospital shall report to the ~~((medical quality assurance commission when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination in order to foreclose or terminate actual or possible hospital action to suspend, restrict, or terminate a physician's clinical privileges))~~ department when the practice of a health care practitioner as defined in subsection (2) of this section is restricted, suspended, limited, or terminated based upon a conviction, determination, or finding by the hospital that the health care practitioner has committed an action defined as unprofessional conduct under RCW 18.130.180. The chief administrator or executive officer shall also report any voluntary restriction or termination of the practice of a health care practitioner as defined in subsection (2) of this section while the practitioner is under investigation or the subject of a proceeding by the hospital regarding unprofessional conduct, or in return for the hospital not conducting such an investigation or proceeding or not taking action. The department will forward the report to the appropriate disciplining authority.

(2) The reporting requirements apply to the following health care practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced registered nurse practitioners as defined in chapter 18.79 RCW; dentists as defined in chapter 18.32 RCW; naturopaths as defined in chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW; osteopathic physicians and surgeons as defined in chapter 18.57 RCW; osteopathic physician assistants as defined in chapter 18.57A RCW; physicians as defined in chapter 18.71 RCW; physician assistants as defined in chapter 18.71A RCW; podiatric physicians and surgeons as defined in chapter 18.22 RCW; and psychologists as defined in chapter 18.83 RCW.

~~((Such a))~~ (3) Reports made under subsection (1) of this section shall be made within ~~((sixty))~~ fifteen days of the date ~~((action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges))~~: (a) A conviction, determination, or finding is made by the hospital that the health care practitioner has committed an action defined as unprofessional conduct under RCW 18.130.180; or (b) the voluntary restriction or termination of the practice of a health care practitioner, including his or her voluntary resignation, while under investigation or the subject of proceedings regarding unprofessional conduct under RCW 18.130.180 is accepted by the hospital.

(4) Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

(5) A hospital, its chief administrator, or its executive officer who files a report under this section is immune from suit, whether direct or derivative, in any civil action related to the filing or contents of the report, unless the conviction, determination, or finding on which the report and its content are based is proven to not have been made in good faith. The prevailing party in any action brought alleging the conviction, determination, finding, or report was not made in good faith, shall be entitled to recover the costs of litigation, including reasonable attorneys' fees.

(6) The department shall forward reports made under subsection (1) of this section to the appropriate disciplining authority designated under Title 18 RCW within fifteen days of the date the report is received by the department. The department shall notify a hospital that has made a report under subsection (1) of this section of the results of the disciplining authority's case disposition decision within fifteen days after the case disposition. Case disposition is the decision whether to issue a statement of charges, take informal action, or close the complaint without action against a practitioner. In its biennial report to the legislature under RCW 18.130.310, the department shall specifically identify the case dispositions of reports made by hospitals under subsection (1) of this section.

(7) The department shall not increase hospital license fees to carry out this section before July 1, 2007.

"**Sec. 2.** RCW 18.130.070 and 1998 c 132 s 8 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by the disciplining authority and state or local governmental agencies, to report to the disciplining authority

any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. If a report has been made by a hospital to the department pursuant to RCW 70.41.210, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the ((disciplinatory)) disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the ((disciplinatory)) disciplining authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5492.

Senators Keiser and Deccio spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5492.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5492.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5492, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5492, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5763 and the House amendment(s) thereto: Senators Senator Hargrove, Regala and Stevens.

MOTION

On motion of Senator Hargrove, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Kenney, Cox, Sells, Priest, Jarrett, Conway, Ormsby and Linville

Approving the 2004 update to the state comprehensive plan for work force training.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed House Concurrent Resolution No. 4404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 4404 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Mulliken and Schoesler - 2

Absent: Senators Benton and Johnson - 2

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5539, by Senators Jacobsen, Oke, Rasmussen, Doumit, Schmidt, Benson, Kastama, Shin, Pridemore, Franklin and Roach

Creating the veterans conservation corps program. Revised for 1st Substitute: Establishing the veterans conservation corps.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5539 was substituted for Senate Bill No. 5539 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 3; Excused, 0.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Deccio - 1

Absent: Senators Benton, Pridemore and Shin - 3

SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

PERSONAL PRIVILEGE

Senator Jacobsen: "There will be an executive session meeting of the Senate Natural Resources Ocean & Recreation Committee in Senate Hearing Room 2 immediately upon recessing for lunch."

MOTION

Senator Prentice moved adoption of the following resolution:

SENATE RESOLUTION 8682

By Senators Prentice, Esser, Swecker, Doumit, Jacobsen, Berkey, Keiser, Brown, Franklin, Rasmussen, Eide, Haugen, Spanel, Thibaudeau, Shin, McAuliffe and Regala

WHEREAS, The Cowlitz Tribe have called the lands of Southwest Washington home since time immemorial; and
WHEREAS, The Cowlitz have been referred to as the "blue bloods of Southwest Washington"; and
WHEREAS, In 1855 when war erupted, Chief Atwin Stockam entered into an agreement that the Cowlitz would remain peaceful if a reservation would be established; and

WHEREAS, Although the Cowlitz were not involved in any battles, they were not granted their rightful land; and

WHEREAS, The Cowlitz never entered into a treaty, were never subdued, and never lost the rights to their land; and

WHEREAS, The Cowlitz have worked diligently throughout the twentieth century for the United States to acknowledge and recognize their rights and historical importance; and

WHEREAS, On April 12, 1973, the Indian Claims Commission determined the Cowlitz Tribe had been deprived of their original Indian title as of March 20, 1863, without compensation; and

WHEREAS, The commission only recognized the Cowlitz territory as encompassing 1.66 million acres, only two-thirds of the actual aboriginal territory of 2.4 million acres; and

WHEREAS, The Cowlitz have been patient and determined in the face of adversity, including adaptation to governmental policy change, encroachment on rights to fish, hunt, and live on their land, and broken promises; and

WHEREAS, The Cowlitz secured formal acknowledgment as a federally recognized tribe on February 14, 2000;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the persistent efforts and contributions of the Cowlitz Indian Tribe to their community and state and congratulate their developments of the past, present, and future and encourage such actions by the Federal Government as necessary to expeditiously restore lands and opportunities to the Cowlitz People to maximize their economic and cultural development and well-being.

Senators Prentice, Esser and Doumit spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

The motion by Senator Prentice carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. John Barnett, Chairman of the Cowlitz Indian Tribe, who was seated at the rostrum.

PERSONAL PRIVILEGE

Senator Honeyford: "Just a reminder of those that were involved in today's observation of cowboy hat day that there'll be a picture taken immediately when we adjourn for lunch."

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:44 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

PERSONAL PRIVILEGE

Senator Johnson: "It's my privilege to introduce a distinguished former member of the Washington State Senate, Neil Hoff, from Tacoma from the Twenty-seventh District. He says, he's, before Neil there was never a Republican elected. There hasn't been since, Senator Regala. When Neil was a Republican Majority Leader in the Senate in the early 50's. He was also a Governor of the State Bar Association, a distinguished lawyer in Tacoma. While he was here in Olympia, in this chamber, you might be interested to know that the Minority Leader was a Democrat by the name of Al Rosellini. There were other – those were the glory days of the bar, Senator Weinstein, we had a lot of lawyers here– Marsh Neill from Pullman, Harold Petrie, Perry Woodall from Toppenish, the lower Yakima Valley. He also, Senator Hoff says he was chairman of the Institutions Committee at one time and in the same year they had riots in both Monroe and Walla Walla. So times were tough. It's a privilege for me to introduce a distinguished member of the bar and former Senator, Neil Hoff from Tacoma."

With the permission of the Senate, business was suspended to allow former Senator Neil J. Hoff, who served in from 1953 to 1957, to address the Senate.

REMARKS BY THE PRESIDENT

President Owen: "The President would ask you to take note that he did that without a microphone."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Appointment No. 9297, Liz Luce, as a Director of the Department of Licensing, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators McCaslin, Roach and Zarelli were excused.

APPOINTMENT OF LIZ LUCE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9297, Liz Luce as a Director of the Department of Licensing.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9297, Liz Luce as a Director of the Department of Licensing and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 43

Absent: Senators Brown, Doumit, Finkbeiner and Poulsen - 4

Excused: Senators McCaslin and Zarelli - 2

Gubernatorial Appointment No. 9297, Liz Luce, having received the constitutional majority was declared confirmed as a Director of the Department of Licensing.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove, moved that Gubernatorial Appointment No. 9303, Robin Arnold-Williams, as Secretary of the Department of Social & Health Services, be confirmed.

Senators Hargrove, Stevens, Thibaudeau, Deccio and Parlette spoke in favor of the motion.

APPOINTMENT OF ROBIN ARNOLD-WILLIAMS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9303, Robin Arnold-Williams as Secretary of the Department of Social & Health Services.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9303, Robin Arnold-Williams as Secretary of the Department of Social & Health Services and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

Gubernatorial Appointment No. 9303, Robin Arnold-Williams, having received the constitutional majority was declared confirmed as Secretary of the Department of Social & Health Services.

PERSONAL PRIVILEGE

Senator Hargrove: "Mr. President, I'd just like to say that Robin will be available in our Caucus when we break for caucus to meet everybody and then we'll go over to the Republican Caucus right after that to be available to meet them. So, just wanted to let people know that. Thank you."

MOTION

At 2:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 3:04 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6103, by Senators Haugen and Swecker

Providing funding and funding options for transportation projects.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6103 was substituted for Senate Bill No. 6103 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:
Strike everything after the enacting clause and insert the following:

"PART I - VEHICLE FUEL TAXES

Sec. 101. RCW 82.36.025 and 2003 c 361 s 401 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

Sec. 102. RCW 82.38.030 and 2003 c 361 s 402 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((4))~~ (8) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 103. RCW 46.68.090 and 2003 c 361 s 403 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in accordance with subsections (2)~~((, (3), and (4)))~~ through (7) of this section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly.

(2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (2)(b);

(c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

(f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(3) ~~((One hundred percent of))~~ The remaining net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account (nickel account).

(4) The remaining net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed as follows:

(a) 8.3333 percent shall be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent shall be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder shall be distributed to the transportation partnership account created in section 104 of this act.

(5) The remaining net tax amount collected under RCW 82.36.025(4) and 82.38.030(4) shall be distributed as follows:

(a) 8.3333 percent shall be distributed to the incorporated cities and towns of the state in accordance with RCW 46.68.110;

(b) 8.3333 percent shall be distributed to counties of the state in accordance with RCW 46.68.120; and

(c) The remainder shall be distributed to the transportation partnership account created in section 104 of this act.

(6) The remaining net tax amount collected under RCW 82.36.025 (5) and (6) and 82.38.030 (5) and (6) shall be distributed to the transportation partnership account created in section 104 of this act.

(7) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

NEW SECTION. Sec. 104. A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.

(3) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.

(4) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(5) For purposes of this act:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under this act.

(6) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies.

(8) In conducting the audits, the state auditor may involve the transportation-related agency front-line employees and internal auditors. The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

- (i) Identification and recognition of best practices;
- (j) Evaluation of planning, budgeting, and program evaluation policies and practices;
- (k) Evaluation of personnel systems operation and management;
- (l) Evaluation of purchasing operations and management policies and practices;
- (m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and
- (n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(9) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(10) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the transportation performance audit board, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(11) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(12) For the period from July 1, 2005, until June 30, 2007, the amount of \$1,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (4) through (11) of this section.

(13) When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.

(14) If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.

NEW SECTION. Sec. 105. A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

Sec. 106. RCW 46.68.110 and 2003 c 361 s 404 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(~~((2)(g))~~) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(~~((2)(g))~~) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(~~((2)(g))~~) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(~~((2)(g))~~) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(~~((2)(g))~~) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial

highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 107. RCW 82.38.035 and 2003 c 361 s 405 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~((3)(a))~~) (7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~((3)(b))~~) (7)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~((3)(c))~~) (7)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~((3)(d))~~) (7)(d).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(~~((3)(e))~~) (7)(e).

Sec. 108. RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((4))~~) if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 109. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance

account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 110. RCW 43.84.092 and 2004 c 242 s 60 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the

highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 111. A new section is added to chapter 46.68 RCW to read as follows:

Beginning July 1, 2007, and each year thereafter, the state treasurer shall transfer five million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

PART II - FEES ADMINISTERED ACCORDING TO VEHICLE WEIGHT

NEW SECTION. Sec. 201. (1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in section 105 of this act, and the remainder collected from the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in section 105 of this act, and the remainder shall be deposited into the multimodal transportation account.

NEW SECTION. Sec. 202. In addition to any other fees or charges, there shall be paid and collected annually for motor homes a vehicle weight fee of seventy-five dollars. This fee is due at the time of initial and renewal of vehicle registration. The fee collected under this section shall be deposited in the multimodal transportation account.

NEW SECTION. Sec. 203. A new section is added to chapter 46.16 RCW to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035.

Sec. 204. RCW 46.16.070 and 2003 c 361 s 201 and 2003 c 1 s 3 are each reenacted and amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight under chapter 46.44 RCW, the following licensing fees by ~~((such gross))~~ weight:

((DECLARED GROSS)) WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	\$ ((30.00)) <u>40.00</u>	\$ ((30.00)) <u>40.00</u>
6,000 lbs.	\$ ((30.00)) <u>50.00</u>	\$ ((30.00)) <u>50.00</u>
8,000 lbs.	\$ ((30.00)) <u>60.00</u>	\$ ((30.00)) <u>60.00</u>
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 79.00	\$ 79.00
14,000 lbs.	\$ 90.00	\$ 90.00
16,000 lbs.	\$ 102.00	\$ 102.00
18,000 lbs.	\$ 154.00	\$ 154.00
20,000 lbs.	\$ 171.00	\$ 171.00
22,000 lbs.	\$ 185.00	\$ 185.00
24,000 lbs.	\$ 200.00	\$ 200.00
26,000 lbs.	\$ 211.00	\$ 211.00
28,000 lbs.	\$ 249.00	\$ 249.00
30,000 lbs.	\$ 287.00	\$ 287.00
32,000 lbs.	\$ 346.00	\$ 346.00
34,000 lbs.	\$ 368.00	\$ 368.00
36,000 lbs.	\$ 399.00	\$ 399.00
38,000 lbs.	\$ 438.00	\$ 438.00
40,000 lbs.	\$ 501.00	\$ 501.00
42,000 lbs.	\$ 521.00	\$ 611.00
44,000 lbs.	\$ 532.00	\$ 622.00

46,000 lbs.	\$ 572.00	\$ 662.00
48,000 lbs.	\$ 596.00	\$ 686.00
50,000 lbs.	\$ 647.00	\$ 737.00
52,000 lbs.	\$ 680.00	\$ 770.00
54,000 lbs.	\$ 734.00	\$ 824.00
56,000 lbs.	\$ 775.00	\$ 865.00
58,000 lbs.	\$ 806.00	\$ 896.00
60,000 lbs.	\$ 859.00	\$ 949.00
62,000 lbs.	\$ 921.00	\$ 1,011.00
64,000 lbs.	\$ 941.00	\$ 1,031.00
66,000 lbs.	\$ 1,048.00	\$ 1,138.00
68,000 lbs.	\$ 1,093.00	\$ 1,183.00
70,000 lbs.	\$ 1,177.00	\$ 1,267.00
72,000 lbs.	\$ 1,259.00	\$ 1,349.00
74,000 lbs.	\$ 1,368.00	\$ 1,458.00
76,000 lbs.	\$ 1,478.00	\$ 1,568.00
78,000 lbs.	\$ 1,614.00	\$ 1,704.00
80,000 lbs.	\$ 1,742.00	\$ 1,832.00
82,000 lbs.	\$ 1,863.00	\$ 1,953.00
84,000 lbs.	\$ 1,983.00	\$ 2,073.00
86,000 lbs.	\$ 2,104.00	\$ 2,194.00
88,000 lbs.	\$ 2,225.00	\$ 2,315.00
90,000 lbs.	\$ 2,346.00	\$ 2,436.00
92,000 lbs.	\$ 2,466.00	\$ 2,556.00
94,000 lbs.	\$ 2,587.00	\$ 2,677.00
96,000 lbs.	\$ 2,708.00	\$ 2,798.00
98,000 lbs.	\$ 2,829.00	\$ 2,919.00
100,000 lbs.	\$ 2,949.00	\$ 3,039.00
102,000 lbs.	\$ 3,070.00	\$ 3,160.00
104,000 lbs.	\$ 3,191.00	\$ 3,281.00
105,500 lbs.	\$ 3,312.00	\$ 3,402.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 205. RCW 46.68.035 and 2003 c 361 s 202 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085, the license fee under section 203 of this act, and the farm vehicle trip permit under section 206 of this act shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((21.963))~~ 24.00 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((1.414))~~ 1.8 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) ~~((7.240))~~ 6.38 percent shall be deposited into the transportation 2003 account (nickel account); and

(d) On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in section 105 of this act and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in section 105 of this act;

~~(e)~~ The remaining proceeds shall be deposited into the motor vehicle fund.

NEW SECTION. Sec. 206. A new section is added to chapter 46.16 RCW to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035.

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

PART III - MISCELLANEOUS FEES

Sec. 301. RCW 46.16.237 and 1987 c 52 s 1 are each amended to read as follows:

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with fully reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of ~~((fifty cents))~~ two dollars and for each set of two plates, the sum of ~~((one dollar. PROVIDED, HOWEVER,))~~ four dollars. ~~However, one plate is available only to those vehicles that by law require only one plate.~~ Such fees shall be deposited in the motor vehicle fund.

Sec. 302. RCW 46.16.270 and 1997 c 291 s 3 are each amended to read as follows:

The total replacement plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license

number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of (~~three~~) ten dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, (~~46.16.061~~) 46.16.237, and 46.01.140. For vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Sec. 303. RCW 46.20.055 and 2004 c 249 s 3 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of (~~fifteen~~) twenty dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying to renew an instruction permit must submit the application to the department in person.

Sec. 304. RCW 46.20.070 and 2004 c 249 s 4 are each amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

(b) The applicant has passed the driving examination required by RCW 46.20.120;

(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;

(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and

(e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a fee of fifteen dollars.

(b) A person applying to renew an agricultural driving permit must submit the application to the department in person.

(c) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions.

Sec. 305. RCW 46.20.117 and 2004 c 249 s 5 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of an identicard submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

Sec. 306. RCW 46.20.120 and 2004 c 249 s 6 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of (~~ten~~) twenty dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of a driver's license submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

(4) A person whose license expired or will expire while he or she is living outside the state, may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5) If a qualified person submits an application for renewal under subsection (3)(b) or (4)(b) of this section, he or she is not required to pass an examination nor provide an updated photograph. A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

Sec. 307. RCW 46.20.308 and 2004 c 187 s 1 and 2004 c 95 s 2 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath

or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of ~~((one))~~ two hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required ~~((one))~~ two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required ~~((one))~~ two hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 308. RCW 46.20.311 and 2004 c 95 s 3 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of ~~((twenty))~~ seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until:

(i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of ~~((twenty))~~ seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and

participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of ~~((twenty))~~ seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 309. RCW 46.20.049 and 1999 c 308 s 4 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall ~~((not exceed twenty))~~ be thirty dollars for the original commercial driver's license or subsequent renewals~~((, unless))~~. If the commercial driver's license is renewed or extended for a period other than five years, ~~((in which case))~~ the fee for each class shall ~~((not exceed four))~~ be six dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

PART IV - MISCELLANEOUS PROVISIONS

Sec. 401. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

~~((6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty five million dollars each fiscal year.~~

~~Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.)~~

NEW SECTION. Sec. 402. Sections 201 through 206, 301, and 302 of this act apply to vehicle registrations that are due or become due on or after January 1, 2006.

NEW SECTION. Sec. 403. (1) Section 110 of this act takes effect July 1, 2006.

(2) Sections 201 through 206 of this act take effect January 1, 2006.

NEW SECTION. Sec. 404. Sections 201 and 202 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 405. Sections 101 through 107, 109, 303 through 310, and 401 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

NEW SECTION. Sec. 406. Section 109 of this act expires July 1, 2006.

NEW SECTION. Sec. 407. Part headings used in this act are not part of the law."

Senator Haugen spoke in favor of adoption of the striking amendment.

MOTION

Senator Benton moved that the following amendment by Senator Benton and others to the striking amendment be adopted.

On page 1, line 13 of the amendment, after "Beginning" strike "July 1, 2005" and insert "January 1, 2006"

On page 2, line 10 of the amendment, after "Beginning" strike "July 1, 2005" and insert "January 1, 2006"

On page 44, beginning on line 3 of the amendment, strike all of section 405

On page 44, after line 2, insert the following:

"NEW SECTION. Sec. 405. (1) The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

(2) If the people ratify this act as specified under subsection (1) of this section, revenues generated shall be spent as detailed in Senate Bill No. 6091, as enacted by the legislature.

(3) Pursuant to RCW 29A.72.050, the statement of subject on the ballot title shall read: "The legislature has passed Senate Bill No. 6103, financing transportation improvements through transportation taxes and fees." The concise description on the ballot title shall read: "This bill would improve highway capacity, bridges, public transportation, and passenger and freight rail, through increased fuel excise taxes, weight fees on passenger vehicles, fees on motor homes, and vehicle and driver licensing fees."

NEW SECTION. Sec. 406. If this act is not ratified by the voters by November 15, 2005, this act is null and void in its entirety.

NEW SECTION. Sec. 407. Section 405 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Renumber the sections consecutively and correct any internal references accordingly.

On page 44, beginning on line 20 of the title amendment, after "and," strike all material through "emergency" and insert "providing for submission of certain sections of this act to a vote of the people"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Sheldon spoke against adoption of the amendment to the striking amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton and others on page 1, line 13 to the striking amendment to Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 15; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Hewitt, Honeyford, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 15

Voting nay: Senators Berkey, Brown, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 33

Excused: Senator McCaslin - 1

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted.

On page 7, line 22, after "agencies" insert "overseen"

On page 8, line 13, after "agencies.", insert "The state auditor shall contract with private firms to conduct the performance audits."

On page 8, line 14, after "(8)" strike everything through "auditors." on line 16.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Swecker and Haugen spoke in favor of adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Haugen yield to a question? Thank you, Senator. Could you tell me what kind of funding we have in the bill for this? That was a matter of discussion in our caucus and had previously been debated. I wonder if you could tell us?"

Senator Haugen: "At this time it's one million dollars. I do think there's an amendment coming up."

Senator Roach: "Would that amendment increase the number?"

Senator Haugen: "That would increase the number."

Senator Roach: "Possibly to three?"

Senator Haugen: "Probably higher."

Senator Roach: "Maybe five?"

Senator Haugen: "I doubt that."

Senator Roach: "Maybe four? How about two?"

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

Senator Finkbeiner spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 7, line 22 to the striking amendment to Substitute Senate Bill No. 6103.

The motion by Senator Swecker carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 10, at the beginning of line 16 of the amendment, after "of" strike "\$1,000,000" and insert "\$4,000,000"

Senators Zarelli, Jacobsen, Finkbeiner, Roach and Deccio spoke in favor of adoption of the amendment to the striking amendment.

Senators Spanel, Haugen and Brown spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 10, line 16 to the striking amendment to Substitute Senate Bill No. 6103.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt to the striking amendment be adopted.

On page 23, after line 19 of the amendment, insert the following:

"(3) In lieu of the gross weight fee under subsection (1) of this section, farm vehicles may be licensed upon payment of the fee in effect under subsection (1) of this section on May 1, 2005. In order to qualify for the reduced fee under this subsection, the farm vehicle must be exempt from property taxes in accordance with RCW 84.36.630. The applicant must submit copies of the forms required under RCW 84.36.630. The application for the reduced fee under this subsection shall require the applicant to attest that the vehicle shall be used primarily for farming purposes. The department shall provide licensing agents and subagents with a schedule of the appropriate licensing fees for farm vehicles.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Hewitt and Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 23, after line 19 to the striking amendment to Substitute Senate Bill No. 6103.

The motion by Senator Hewitt carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton and others to the striking amendment be adopted.

On page 44, beginning on line 3 of the amendment, strike all of section 405

Renumber the sections consecutively and correct any internal references accordingly.

On page 44, on line 20 of the title amendment, after "dates;", insert "and"

On page 44, on line 20 of the title amendment, after "date" strike all material through emergency

Senators Benton, Stevens, Benson, Esser, Roach and Brandland spoke in favor of adoption of the amendment to the striking amendment.

Senators Sheldon, Jacobsen, Rockefeller, Fraser, Poulsen, Haugen, Oke and Mulliken spoke against adoption of the amendment to the striking amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton and others on page 44, line 3 to the striking amendment to Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the striking amendment and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens and Zarelli - 18

Voting nay: Senators Berkey, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Excused: Senator McCaslin - 1

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen as amended to Substitute Senate Bill No. 6103.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 82.36.025, 82.38.030, 46.68.090, 46.68.110, 82.38.035, 82.38.045, 43.84.092, 46.68.035, 46.16.237, 46.16.270, 46.20.055, 46.20.070, 46.20.117, 46.20.120, 46.20.311, 46.20.049, and 43.135.045; reenacting and amending RCW 43.84.092, 46.16.070, and 46.20.308; adding new sections to chapter 46.68 RCW; adding new sections to chapter 46.16 RCW; adding a new chapter to Title 46 RCW; creating new sections; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schmidt, Swecker, Kohl-Welles, Shin, Fairley, Mulliken, Kline and Haugen spoke in favor of passage of the bill.

Senators Hargrove, Honeyford, Pflug and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Deccio, Doumit, Fairley, Finkbeiner, Fraser, Haugen, Hewitt, Jacobsen, Keiser, Kline, Kohl-Welles, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 26

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Eide, Esser, Franklin, Hargrove, Honeyford, Johnson, Kastama, McAuliffe, Morton, Oke, Parlette, Pflug, Regala, Roach, Schoesler, Sheldon and Stevens - 22

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6103 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Honeyford, Senator Parlette was excused.

PERSONAL PRIVILEGE

Senator Jacobsen: "I want to apologize to the body and to the Senator from the Seventeenth District for using personal names in here. I understand that the wisdom of not doing that was so that we didn't come passionately involved in an issue and after one issue was done we can move on to another. That we discuss issues and not people. My profound apology."

EDITOR'S NOTE: Senate Rule 29 and Reed's Rule 212 limit the use of senators' names and require members to address the President during debate.

SECOND READING

SENATE BILL NO. 6091, by Senators Haugen and Swecker

Making 2005-07 transportation appropriations. Revised for 1st Substitute: Making 2005-07 and 2003-05 transportation appropriations.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6091 was substituted for Senate Bill No. 6091 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:
Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation

and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation

\$501,000

NEW SECTION. **Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State
Appropriation

\$383,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

NEW SECTION. **Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation

\$976,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire appropriation in this section is provided solely for road maintenance purposes.

(2) The commission shall conduct a study of existing requirements regarding all-terrain vehicle (ATV) operators and submit recommendations to the legislature concerning whether revisions to those requirements are warranted. The study and recommendations shall, at a minimum, include (a) the feasibility of requiring a comprehensive hands-on ATV safety education and training program for ATV operators; (b) ATV operator equipment requirements; and (c) ATV operating requirements, including the adoption of minimum age requirements corresponding to different engine capacities of ATVs. The commission shall consult with the department of licensing and other stakeholders when conducting the study and developing recommendations and shall submit a final report to the transportation committees of the legislature by December 1, 2005.

NEW SECTION. **Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation

\$371,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$323,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) The department of agriculture shall make an adhesive label explaining that Washington state gas taxes are for highway purposes only. The label must be in a large, easily readable font and must read "Washington state gas taxes are used exclusively for highway purposes." The label should be chemical and weather resistant and must be placed in a conspicuous location at motor fuel retailers, as defined under RCW 19.120.010, by December 31, 2005. \$48,000 of the motor vehicle account--state appropriation is provided solely for this purpose.

NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation

\$200,000

The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. **Sec. 106. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation

\$3,756,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$3,656,000 of the appropriation is provided for repair and renovation of Mt. Spokane roadway.
- (2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	\$2,111,000
Highway Safety Account--Federal Appropriation	\$15,760,000
School Zone Safety Account--State Appropriation	\$3,300,000
Bicycle and Pedestrian Safety Account--State Appropriation	\$40,000
TOTAL APPROPRIATION	\$21,211,000

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$775,000
Motor Vehicle Account--State Appropriation	\$1,905,000
County Arterial Preservation Account--State Appropriation	\$728,000
TOTAL APPROPRIATION	\$3,408,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$1,520,000
Transportation Improvement Account--State Appropriation	\$1,521,000
TOTAL APPROPRIATION	\$3,041,000

NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation	\$411,000
<u>NEW SECTION.</u> Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE	
Motor Vehicle Account--State Appropriation	\$1,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The joint transportation committee shall conduct a review of state level governance of transportation, with a focus on the appropriate roles of the separate branches of government. The committee shall review the statutory duties, roles, and functions of the transportation commission and the department. In that review the committee shall determine which responsibilities may be transferred to the executive and which may be transferred to the legislature. By December 15, 2005, the joint transportation committee shall make its recommendations to the house of representatives and senate transportation committees. The joint transportation committee shall consult with affected agencies and other stakeholders in conducting its analysis. The committee may consult with and retain private professional and technical experts as necessary to ensure an independent review and analysis.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative

of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$5,208,000
Multimodal Transportation Account--State Appropriation	\$1,000,000
TOTAL APPROPRIATION	\$6,208,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the completion of a comprehensive statewide tolling feasibility study.

(2) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding modifying RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.

The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.

(3) \$1,000,000 of the multimodal account--state appropriation is provided solely for an extensive statewide rail capacity and needs study to refine both rail freight and rail passenger infrastructure needs. Within this amount, the commission, in conjunction with the department, shall also conduct a study of state-owned rail asset management, planning, and governance.

NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation	\$655,000
<u>NEW SECTION.</u> Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU	
State Patrol Highway Account--State Appropriation	\$193,716,000
State Patrol Highway Account--Federal Appropriation	\$10,398,000
State Patrol Highway Account--Private/Local Appropriation	\$158,000
TOTAL APPROPRIATION	\$204,272,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation	\$80,371,000
State Patrol Highway Account--Private/Local Appropriation	\$1,994,000
TOTAL APPROPRIATION	\$82,365,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.

(4) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(5) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(6) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$3,000
Motorcycle Safety Education Account--State Appropriation	\$92,000
Wildlife Account--State Appropriation	\$79,000
Highway Safety Account--State Appropriation	\$9,973,000
Motor Vehicle Account--State Appropriation	\$7,954,000
DOL Services Account--State Appropriation	\$84,000
Biometric Security Account--State Appropriation	\$57,000
TOTAL APPROPRIATION	\$18,242,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6103. If Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$2,000
Motorcycle Safety Education Account--State Appropriation	\$35,000
Wildlife Account--State Appropriation	\$101,000
Highway Safety Account--State Appropriation	\$20,276,000
Motor Vehicle Account--State Appropriation	\$12,009,000
Motor Vehicle Account--Private/Local Appropriation	\$500,000
DOL Services Account--State Appropriation	

Biometric Security Account--State Appropriation	\$7,809,000
	\$728,000
TOTAL APPROPRIATION	\$41,460,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning off of the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6103. If Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$26,000
Wildlife Account--State Appropriation	\$614,000
Motor Vehicle Account--State Appropriation	\$49,484,000
Motor Vehicle Account--Private/Local Appropriation	\$872,000
DOL Services Account--State Appropriation	\$1,146,000
TOTAL APPROPRIATION	\$52,142,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5513. If Engrossed Substitute Senate Bill No. 5513 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6103. If Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation	\$2,998,000
Highway Safety Account--State Appropriation	\$82,970,000
Biometric Security Account--State Appropriation	\$1,523,000
TOTAL APPROPRIATION	\$87,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- TOLL OPERATIONS AND MAINTENANCE--PROGRAM B
Tacoma Narrows Toll Bridge Account--State Appropriation

	\$8,543,000
NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C	
Motor Vehicle Account--State Appropriation	\$54,659,000
Motor Vehicle Account--Federal Appropriation	\$1,964,000
Puget Sound Ferry Operations Account--State Appropriation	\$8,362,000
Multimodal Transportation Account--State Appropriation	\$363,000
TOTAL APPROPRIATION	\$65,348,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2005 legislative interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options and shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING
Motor Vehicle Account--State Appropriation

	\$32,743,000
NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F	
Aeronautics Account--State Appropriation	\$5,578,000
Aeronautics Account--Federal Appropriation	\$2,150,000
Aircraft Search and Rescue Safety and Education Account--State Appropriation	\$262,000
Multimodal Transportation Account--State Appropriation	\$100,000
Multimodal Transportation Account--Federal Appropriation	\$900,000
TOTAL APPROPRIATION	\$8,990,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.

(c) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if

federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation	\$47,656,000
Motor Vehicle Account--Federal Appropriation	\$500,000
TOTAL APPROPRIATION	\$48,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) \$250,000 of the motor vehicle account--state appropriation is provided solely for supporting the Washington biodiversity council in the development of a framework for biodiversity conservation for Washington state.

(3) \$1,475,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	\$1,025,000
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NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation	\$290,893,000
Motor Vehicle Account--Federal Appropriation	\$1,426,000
Motor Vehicle Account--Private/Local Appropriation	\$4,253,000
TOTAL APPROPRIATION	\$296,572,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$41,234,000
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Motor Vehicle Account--Federal Appropriation	
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Motor Vehicle Account--Private/Local Appropriation	\$2,050,000
	\$125,000
TOTAL APPROPRIATION	

\$43,409,000

The appropriations in this section are subject to the following conditions and limitations: \$4,400,000 of the motor vehicle account-- state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$24,718,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,321,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	

\$27,042,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$20,703,000
Motor Vehicle Account--Federal Appropriation	\$16,450,000
Multimodal Transportation Account--State Appropriation	\$1,244,000
Multimodal Transportation Account--Federal Appropriation	\$2,800,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
Highway Safety Fund--State Appropriation	\$175,000
TOTAL APPROPRIATION	

\$41,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(3) \$175,000 of the highway safety account--state appropriation shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January, 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(4) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of

these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$44,101,000
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	\$44,501,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES	\$1,667,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	\$1,017,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES	\$4,049,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	\$2,643,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	\$31,749,000
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	\$1,717,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT	\$545,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES	\$1,114,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation	\$65,060,000
Multimodal Transportation Account--Federal Appropriation	\$2,574,000
Multimodal Transportation Account--Private/Local Appropriation	\$155,000
TOTAL APPROPRIATION	\$67,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. Should the city receive any state funds for this purpose during the 2003-05 biennium, the amount provided in this subsection must be reduced accordingly.

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) Pursuant to the grant program established in Engrossed Substitute House Bill No. 2124, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a competitive grant program for commute trip reduction performance grants related to utilizing telework to reduce commute trips.

(9) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(10) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for competitive grants for a county or other local governmental entity to provide commuter rail transit services. The department may contract with the same grantee for a period of no more than three years. The grants shall be made available for local governmental entities to provide operational or capital support for start-up costs associated with interjurisdictional commuter rail service.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State
Appropriation

\$344,680,000

Multimodal Transportation Account--State
Appropriation

\$3,660,000

TOTAL APPROPRIATION

\$348,340,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$57,928,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$216,042,000, plus a dollar amount, as prescribed by the

office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium as provided under sections 501 through 505 of this act. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2005, and thereafter, as established in sections 501 through 505 of this act.

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) The department shall collect passenger ferry fares each way on the Bremerton/Seattle route.

(7) A maximum of the entire multimodal transportation account--state appropriation is provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry for service through June 30, 2007. The amount provided in this subsection includes all related fuel costs.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State
Appropriation

\$39,059,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) \$5,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2005.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation

\$7,232,000

Motor Vehicle Account--Federal Appropriation

\$2,539,000

Multimodal Transportation Account--State Appropriation

\$211,000

TOTAL APPROPRIATION

\$9,982,000

The appropriations in this section are subject to the following conditions and limitations: \$211,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) and \$211,000 of the multimodal transportation account--state appropriation is provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation

\$2,801,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,535,000 of the appropriation is provided solely for the Shelton training academy domestic water and wastewater treatment project.

(2) \$1,266,000 of the appropriation is provided solely for minor works projects.

(3) The Washington state patrol, through the director of fire protection, shall study and make recommendations to the legislature regarding the need for improvements and additions to the state fire training academy located at North Bend. The patrol may include in its recommendations information regarding capital improvements, additional staffing and salary requirements, and technology improvements. The study and recommendations shall be submitted to the legislature by December 1, 2005.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$67,933,000
Motor Vehicle Account--State Appropriation	\$355,000
County Arterial Preservation Account--State Appropriation	\$30,392,000
TOTAL APPROPRIATION	\$98,680,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$99,425,000
Small City Preservation and Sidewalk Account--State Appropriation	\$2,000,000
Transportation Improvement Account--State Appropriation	\$103,601,000
TOTAL APPROPRIATION	\$205,026,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	\$1,676,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$601,000 of the motor vehicle account--state appropriation is provided solely for the statewide administration.
- (2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.
- (3) \$224,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.
- (4) \$219,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State Appropriation	\$1,175,922,000
Motor Vehicle Account--State Appropriation	\$68,603,000
Motor Vehicle Account--Federal Appropriation	\$229,010,000
Motor Vehicle Account--Private/Local Appropriation	\$31,897,000
Special Category C Account--State Appropriation	\$3,370,000
Tacoma Narrows Toll Bridge Account Appropriation	\$272,329,000
Transportation Partnership Account--State Appropriation	\$542,597,000
TOTAL APPROPRIATION	

\$2,323,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the 2005 Transportation Partnership Project List, "Highway Improvement Program (I)" section under the column heading "2003 (Nickel) Package" as transmitted to LEAP on April 20, 2005. However, limited transfers of allocations between projects may occur for those amounts listed for the 2005-07 biennium subject to conditions and limitations in section 603 of this act. Within the amount provided in this subsection, \$500,000 of the transportation 2003 account (nickel account) appropriation is provided for right-of-way acquisition for the SR 502 widening from Battleground to I-5. The department must develop a right-of-way acquisition plan in conjunction with the city of Battleground that conforms with the city's comprehensive growth management plan.

(2) The entire 2005 transportation partnership--state appropriation is provided solely to implement the projects and activities as listed by project and amount in the 2005 Transportation Partnership Project List, "Highway Improvement Program (I)" section under the column heading "2005 Transportation Partnership Package" as transmitted to LEAP on April 20, 2005.

(a) Within the amounts provided in this subsection, \$2,500,000 of the transportation partnership account--state appropriation is provided solely for Island Transit park and ride development.

(b) Within the amounts provided in this subsection, \$4,000,000 of the transportation partnership account--state appropriation is provided solely for Skagit Transit for Chuckanut park and ride development.

(c) Within the amounts provided in this subsection, \$5,000,000 of the transportation partnership account--state appropriation is provided solely for project 109040S: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(d) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(e) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is provided solely for an SR 534 access point decision report.

(f) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for an eastern Washington freight corridor study, to evaluate the development of a freight corridor from Osoyoos, Canada to Mesa, Franklin county.

(g) Within the amounts provided within this subsection, \$435,000,000 of the transportation partnerships account--state appropriation is provided solely for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(3) \$416,529,000 from the federal, state, and local motor vehicle account appropriations and \$3,370,000 of the special category C account--state appropriation are provided solely to implement the projects included in the 2005 Transportation Partnership Project List, "Highway Improvement Program (I)" section under the column heading "Pre 2003 Funds" as transmitted to LEAP on April 20, 2005. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(4) The motor vehicle account--state appropriation includes \$42,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The transportation partnership account--state appropriation includes \$380,000,000 in proceeds from the sale of bonds authorized by Substitute House Bill No. 2311 (or the version as enacted into law). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(6) The Tacoma Narrows toll bridge account--state appropriation includes \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$15,313,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(7) The transportation 2003 account (nickel account)--state appropriation includes \$940,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(9) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account)--State Appropriation	\$10,622,000
Motor Vehicle Account--State Appropriation	\$67,205,000
Motor Vehicle Account--Federal Appropriation	\$406,605,000
Motor Vehicle Account--Private/Local Appropriation	\$6,655,000
Puyallup Tribal Settlement Account--State Appropriation	\$11,000,000
Transportation Partnership Account--State Appropriation	\$146,940,000
TOTAL APPROPRIATION	\$649,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire 2003 transportation account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the 2005 Transportation Partnership Project List, "Highway Preservation Program (P)" section under the column heading "2003 (Nickel) Package" as transmitted to LEAP on April 20, 2005. However, limited transfers of allocations between projects may occur for those amounts listed for the 2005-07 biennium subject to conditions and limitations in section 603 of this act.

(2) The entire 2005 transportation partnership--state appropriation is provided solely for the projects and activities as listed by project in the 2005 Transportation Partnership Project List, "Highway Preservation Program (P)" section under the column heading "2005 Transportation Partnership Package" as transmitted to LEAP on April 20, 2005.

(a) Within the amounts provided in this subsection, \$146,440,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects.

(b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects.

(3)(a) \$118,993,000 from the federal, state, and local motor vehicle account appropriations and \$11,000,000 of the Puyallup tribe settlement account--state appropriation are provided solely to implement the projects included in the 2005 Transportation Partnership Project List, "Highway Preservation Program (P)" section under the column heading "Pre 2003 Funds" as transmitted to LEAP on April 20, 2005. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(b) Within the amounts provided in this subsection, \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11st Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(4) \$11,590,000 of the motor vehicle account--state appropriation, \$95,299,000 of the motor vehicle account--federal appropriation, and \$113,591,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(5) The motor vehicle account--state appropriation includes \$530,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(6) The motor vehicle account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(8) To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(9) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation	\$17,519,000
Motor Vehicle Account--Federal Appropriation	\$15,068,000
Motor Vehicle Account--Local Appropriation	\$108,000
TOTAL APPROPRIATION	\$32,695,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	\$148,934,000
Puget Sound Capital Construction Account--Federal Appropriation	\$59,967,000
Puget Sound Capital Construction Account--Private/Local Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$10,249,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$34,987,000
TOTAL APPROPRIATION	\$254,163,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes \$38,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) The multimodal transportation account--state appropriation includes \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.

(3) \$149,124,000 of the Puget Sound capital construction account--state appropriation, \$59,967,000 of the Puget Sound capital construction account--federal appropriation, and \$26,000 of the Puget Sound capital construction account--local appropriation are provided to implement the projects and activities included in the 2005 Transportation Partnership Project List, "Ferries Program (W)" section under the column heading "Pre 2003 Funds" as transmitted to LEAP on April 20, 2005.

(a) Within the amounts provided in this subsection, a maximum of \$44,238,000 are provided for terminal preservation projects.

(b) Within the amounts provided in this subsection, a maximum of \$118,540,000 are provided for vessel projects.

(c) Within the amounts provided in this subsection, a maximum of \$16,080,000 is provided for terminal improvement projects.

(d) Within the amounts provided in this subsection, a maximum of \$10,543,000 is provided for ferry security projects.

(e) Within the amounts provided in this subsection, \$4,099,000 are provided for emergency repair projects.

Additionally, unused funds under (a) through (d) of this subsection, may be transferred to emergency repair projects.

(f) Within the amounts provided in this subsection, \$15,617,000 are provided solely for the Eagle Harbor Terminal Preservation project.

(4) \$10,249,000 of the multimodal transportation account--state appropriation and \$34,991,000 of the transportation 2003 (nickel) account--state appropriation are provided solely to implement the projects and activities as listed by project, biennium, and amount in the 2005 Transportation Partnership Project list, "Ferries Program (W)" section under the column heading "2003 (Nickel) Package" as transmitted to LEAP on April 20, 2005. However, limited transfers of allocations between projects may occur subject to section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$250,000
Multimodal Transportation Account--State Appropriation	
	\$59,788,000
Multimodal Transportation Account--Private/Local Appropriation	\$7,287,000
Multimodal Transportation Account--Federal Appropriation	\$10,966,000
Washington Fruit Express Account--State Appropriation	\$500,000
TOTAL APPROPRIATION	\$78,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$34,415,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3) \$59,745,000 of the multimodal transportation account--state appropriation, \$10,966,000 of the multimodal transportation account--federal appropriation, \$7,287,000 of the multimodal transportation account--private/local appropriation, and \$250,000 of the essential rail assistance account appropriation are provided solely for the rail program projects as listed on the 2005 Transportation Partnership Project List, submitted to LEAP on April 20, 2005.

(a) Within the amount provided in this subsection, \$2,030,000 is provided for the projects as listed under the subheading Pre-2003 Funds Emergent Freight Rail Projects.

(b) Within the amount provided in this subsection, \$4,150,000 is provided for the projects as listed under the subheading Pre-2003 Funds Freight Rail Projects.

(c) Within the amount provided in this subsection, \$17,253,000 is provided for the projects as listed under the subheading Pre-2003 Funds Passenger Rail Projects.

(d) Within the amount provided in this subsection, \$4,320,000 is provided for the projects as listed under the subheading 2003 Nickel Project Freight Rail Projects.

(e) Within the amount provided in this subsection, \$24,820,000 is provided for the projects as listed under the subheading 2003 Nickel Project Passenger Rail Projects.

(f) Within the amount provided in this subsection, \$16,900,000 is provided for the projects as listed under the subheading 2005 Transportation Partnership Package Freight Rail Projects.

(g) Within the amount provided in this subsection, \$8,775,000 is provided for the projects as listed under the subheading 2005 Transportation Partnership Package Passenger Rail Projects.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation

Highway Infrastructure Account--Federal Appropriation	\$207,000
Motor Vehicle Account--Federal Appropriation	\$1,602,000
Motor Vehicle Account--State Appropriation	\$19,221,000
Freight Mobility Investment Account--State Appropriation	\$4,502,000
Multimodal Transportation Account--State Appropriation	\$12,000,000
Transportation Partnership Account--State Appropriation	\$46,211,000
	\$4,540,000
TOTAL APPROPRIATION	\$88,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) \$3,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) \$274,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) The motor vehicle account--state appropriation includes \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(6) \$2,867,000 of the multimodal transportation account--state appropriation is provided solely to support the safe routes to school program.

(7) \$18,221,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$5,180,000; Colville Alternate Truck Route, \$2,000,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$1,791,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(8) \$3,040,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), \$2,520,000; Port of Kennewick/Piert Road, \$520,000.

(9) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely for the installation of a traffic signal at the intersection of 1st and the West Valley highway in the city of Algona.

(11) \$3,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the transportation partnership account--state appropriation are provided solely for a bicycle and pedestrian path competitive grant program. The grant recipients may only be governmental entities. The entity applying for funds must supply matching funds, as determined by the department. Within the amount provided in this subsection, the following projects must be completed within the specific

amount listed: Potato Hill Bridge Bicycle and Pedestrian Path, \$750,000; Des Moines Creek Trail, \$520,000; SR 20/Winthrop Area - Bike Path, \$1,171,000.

(12) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for the Sounder commuter rail station at Mukilteo. The funds shall first be used for a temporary platform for Sounder commuter rail. However, if the permanent platform project is accelerated by Sound Transit, making the temporary platform unnecessary, the funds may be used for pedestrian safety projects at the Mukilteo ferry terminal.

(13) \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a Sounder commuter rail platform at Stanwood, for the purpose of preparing for mitigation of the construction on I-5 at Everett.

(14) \$19,420,000 of the multimodal transportation account--state appropriation is provided solely for the "Transportation Partnership FMSIB Projects" as listed on the 2005 Transportation Partnership Project List, submitted to LEAP on April 20, 2005.

(15) \$3,040,000 of the transportation partnership account--state appropriation is provided solely for the "Transportation Partnership Local Roads Projects" as listed on the 2005 Transportation Partnership Project List, submitted to LEAP on April 20, 2005.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$350,713,000
Nondebt-Limit Reimbursable Account Appropriation	\$8,775,000
Ferry Bond Retirement Account Appropriation	\$39,010,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$30,899,000
Motor Vehicle Account--State Appropriation	\$2,562,000
Transportation Improvement Account--State Appropriation	\$105,000
Multimodal Transportation Account--State Appropriation	\$303,000
Transportation 2003 Account (Nickel Account) Appropriation	\$19,177,000
Transportation Partnership Account--State Appropriation	\$7,000,000
TOTAL APPROPRIATION	\$448,544,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	\$283,000
Transportation Improvement Account--State Appropriation	\$13,000
Multimodal Transportation Account--State Appropriation	\$96,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,400,000
Transportation Partnership Account--State Appropriation	\$2,000,000

TOTAL APPROPRIATION

\$4,792,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:

For transfer to the Tacoma Narrows toll bridge account

\$257,016,000

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound capital construction account

\$38,000,000

The department of transportation is authorized to sell up to \$38,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties

\$450,757,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers

\$820,769,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation:

For transfer to the Motor Vehicle Account--State

\$2,000,000

(2) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account--State

\$102,000,000

(3) Highway Safety Account--State Appropriation:

For transfer to the Motor Vehicle Account--State

\$10,000,000

(4) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State

\$11,500,000

(5) Motor Vehicle Account--State Appropriation:

For transfer to the Transportation Partnership Account--State

\$31,430,000

(6) Highway Safety Account--State Appropriation:

For transfer to the Multimodal Transportation Account--State

\$21,170,000

(7) Transportation 2005 Account--State Appropriation:

For transfer to the Small City Pavement and Sidewalk Account--State

\$2,000,000

(8) Transportation 2005 Account--State Appropriation:

For transfer to the Transportation Improvement Account--State

\$5,000,000

(9) Transportation 2005 Account--State Appropriation:

For transfer to the Rural Arterial Trust Account--State

\$3,000,000

(10) Multimodal Transportation Account--State Appropriation:
For transfer to the State Patrol Highway Account--State

\$7,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount identified in subsection (3) of this section may not include any revenues collected as passenger fares.

NEW SECTION. Sec. 407. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in sections 101 through 606 of this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 408. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. EMPLOYEE SALARY COST OF LIVING ADJUSTMENT

Dedicated Funds and Accounts Appropriation

\$29,828,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriation in this section is provided solely for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.

(2) The appropriation in this section is provided for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(3) The appropriation is also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) The appropriation in this section is provided for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

(6) The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document "2005-07 Transportation Budget-Salary Adjustment Allocation" dated April 20, 2005.

NEW SECTION. Sec. 502. COMPENSATION--INSURANCE BENEFITS

Dedicated Funds and Accounts Appropriation

\$11,515,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007, the monthly employer funding rate shall not exceed \$744.00 per eligible employee covered by the health insurance collective bargaining agreement reached between the governor and health insurance coalition under the personnel system reform act of 2002 or \$618.00 per eligible ferry system employee and general government employee not covered under that agreement.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium co-payments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document "2005-07 Transportation Budget-Health Benefit Adjustment Allocation" dated April 20, 2005.

NEW SECTION. Sec. 503. CONTRIBUTIONS TO RETIREMENT SYSTEMS

Dedicated Funds and Accounts Appropriation

(\$11,362,000)

The appropriation in this section is subject to the following conditions and limitations: Funding in this section is provided solely for funding agency savings in the cost of other compensation items provided at the pension rates as set forth in House Bill No. 1043 and House Bill No. 1044. The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document "2005-07 Transportation Budget-Pension Adjustment Allocation" dated April 20, 2005.

NEW SECTION. Sec. 504. COMPENSATION ADJUSTMENT FOR SALARY SURVEY

Dedicated Funds and Accounts Appropriation

\$7,340,000

The appropriation in this section is subject to the following conditions and limitations: Funding in this section is provided solely for funding the compensation adjustment related to the salary survey. The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document "2005-07 Transportation Budget-Salary Survey Adjustment Allocation" dated April 20, 2005.

NEW SECTION. Sec. 505. COMPENSATION ADJUSTMENT FOR CLASSIFICATION REVISIONS

Dedicated Funds and Accounts Appropriation

\$69,000

The appropriation in this section is subject to the following conditions and limitations: Funding in this section is provided solely for funding the compensation adjustment related to the classification revisions. The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document "2005-07 Transportation Budget-Classification Revision Adjustment Allocation" dated April 20, 2005.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by sections 101 through 606 of this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. The department of transportation may transfer federal funds for state funds within the preservation and improvement programs if funded projects are eligible to use additional federal funds and the scope of the project is not increased. The department shall not transfer funds as authorized under this subsection without approval of the director of financial management. A report of the transfers will be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.

NEW SECTION. Sec. 603. The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects as listed in the 2005-07 Transportation Project List - 2003 (Nickel) Package List to manage project spending near biennial cutoffs under the following conditions and limitations:

(1) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project, but transfers may only be made in the biennium in which the savings occur;

(2) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(3) Transfers may be made within the current biennium from projects that are experiencing unavoidable expenditure delays, but the transfers may only occur if the commission finds that any resulting change to the nickel program financial plan provides that all projects on the list may be completed as intended by the legislature;

(4) Transfers may not occur to projects not identified on the list; and

(5) A report of the transfers shall be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.

NEW SECTION. Sec. 604. The department shall provide up to \$3,000,000 in toll credits to local government agencies for passenger-only ferry service. The number of toll credits provided must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section.

NEW SECTION. Sec. 605. If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

NEW SECTION. Sec. 606. If House Bill No. 1254 is enacted by July 1, 2005, then on June 30, 2007, the remaining unexpended fund balance in the bicycle and pedestrian safety account shall be deposited into the Share the Road account established in House Bill No. 1254.

NEW SECTION. Sec. 607. The department of transportation shall eliminate 131 middle management positions by June 30, 2007. The middle management reduction, however, shall not impact the work force required to manage and support the delivery of the 2003 nickel package and 2005 transportation partnership package.

NEW SECTION. Sec. 608. Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the Alaskan Way Viaduct, State Route 520 Bridge replacement, and widening of Interstate 405 including a managed lanes concept.

Sec. 609. RCW 81.84.020 and 2003 c 373 s 5 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities, counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the

commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until (~~March 1, 2005~~) July 1, 2006, the commission shall not accept or consider an application for passenger-only ferry service serving any county in Puget Sound (~~(, unless the public transportation benefit area authority or ferry district serving that county, by resolution, agrees to the application))~~ with a population of over one million people. Applications for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million pending before the commission as of the effective date of this section shall be held in abeyance and not considered before July 1, 2006.

**2003-05 BIENNIUM
GENERAL GOVERNMENT AGENCIES-OPERATING**

Sec. 700. 2004 c 229 s 101 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State

Appropriation

((\$365,000))

\$375,000

TRANSPORTATION AGENCIES--OPERATING

Sec. 701. 2003 c 360 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation

\$2,017,000

Highway Safety Account--Federal Appropriation

\$15,744,000

School Zone Safety Account--State Appropriation

\$3,059,000

Bicycle and Pedestrian Safety Account--State

Appropriation

\$15,000

TOTAL APPROPRIATION

((\$20,820,000))

\$20,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(a) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(b) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) The traffic safety commission shall use the following guidelines to administer the program:

(i) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(ii) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(iii) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(iv) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(v) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(vi) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vii) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(viii) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.46.120, 3.50.100, and 35.20.220, and must be processed in the same manner as parking violations; and

(ix) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

(2) \$210,000 of the highway safety account--state appropriation is provided solely for continuing the five existing DUI/traffic safety task forces that receive federal project funding that expires during the 2003-05 biennium. However, the appropriation in this subsection may only be expended for a task force when the federal funding for that task force has expired.

(3)(a) \$1,555,000 of the school zone safety account--state appropriation is provided solely as matching funds for the following school safety enhancement projects, as proposed by local agencies, schools, and tribal governments in response to the department of transportation's highways and local programs request for information for potential projects to be financed under Referendum No. 51:

Agency	Project Title
Cheney	School Crosswalk Improvement Project
Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
Brier	37th Pl SW & 233rd Pl SW Sidewalk
Sunnyside	Lincoln Ave Sidewalks
Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
Steilacoom	Cherrydale Elementary School Safety Enhancement
Yakima	W Valley School Zone Flashers
Camas SD	SR 500 at 15th St Interchange
Seattle	Meadowbrook Playfield - NE 105th St
Vancouver	Franklin ES Sidewalk Improvements

(b) If one or more of the projects under this subsection cannot be completed or no longer seeks state matching funds, the following projects may be substituted in order of priority:

Agency	Project Title
Davenport	Davenport Sixth St School Sidewalk
Edmonds	96th Ave W Pedestrian Improvements
Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary

Yakima

Englewood/Powerhouse Intersection Safety Project

(c) The highways and local programs division within the department of transportation shall provide assistance to the commission in administering this program.

(d) The legislature intends to tie funding to specific projects only for the 2003-05 biennium.

Sec. 702. 2004 c 229 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation

((\$69,799,000))

\$70,951,000

State Patrol Highway Account--Private/Local
Appropriation

\$1,290,000

TOTAL APPROPRIATION

((\$71,089,000))

\$72,241,000

The appropriations in this section are subject to the following conditions and limitations: Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

Sec. 703. 2004 c 229 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation

\$3,000

Motorcycle Safety Education Account--State Appropriation

((\$97,000))

\$96,000

Wildlife Account--State Appropriation

((\$84,000))

\$83,000

Highway Safety Account--Local Appropriation

\$6,000

Highway Safety Account--State Appropriation

((\$8,316,000))

\$8,221,000

Motor Vehicle Account--State Appropriation

((\$4,403,000))

\$4,355,000

DOL Services Account--State Appropriation

((\$144,000))

\$143,000

TOTAL APPROPRIATION

((\$13,053,000))

\$12,907,000

Sec. 704. 2004 c 229 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation

\$2,000

Motorcycle Safety Education Account--State
Appropriation

	(((\$144,000))
	<u>\$143,000</u>
Wildlife Account--State Appropriation	\$55,000
Highway Safety Account--State Appropriation	(((\$11,656,000))
	<u>\$11,636,000</u>
Highway Safety Account--Federal Appropriation	\$6,000
Highway Safety Account--Local Appropriation	\$60,000
Motor Vehicle Account--State Appropriation	(((\$6,285,000))
	<u>\$6,257,000</u>
DOL Services Account--State Appropriation	(((\$1,220,000))
	<u>\$1,214,000</u>
TOTAL APPROPRIATION	(((\$19,428,000))
	<u>\$19,373,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) \$151,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 705. 2004 c 229 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$60,000
License Plate Technology Account--State Appropriation	(((\$2,000,000))
	<u>\$1,200,000</u>
Wildlife Account--State Appropriation	\$585,000
Motor Vehicle Account--Local Appropriation	\$1,372,000
Motor Vehicle Account--State Appropriation	(((\$58,193,000))
	<u>\$57,645,000</u>
Motor Vehicle Account--Federal Appropriation	\$600,000
DOL Services Account--State Appropriation	(((\$3,844,000))
	<u>\$3,842,000</u>
TOTAL APPROPRIATION	(((\$66,654,000))
	<u>\$65,304,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$58,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6325. If Substitute Senate Bill No. 6325 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$192,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6710. If Engrossed Senate Bill No. 6710 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(6) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6688. If Substitute Senate Bill No. 6688 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(7) \$33,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2910. If Substitute House Bill No. 2910 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(8) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6148. If Substitute Senate Bill No. 6148 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) ~~(\$2,000,000)~~ \$1,200,000 of the license plate technology account--state appropriation ~~((and \$400,000 of the motor vehicle account--state appropriation are))~~ is provided solely for the implementation of a digital license plate printing system. Within the amounts provided, the department shall fund the implementation of a digital license plate system including: The purchase or lease of digital license plate printing equipment by correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. The department shall expend all of the license plate technology account--state appropriation before expending any of the motor vehicle account--state appropriation. By December 1, 2004, the department and correctional industries shall submit a joint report to the transportation committees of the legislature detailing a digital license plate printing system implementation plan. By June 30, 2005, the department and correctional industries shall submit a joint report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

Sec. 706. 2004 c 229 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation

Highway Safety Account--State Appropriation	\$2,576,000
	(\$87,259,000)
Highway Safety Account--Federal Appropriation	<u>\$86,178,000</u>
Highway Safety Account--Local Appropriation	\$318,000
	\$67,000
TOTAL APPROPRIATION	(\$90,220,000)
	<u>\$89,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) ~~(\$369,000)~~ \$322,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Within the amount provided in this subsection, the department is authorized to accept applications for driver's license and identocard renewals via the mail or internet. If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$282,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The

authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(4) \$354,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532. If Substitute House Bill No. 2532 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) ~~(\$538,000)~~ \$288,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2660. If Substitute House Bill No. 2660 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec.707. 2004 c 229 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation

~~(\$56,236,000)~~

\$53,522,000

Motor Vehicle Account--Federal Appropriation

~~(\$5,163,000)~~

\$6,654,000

Puget Sound Ferry Operations Account--State
Appropriation

\$7,038,000

Multimodal Transportation Account--State Appropriation

\$363,000

TOTAL APPROPRIATION

~~(\$68,800,000)~~

\$67,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) \$2,959,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program.

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 708. 2004 c 229 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation

~~(\$30,981,000)~~

\$30,515,000

Sec. 709. 2004 c 229 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation

~~(\$49,056,000)~~

\$48,056,000

Motor Vehicle Account--Federal Appropriation

\$400,000

TOTAL APPROPRIATION

~~(\$49,456,000)~~

\$48,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$14,310,000)~~) \$13,985,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 710. 2003 c 360 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation

(\$1,011,000)

\$996,000

Sec. 711. 2004 c 229 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation

(\$38,924,000)

\$38,338,000

Motor Vehicle Account--Private/Local Appropriation

\$125,000

TOTAL APPROPRIATION

(\$39,049,000)

\$38,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

(4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the annual fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:

(a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;

(b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and

(c) \$400 per business per location on conventional highways.

Sec. 712. 2004 c 229 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation

(\$24,579,000)

\$24,079,000

Motor Vehicle Account--Federal Appropriation

\$636,000

Puget Sound Ferry Operations Account--State Appropriation

Multimodal Transportation Account--State Appropriation	\$1,093,000
	\$973,000
TOTAL APPROPRIATION	(\$27,281,000)
	<u>\$26,781,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 713. 2004 c 229 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	<u>(\$29,494,000)</u>
	<u>\$24,194,000</u>
Motor Vehicle Account--Federal Appropriation	\$14,814,000
Multimodal Transportation Account--State Appropriation	\$1,521,000
Multimodal Transportation Account--Federal Appropriation	\$2,000,000
TOTAL APPROPRIATION	(\$47,829,000)
	<u>\$42,529,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) ~~(\$3,000,000)~~ \$1,200,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely for contracting with the department of natural resources to develop data systems for state submerged lands that can be shared with other governmental agencies and that can support the state vision for ecoregional planning. The data to be shared shall include, but not limited to, tabular and geospatial data describing public land ownership, distributions of native plants, marine and aquatic species and their habitats, physical attributes, aquatic ecosystems, and specially designated conservation or environmentally sensitive areas.

Sec. 714. 2004 c 229 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation	((<u>\$47,057,000</u>))
	<u>\$46,757,000</u>
Multimodal Transportation Account--Federal Appropriation	\$2,574,000
Multimodal Transportation Account--Private/Local Appropriation	\$155,000
TOTAL APPROPRIATION	((<u>\$49,786,000</u>))
	<u>\$49,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the commute trip reduction program for Benton county.

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program.

Sec. 715. 2004 c 229 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation	((<u>\$312,490,000</u>))
	<u>\$328,430,000</u>
Multimodal Transportation Account--State Appropriation	\$5,120,000
TOTAL APPROPRIATION	((<u>\$317,610,000</u>))

\$333,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of (~~(\$35,348,000)~~) \$51,048,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$208,935,700, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.

(4) \$984,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

(6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

(7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

(10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

(11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 716. 2004 c 229 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation

(((\$34,118,000))

\$33,538,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$29,961,000~~) \$29,331,000) of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for implementing the produce rail car program as provided in RCW 47.76.420.

Sec. 717. 2004 c 229 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation

(((\$7,067,000))

\$6,957,000

Motor Vehicle Account--Federal Appropriation

\$2,569,000

TOTAL APPROPRIATION

(((\$9,636,000))

\$9,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

TRANSFERS AND DISTRIBUTIONS

Sec. 801. 2004 c 229 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation

(((\$250,000,000))

\$240,833,000

Nondebt-Limit Reimbursable Account Appropriation

(((\$4,131,000))

\$1,440,000

Ferry Bond Retirement Account Appropriation

(((\$43,340,000))

\$42,084,000

Transportation Improvement Board Bond Retirement
Account--State Appropriation

(((\$36,721,000))

\$33,209,000

Motor Vehicle Account--State Appropriation

\$5,254,000

Special Category C Account--State Appropriation

Transportation Improvement Account--State Appropriation	\$338,000
Multimodal Transportation Account--State Appropriation	\$240,000
Transportation 2003 Account (nickel account) Appropriation	\$358,000
	\$2,117,000
TOTAL APPROPRIATION	(((\$342,499,000))
	<u>\$325,873,000</u>

Sec. 802. 2004 c 229 s 402 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION
AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**
Motor Vehicle Account--State Appropriation

	(((\$1,293,000))
	<u>\$793,000</u>
Special Category C Account Appropriation	\$111,000
Transportation Improvement Account--State Appropriation	\$21,000
Multimodal Transportation Account--State Appropriation	\$119,000
Transportation 2003 Account (nickel account)--State Appropriation	(((\$700,000))
	<u>\$400,000</u>
TOTAL APPROPRIATION	(((\$2,244,000))
	<u>\$1,444,000</u>

Sec. 803. 2004 c 229 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
Motor Vehicle Account Appropriation for
motor vehicle fuel tax distributions to
cities and counties

	(((\$440,228,000))
	<u>\$435,138,000</u>
Motor Vehicle Account--State Appropriation: For license permit and fee distributions to cities and counties	(((\$13,119,000))

\$0

Sec. 804. 2004 c 229 s 405 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS
(1) ~~((State Patrol Highway Account--State
Appropriation: For transfer to the Motor
Vehicle Account~~

	\$20,000,000
(2)) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers	(((\$770,347,000))

\$752,823,000

~~((3))~~ (2) Highway Safety Account--State
Appropriation: For transfer to the motor
vehicle account--state

\$12,000,000

The state treasurer shall perform the transfers from the ~~((state patrol highway account and the))~~ highway safety account to the motor vehicle account on a quarterly basis.

MISCELLANEOUS

NEW SECTION. Sec. 901. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 902. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.(End of bill)

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MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Oke to the striking amendment be adopted.

On page 6, line 2 of the amendment, after "study." insert the following:

"At a minimum, the study must include an analysis of the only currently authorized toll facility, the Tacoma Narrows bridge project. The study findings at a minimum should include (a) the development of more uniform and equitable policies regarding the distribution of the financial burdens imposed on those paying the tolls on the Tacoma Narrows bridge, and (b) options of possible further buy-down of the outstanding indebtedness applicable to the bridge project, in order to provide a more equitable distribution of the financial burdens incurred by those paying tolls on the bridge."

Senators Rockefeller, Oke and Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and Oke on page 6, line 2 to the striking amendment to Substitute Senate Bill No. 6091.

The motion by Senator Rockefeller carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Oke moved that the following amendment by Senators Oke, Swecker and Haugen to the striking amendment be adopted.

On page 6, after line 23 of the amendment, insert the following:

"(4) The transportation commission shall, using its tolling authority under existing law, shall impose tolls on the SR 520 bridge."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Oke spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke, Swecker and Haugen on page 6, after line 23 to the striking amendment to Substitute Senate Bill No. 6091.

The motion by Senator Oke carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Haugen to the striking amendment be adopted.

On page 24, line 36, after "plan." insert "No funds may be expended on this project until the city of Battleground and the department of transportation have reached an agreement on the right-of-way acquisition plan."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Haugen on page 24, line 36 to the striking amendment to Substitute Senate Bill No. 6091.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Parlette to the striking amendment be adopted.

On page 28, after line 35 of the amendment, insert the following:

"Multimodal Transportation Account--State Appropriation . . . \$3,000,000"

Adjust the total appropriation accordingly

On page 31, after line 8 of the amendment, insert the following:

"(10) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the following safety projects: US 2/South of Orondo-passing lane, \$900,000; and, US 2/Colbert Road intersection improvements, \$2,100,000."

Senator Mulliken spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Parlette on page 28, after line 35 to the striking amendment to Substitute Senate Bill No. 6091.

The motion by Senator Mulliken carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen as amended to Substitute Senate Bill No. 6091.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 81.84.020; amending 2004 c 229 ss 101, 207, 208, 209, 210, 211, 212, 213, 215, 218, 219, 220, 222, 223, 224, 225, 401, 402, 404, and 405 (uncodified); amending 2003 c 360 ss 201 and 218 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker, Mulliken and Jacobsen spoke in favor of passage of the bill.

Senator Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Deccio, Doumit, Eide, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Keiser, Kline, Kohl-Welles, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 31

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Franklin, Honeyford, Johnson, Kastama, McAuliffe, Morton, Oke, Pflug, Roach, Schoesler and Stevens - 17

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6091 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1222,
HOUSE BILL NO. 1247,
HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1266,
SUBSTITUTE HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1463,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 20, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1541,
HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1754,
HOUSE BILL NO. 1771,
SUBSTITUTE HOUSE BILL NO. 1895,
ENGROSSED HOUSE BILL NO. 1998,
SUBSTITUTE HOUSE BILL NO. 2081,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5101,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5492,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5256,
SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5999

MOTION

At 5:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1496,
SUBSTITUTE HOUSE BILL NO. 1652,
SECOND SUBSTITUTE HOUSE BILL NO. 1970,
SUBSTITUTE HOUSE BILL NO. 2156,
SUBSTITUTE HOUSE BILL NO. 2169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

HOUSE BILL NO. 1066,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House receded from its amendment{s} to ENGROSSED SENATE BILL NO. 5094 and passed the bill without the House amendment{s}.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House receded from its amendment{s} to SUBSTITUTE SENATE BILL NO. 5902 and passed the bill without the House amendment{s}.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

PERSONAL PRIVILEGE

Senator Haugen: "As we finished the Transportation package we forgot the most important thing and that was to say thank you to the people who worked so long and hard for us to put this together. They're not here so I can bring them out in the wings, they really kind of uncomfortable about doing that but I know there watching us on TVW. You know we all get elected and we come down here to do great things but the truth of the matter is, it's the people who work for us that help us do great things and, without them, I don't think any of us would be very successful. I feel like we have one of the best Transportation staffs that we've had in a number of years. And actually we have two new members, three new members to our staff that totally have come onto Transportation this year and have just worked, I can't tell you how hard they've worked. They have done a superb job. You know, we all go home at night and then the staff goes to work. That's what these fellows, these young people, have done for the last week and I just want them to know that I really do appreciate their effort. Most of all I appreciate the leadership of Mike Groesch. I know that many of you had the opportunity to work with him on other committees, but I can tell you, he's one of the jewels of the Senate and I feel privileged that he's working in the Transportation Committee. Thank you guys, you're wonderful."

PERSONAL PRIVILEGE

Senator Swecker: "Well, I just want to add to the comments of the good lady from the Tenth District. We literally could not have done it without them. And when I think of the number of hours that I put in and I realize they were there before I was and they were always there after I was. And the fact that they worked through minutiae that totally befuddled me. I couldn't have done it without them. I truly appreciate their level of effort, their expertise. You know, we've had the opportunity now to work with professional staff here in the legislature for a number of years and this was a change that occurred in my life time. We had partisan staff before that. And I think it's truly one of the very most important factors that has improved the quality and performance of the legislature. They're a true gem and a true treasure of the state. I really appreciate everything that they do and I just want to thank them and look forward to working with them. Thank you."

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.64 RCW to read as follows:

When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

- (1) The defendant's right to vote has been lost due to the felony conviction;
- (2) If the defendant is registered to vote, the voter registration will be canceled;
- (3) The right to vote may be restored by:
 - (a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;
 - (b) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;
 - (c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or
 - (d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and
- (4) Voting before the right is restored is a class C felony under RCW 29A.84.660.

Sec. 2. RCW 29A.08.010 and 2004 c 267 s 102 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes ~~((the applicant's))~~:

- ~~(1) Name((,- complete residence));~~

(2) Residential address(=);

(3) Date of birth(=);

(4) Washington state driver's license number(=) or Washington state identification card number, or the last four digits of the applicant's Social Security number(=) if the applicant does not have a Washington state driver's license or Washington state identification card;

(5) A signature attesting to the truth of the information provided on the application(=); and

(6) A check or indication in the box confirming the individual is a United States citizen.

If the individual does not have a driver's license, state identification card, or Social Security number, the registrant must be issued a unique voter registration number ~~((and))~~ in order to be placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.030 and 2004 c 267 s 104 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed ~~((so that the voter may update his or her current residence address))~~ to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 4. RCW 29A.08.107 and 2004 c 267 s 106 are each amended to read as follows:

(1) The secretary of state must review the information provided by each voter registration applicant to ensure that ~~((either))~~ the provided driver's license number, state identification card number, or ((the)) last four digits of the Social Security number match the information maintained by the Washington department of licensing or the Social Security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application(=) within ~~((thirty))~~ forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that ~~((an applicant's))~~ the provided driver's license number, state identification card number, or ((the)) last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have ~~((either))~~ a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing.

Sec. 5. RCW 29A.08.110 and 2004 c 267 s 107 are each amended to read as follows:

(1) ~~((On receipt of an application for voter registration, the county auditor shall review the application to determine whether the information supplied is complete.))~~ An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, ~~((and))~~ signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication ~~((the license information))~~ that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable ~~((the auditor shall not place)),~~ the name of the applicant shall not be placed on the ((county voter)) official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing ~~((of the original voter registration application))~~ or date of delivery, whichever is applicable.

(2) ~~((In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.~~

~~(3))~~ If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. ~~((If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.~~

~~(4))~~ (3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.08 RCW to read as follows:

No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional address being used as a residence address. Voters using such an address will be registered and assigned to a precinct based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address.

For the purposes of this section, "nontraditional address" includes shelters, parks, or other identifiable locations that the voter deems to be his or her residence.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a voter who registered by mail indicates on the voter registration form that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number, he or she must provide one of the following forms of identification the first time he or she votes after registering:

- (a) Valid photo identification;
- (b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
- (c) A copy of a current utility bill;
- (d) A current bank statement;
- (e) A copy of a current government check;
- (f) A copy of a current paycheck; or
- (g) A government document that shows both the name and address of the voter.

(2) If the voter fails to provide one of the above forms of identification prior to or at the time of voting, the ballot must be treated as a provisional ballot regardless of whether the voter is voting at a poll site or by mail. The ballot may only be counted if the voter's signature on the outside envelope matches the signature in the voter registration records.

(3) The requirements of this section do not apply to an out-of-state, overseas, or service voter who registers to vote by signing the return envelope of the absentee ballot.

Sec. 8. RCW 29A.08.115 and 2004 c 267 s 108 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a ~~((designee))~~ county auditor at least once weekly. The registration date on such forms will be the date they are received by the secretary of state or county auditor.

Sec. 9. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.

(2) The secretary of state shall at least quarterly review and update the records of all registered voters on the official statewide voter registration data base to make additions and corrections.

(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.

Sec. 10. RCW 29A.08.145 and 2004 c 267 s 113 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote or change his or her registration address in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the county auditor ~~((of the county in which the applicant resides))~~ or secretary of state, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 11. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The address of the last former registration of the applicant as a voter in the state;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) The applicant's Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver's license or Washington state identification card;
- (8) A check box for the applicant to indicate that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number;
- (9) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;
- (10) A check box allowing the applicant to confirm that he or she is at least eighteen years of age;
- (11) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;
- (12) A check box and declaration confirming that the applicant is a citizen of the United States;
- ~~((8))~~ (13) The following warning:
"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
- (14) The following affirmation by the applicant:
"By signing this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote. If I am found to have voted illegally, I may be prosecuted and/or fined for this illegal act. In addition, I hereby acknowledge that my name and last known address will be forwarded to the appropriate state and/or federal authorities if I am found to have voted illegally."
- (15) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and
- ~~((9))~~ (16) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The ~~((auditor shall not register the))~~ applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the ~~((auditor shall not register the))~~ applicant shall not be registered to vote.

~~((The following warning shall appear in a conspicuous place on the voter registration form:~~

~~"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."))~~

NEW SECTION. Sec. 12. A new section is added to chapter 29A.08 RCW to read as follows:

(1) When a felony offender has completed all the requirements of his or her sentence, the county clerk shall immediately transmit this information to the secretary of state along with information about the county where the conviction occurred and the county that is the last known residence of the offender. The secretary of state shall maintain such records as part of the elections data base.

(2) If the offender has completed all the requirements of all of his or her sentences for all of his or her felony convictions, the secretary of state shall transmit information about the restoration of the former felon's voting rights to the county auditor where the conviction took place and, if different, the county where the felon was last known to reside.

Sec. 13. RCW 29A.08.250 and 2004 c 267 s 117 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. ~~((All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must be a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship eligibility under the Help America Vote Act of 2002 (P.L. 107 252).))~~

Sec. 14. RCW 29A.08.330 and 2003 c 111 s 224 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall

give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

~~((4))~~ (5) Each designated agency shall provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state.

Sec. 15. RCW 29A.08.520 and 2004 c 267 s 126 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, ~~the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies~~ shall arrange for a ~~((periodic))~~ quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on ~~((the department of corrections))~~ a felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and ~~((cancel))~~ suspend the voter registration from the official state voter registration list. The canceling authority shall send ~~((notice of the proposed cancellation))~~ a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.

(2) The right to vote may be restored by, for each felony conviction, one of the following:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Sec. 16. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, ~~((and))~~ the department of health, the Washington state patrol, and the office of the administrator for the courts. The computerized list may also be coordinated with the data bases of election officials in other states.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data bases to aid in the cancellation of voter registration of felons, of persons who have declined to serve on juries by virtue of not being citizens of the United States, and of persons determined to be legally incompetent to vote;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

(12) In order to maintain the statewide voter registration data base, the secretary of state may, upon agreement with other appropriate jurisdictions, screen against data bases maintained by election officials in other states and data bases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(13) The secretary of state shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(14) The secretary of state must review and update the records of all registered voters on the computerized list on a quarterly basis to make additions and corrections.

Sec. 17. RCW 29A.08.710 and 2004 c 267 s 133 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. ~~((The address and political jurisdiction of a registered voter are available for public inspection and copying except as provided by chapter 40.24 RCW.))~~ No other information from voter registration records or files is available for public inspection or copying.

Sec. 18. RCW 29A.08.720 and 2004 c 266 s 9 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the identity of the office at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) ~~((A))~~ Subject to the restrictions of RCW 29A.08.710, poll books ((or)), precinct lists, and current lists of registered voters((, except original voter registration forms or their images, shall be)) are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists ((or mailing labels)) of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists ((and labels)) shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

Sec. 19. RCW 29A.08.740 and 2003 c 111 s 249 and 2003 c 53 s 176 are each reenacted and amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29A.08.720 ~~((or 29A.08.730))~~ for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, and is liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not an indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) Each person furnished data under RCW 29A.08.720 (~~or 29A.08.730~~) shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Sec. 20. RCW 29A.08.775 and 2004 c 267 s 136 are each amended to read as follows:

Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are (~~drawn from~~) the same as the official statewide voter registration list.

Sec. 21. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec. 22. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at the polls at any primary or election must provide identification to the election officer before signing the poll book. The identification required in this section may be satisfied by providing the following forms of identification as chosen by the voter:

(1) A physical form of identification, which may be:

(a) An original or copy of a current and valid photo identification with or without an address. The address is not required to match the voter's voter identification card; or

(b) An original or copy of a utility bill, bank statement, government check, paycheck, student identification card, tribal identification card, or other government document that shows the name and address of the person. The address is not required to match the voter's voter identification card; or

(2) A verbal or written statement by the voter of the voter's name, year of birth, and unique identifier as determined by the secretary of state. The statement of the voter's name does not need to contain the voter's middle initial or suffix.

(3) If the voter does not have identification and does not know his or her unique identifier, he or she shall vote a provisional ballot.

Sec. 23. RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a (~~misdemeanor punishable under RCW 9A.20.021~~) class C felony.

Sec. 24. RCW 46.20.118 and 1990 c 250 s 37 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration data base. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

Sec. 25. RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ~~((state))~~ ask the following:

~~("I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote.")~~

(1) "Are you a United States citizen?"

(2) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) RCW 29A.08.155 (Payment for maintenance of electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215; and

(2) RCW 29A.08.730 (Registration, voting--Furnishing data upon request--Cost--Use restricted) and 2003 c 111 s 248, 1994 c 57 s 6, & 1973 1st ex.s. c 111 s 3.

NEW SECTION. Sec. 27. This act takes effect January 1, 2006."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5743 and ask the House to recede therefrom.

Senators Kastama spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5743 and ask the House to recede therefrom.

The motion by Senator Kastama carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5743 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, with the following amendment{s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued (~~to a voter~~) at the polling place on election day by the precinct election board (~~(, for one of the following reasons)~~) to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the help America vote act, including but not limited to the following:

(a) The voter's name does not appear in the poll book;
(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;
(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Any other reason allowed by law;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

Sec. 2. RCW 29A.04.530 and 2003 c 111 s 151 are each amended to read as follows:

The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29A.04.630;

(2) Establish guidelines, in consultation with state and local law enforcement or certified document examiners, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines;

(3) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;

~~((3))~~ (4) Maintain a record of those individuals who have received such training and certificates; and

~~((4))~~ (5) Provide the staffing and support services required by the board created under RCW 29A.04.510.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.36 RCW to read as follows:

All provisional, mail, and absentee ballots must be visually distinguishable from each other and must be either:

(1) Printed on colored paper; or

(2) Imprinted with a bar code for the purpose of identifying the ballot as a provisional, mail, or absentee ballot. The bar code must not identify the voter.

Provisional, mail, and absentee ballots must be incapable of being tabulated by poll-site counting devices.

Sec. 4. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 5. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin (~~(on or after the tenth day before the primary or election)~~) upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the

ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.44 RCW to read as follows:

Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.44 RCW to read as follows:

(1) Any person desiring to vote at the polls at any primary or election must provide identification to the election officer before signing the poll book. The identification required in this section may be satisfied by providing the following forms of identification as chosen by the voter:

(a) A physical form of identification, which may be:

(i) An original or copy of a current and valid photo identification with or without an address. The address is not required to match the voter's voter identification card; or

(ii) An original or copy of a utility bill, bank statement, government check, paycheck, student identification card, tribal identification card, or other government document that shows the name and address of the person. The address is not required to match the voter's voter identification card; or

(b) A verbal or written statement by the voter of the voter's name, year of birth, and unique identifier as determined by the secretary of state. The statement of the voter's name does not need to contain the voter's middle initial or suffix.

(2) If the voter does not have identification and does not know his or her unique identifier, he or she shall vote a provisional ballot.

NEW SECTION. Sec. 8. A new section is added to chapter 29A.60 RCW to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for completing the unsigned affidavit. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. If the signature on the copy of the affidavit does not match the signature on file, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request.

NEW SECTION. Sec. 9. A new section is added to chapter 29A.60 RCW to read as follows:

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means. The auditor must notify the voter in accordance with section 8 of this act when the envelope is unsigned or when the signatures do not match.

NEW SECTION. Sec. 10. A new section is added to chapter 29A.60 RCW to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.60 RCW to read as follows:

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The number of ballots counted;

(c) The number of provisional ballots issued;

(d) The number of provisional ballots counted;

(e) The number of provisional ballots rejected;

(f) The number of absentee ballots issued;

(g) The number of absentee ballots counted;

(h) The number of absentee ballots rejected;

(i) The number of federal write-in ballots counted;

(j) The number of out-of-state, overseas, and service ballots issued;

(k) The number of out-of-state, overseas, and service ballots counted; and

(l) The number of out-of-state, overseas, and service ballots rejected.

(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The total number of voters credited with voting;

(c) The number of poll voters credited with voting;

(d) The number of provisional voters credited with voting;

(e) The number of absentee voters credited with voting;

(f) The number of federal write-in voters credited with voting;

(g) The number of out-of-state, overseas, and service voters credited with voting;

(h) The total number of voters credited with voting even though their ballots were postmarked after election day and were not counted; and

(i) Any other information the auditor deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

(3) The county auditor may also prepare such reports for jurisdictions located, in whole or in part, in the county.

Sec. 12. RCW 29A.60.021 and 2004 c 271 s 147 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. ~~((For a partisan primary in a jurisdiction using~~

~~the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party.)~~ No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office(=) or position(~~= or political party shall~~) will be accepted if the canvassing board can determine, to ~~(their)~~ its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied ~~((if))~~ unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is ~~((not))~~ greater than the number of votes cast for the candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected~~(, and the write in votes could not have altered the outcome of the primary or election. In the case of write in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write in votes could alter the outcome of the primary or election)).~~

~~((4))~~ (5) In the case of write-in votes for a statewide office(=) or any office whose jurisdiction(~~s that~~) encompasses more than one county, ~~((if the total number of write in votes and undervotes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write in votes for individual candidates should be tallied))~~ write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

Sec. 13. RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to read as follows:

Whenever the precinct election officers or the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.

Sec. 14. RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to read as follows:

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.

Sec. 15. RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to read as follows:

~~((At least every third day after a primary or election and before certification of the election results,))~~ Except Sundays and legal holidays, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

Sec. 16. RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

(1) ~~((On the tenth day after a special election or primary and on the fifteenth day))~~ Ten days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the

results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a postmark on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 17. RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to read as follows:

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary ~~((~~or~~))~~, election, or subsequent recount and correct any error and document the correction of any error that it finds.

Sec. 18. RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to read as follows:

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his or her office, and transmit a certified copy to the governor))~~ and certify the returns of the general election as to candidates for state offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.

Sec. 19. RCW 29A.64.021 and 2004 c 271 s 178 are each amended to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one ~~((hundred fifty))~~ thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

Sec. 20. RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to read as follows:

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW ~~((29A.64.080))~~ 29A.64.081.

The county canvassing board shall determine ~~((a))~~ the date, time, and ~~((a))~~ place or places at which the recount will be conducted. ~~((This time shall be less than three business days after the day upon which: The application was filed with the board; the request for a recount or directive ordering a recount was received by the board from the secretary of state; or the returns are certified which indicate that a recount is required under RCW 29A.64.020 for an issue or office voted upon only within the county.))~~ Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the affected parties or until the affected

parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

Sec. 21. RCW 29A.64.061 and 2004 c 271 s 180 are each amended to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 22. RCW 29A.68.011 and 2004 c 271 s 182 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) (~~(above)~~) of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the (~~issuance of a certificate of election~~) official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.

NEW SECTION. Sec. 23. A new section is added to chapter 29A.84 RCW to read as follows:

A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit is guilty of a gross misdemeanor. This section does not apply to (1) the voter who completed the voter registration form, or (2) a county auditor or registration assistant who acts as authorized by voter registration law.

Sec. 24. RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

(1) Any person who intentionally votes or attempts to vote in this state more than once at any (~~primary or general or special~~) election, or who intentionally votes or attempts to vote in both this state and another state at any election, is guilty of a (~~gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021~~) class C felony.

(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120.

NEW SECTION. Sec. 25. The secretary of state shall study the feasibility of requiring that the names of the top two vote-getters in primary elections of justices of the state supreme court, judges of the courts of appeals, superior courts, and district courts, and the superintendent of public instruction shall appear on the general election ballot. The study shall include a survey of how many times a judicial candidate and a candidate for superintendent of public instruction have appeared without opposition on the general election ballot from 1985 to present; the number of voters voting for these races in the primary election as opposed to voting for the same races in the general election; and if the differences in the numbers of voters voting at the primary and voting at the general election may have resulted in a different election result. The study shall also include a financial analysis of the proposed changes. The secretary of state shall report the results of the study to the appropriate committees of the legislature no later than January 31, 2006.

NEW SECTION. Sec. 26. This act takes effect January 1, 2006."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5499 and ask the House to recede therefrom.

Senators Kastama and Roach spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5499 and ask the House to recede therefrom.

The motion by Senator Kastama carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5499 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1188 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate recede from its position on Second Substitute House Bill No. 1188.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate recede from its position on Second Substitute House Bill No. 1188.

The motion by Senator Haugen carried and the Senate receded from its position on Second Substitute House Bill No. 1188.

MOTION

On motion of Senator Haugen, the rules were suspended and Second Substitute House Bill No. 1188 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1188, by House Committee on Appropriations (originally sponsored by Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby)

Negotiating state patrol officer wages and wage-related matters. Revised for 2nd Substitute: Negotiating state patrol officer wages, wage-related matters, and nonwage matters.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.473 and 1999 c 217 s 3 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the ~~((Washington))~~ state ~~((patrol))~~ with respect to the officers of the Washington state patrol appointed under RCW 43.43.020~~((Subjects of bargaining include wage-related matters)),~~ except that the ~~((Washington))~~ state ~~((patrol))~~ is prohibited from negotiating ~~((rates of pay or wage levels and))~~ any matters relating to retirement benefits or health care benefits or other employee insurance benefits.

(2) For the purposes of negotiating wages, wage-related matters, and nonwage matters, the state shall be represented by the governor or the governor's designee who is appointed under chapter 41.80 RCW, and costs of the negotiations under this section shall be reimbursed as provided in RCW 41.80.140.

(3) The governor or the governor's designee shall consult with the chief of the Washington state patrol regarding collective bargaining.

(4) The negotiation of provisions pertaining to wages and wage-related matters in a collective bargaining agreement between the ~~((Washington))~~ state ~~((patrol))~~ and the Washington state patrol officers is subject to the following:

(a) The state's bargaining representative must periodically consult with a subcommittee of the joint committee on employment relations created in RCW 41.80.010(5) which shall consist of the four members appointed to the joint committee with leadership positions in the senate and the house of representatives, and the chairs and ranking minority members of the senate transportation committee and the house transportation committee, or their successor committees. The subcommittee must be consulted regarding the appropriations necessary to implement these provisions in a collective bargaining agreement and, on completion of negotiations, must be advised on the elements of these provisions.

(b) Provisions that are entered into before the legislature approves the funds necessary to implement the provisions must be conditioned upon the legislature's subsequent approval of the funds.

(5) The governor shall submit a request for funds necessary to implement the wage and wage-related matters in the collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements may not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of financial management by October 1st before the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of financial management as being feasible financially for the state or reflects the decision of an arbitration panel reached under RCW 41.56.475.

Sec. 2. RCW 41.56.475 and 1999 c 217 s 4 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(2) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(3) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

Senators Haugen and Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Swecker to Second Substitute House Bill No. 1188.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "matters;" strike the remainder of the title and insert "and amending RCW 41.56.473 and 41.56.475."

MOTION

On motion of Senator Haugen, the rules were suspended, Second Substitute House Bill No. 1188 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1188, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1188 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senators Brown and Deccio - 2

Excused: Senator McCaslin - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1188, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1708 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 1708.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 1708.

The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 1708.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Substitute House Bill No. 1708 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1708, by House Committee on Education (originally sponsored by Representatives Lovick, Quall, Dickerson, Cox, Haigh, Kenney, McDermott, O'Brien, Sells, B. Sullivan, Appleton, Simpson, Kagi, Darneille, Morrell, Green, P. Sullivan, Ormsby, McCoy, Chase and Moeller)

Regarding dropout prevention.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt be adopted.

On page 3, after line 33 of the amendment, insert the following:

"NEW SECTION. Sec. 4. The legislature finds that the dropout rate of the state's Native American students is the highest in the state. Approximately one-half of all Native American high school students drop out before graduating with a diploma. The legislature also finds that culturally relevant educational opportunities are important contributors to other efforts to increase the rates of high school graduation for Native American students. The legislature further finds that the higher education participation rate for Native American students is the lowest in the state, and that more can be done to encourage Native American students to pursue higher educational opportunities. The legislature intends to authorize accredited public tribal colleges to participate in the running start program for the purposes of reducing the dropout rate of Native American students and encouraging greater participation rates in higher education.

Sec. 5. RCW 28A.600.300 and 2002 c 80 s 1 are each amended to read as follows:

For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; ~~((and))~~

(2) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

(3) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400."

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 3, after line 33 to Substitute House Bill No. 1708.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 4, line 2 of the title amendment, after "28A.175.010" insert "and 28A.600.300"

On page 4, line 3 of the title amendment, after "creating" strike "a new section" and insert "new sections"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1708, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1708, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Deccio - 1

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1893 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 1893.
The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 1893.
The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 1893 by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Substitute House Bill No. 1893 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Education (originally sponsored by Representatives McDermott, Kenney and Dickerson)

Providing for certification of teachers of the deaf and hard of hearing. Revised for 1st Substitute: Providing for a certification endorsement for teachers of the deaf and hard of hearing.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Schmidt be adopted.

On page 1, line 20, strike "state board of education, with advice from the professional educator standards board," and insert "agency responsible for teacher certification"

On page 1, line 27, strike "state board of education" and insert "agency"

On page 2, line 30, strike "state board of education, with advice from the professional educator standards board," and insert "agency responsible for educational staff associate certification"

On page 3, beginning on line 3, strike "state board of education" and insert "agency"

On page 3, line 14, strike "state board of education" and insert "agency responsible for educational staff associate certification"

Senators McAuliffe, Schmidt and Fraser spoke in favor of adoption of the amendment.

Senator Mulliken spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Schmidt on page 1, line 20 to Substitute House Bill No. 1893.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1893, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Mulliken - 1

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The Speaker ruled Senate amendment{s} to SUBSTITUTE HOUSE BILL NO. 1987 beyond scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 1987.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 1987.

The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 1987 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1987 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1987 without the Senate amendments and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, and Stevens- 2

Excused: Senator McCaslin - 1

Absent: Senators Delvin and Fraser -- 2

SUBSTITUTE HOUSE BILL NO. 1987, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to recede from its amendment{s} to SUBSTITUTE SENATE BILL NO. 5042 {insists on its position} and {again} asks Senate to concur therein.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate adhere to its position and ask House to concur thereon.

Senators Kline and Esser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate adhere to its position and ask the House to concur in the Senate amendment(s) to Substitute Senate Bill No. 5042.

The motion by Senator Kline carried and the Senate adhered to its position and asked the House to concur in the Senate amendment{s} to Substitute Senate Bill No. 5042 by voice vote.

MOTION

At 8:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 9:02 p.m. by President Owen.

MOTION

At 9:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, April 21, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDRED FIRST DAY, APRIL 20, 2005

2005 REGULAR SESSION

ONE-HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 21, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Pflug.

The Sergeant at Arms Color Guard consisting of Pages Michelle Kwon and Erik Thyberg, presented the Colors. Imam Benjamin Shabazz of the Al-Islam Center of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

April 20, 2005

SGA 9227 EDWARD L. BARNES, reappointed April 23, 2002, for the term ending June 30, 2007, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9243 RICHARD FORD, reappointed October 1, 2004, for the term ending June 30, 2007, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9258 CLYDE MCBRAYER, appointed January 1, 2005, for a term ending December 31, 2010, as Member of Fish and Wildlife Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senator Fraser

MINORITY recommendation: That said appointment be not confirmed. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton and Spanel

April 20, 2005

SGA 9269 DANIEL O'NEAL, reappointed November 1, 2003, for the term ending June 30, 2009, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9281 DALE STEDMAN, reappointed November 1, 2003, for the term ending June 30, 2008, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9292 MICHAEL F. CONNELLY, reappointed April 2, 2002, for the term ending December 31, 2006, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9293 ROBERT DISTLER, appointed March 4, 2005, for the term ending June 30, 2010, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Kastama, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9307 GARY ROBINSON, appointed February 21, 2005, for the term ending at the governor's pleasure, as a Director of the Department of Information Services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9315 BILL BRUMSICKLE, appointed March 30, 2005, for the term ending December 31, 2008, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9318 KENNETH SCHELLBERG, appointed March 30, 2005, for the term ending December 31, 2009, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

April 20, 2005

SGA 9323 LINDA VILLEGAS BREMER, appointed March 28, 2005, for the term ending at the governor's pleasure, as a Director of the Department of General Administration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 25, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KAREN LEE, appointed March 14, 2005, for the term ending at the governor's pleasure, as Commissioner of the Employment Security Department.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTIONS

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

HB 1066 by Representatives McDermott, Quall, P. Sullivan, Haigh, Hunter and Ormsby

AN ACT Relating to learning assistance program distribution formula; and amending RCW 28A.165.055.

Referred to Committee on Appropriations.

EHB 1241 by Representatives Fromhold, Curtis, Moeller, Wallace, Sommers, McIntire and Murray

AN ACT Relating to vehicle licensing and registration; amending RCW 46.63.020; reenacting and amending RCW 46.16.010; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2309 by House Committee on Appropriations (originally sponsored by Representative Linville)

AN ACT Relating to water right fees; amending RCW 90.03.470; adding a new section to chapter 90.14 RCW; and creating a new section.

MOTIONS

On motion of Senator Eide, the measures listed on the Introduction and First Reading report; House Bill No. 1066, Engrossed House Bill No. 1241 and Engrossed Substitute House Bill No. 2309 were held at the desk.

On motion of Senator Eide, the Senate reverted to the third order of business.

On motion of Senator Honeyford, Senator Pflug was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser, moved that Gubernatorial Appointment No. 9276, Mary Selecky, as Secretary of the Department of Health, be confirmed.

Senators Keiser, Thibaudeau, Mulliken, Sheldon, Morton, Franklin and Benson spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Doumit were excused.

APPOINTMENT OF MARY SELECKY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9276, Mary Selecky as Secretary of the Department of Health.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9276, Mary Selecky as Secretary of the Department of Health and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

Gubernatorial Appointment No. 9276, Mary Selecky, having received the constitutional majority was declared confirmed as Secretary of the Department of Health.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove, moved that Gubernatorial Appointment No. 9237, Harold Clarke, as Secretary of the Department of Corrections, be confirmed.

Senators Hargrove, Stevens, Thibaudeau and Regala spoke in favor of the motion.

MOTION

On motion of Senator Schmidt, Senator Brandland was excused.

APPOINTMENT OF HAROLD CLARKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9237, Harold Clarke as Secretary of the Department of Corrections.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9237, Harold Clarke as Secretary of the Department of Corrections and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brandland and Pflug - 2

Gubernatorial Appointment No. 9237, Harold Clarke, having received the constitutional majority was declared confirmed as Secretary of the Department of Corrections.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SENATE BILL NO. 6097,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6050,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House receded from its amendment to SECOND SUBSTITUTE SENATE BILL NO. 5202 on reconsideration failed to pass the bill without the House amendment.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5094,
SUBSTITUTE SENATE BILL NO. 5902.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1187 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on Engrossed House Bill No. 1187.
The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on Engrossed House Bill No. 1187.

The motion by Senator Hargrove carried and the Senate receded from its position on Engrossed House Bill No. 1187.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed House Bill No. 1187 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED HOUSE BILL NO. 1187, by Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa

Eliminating mandatory minimum sentences for youthful offenders tried as adults.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that emerging research on brain development indicates that adolescent brains, and thus adolescent intellectual and emotional capabilities, differ significantly from those of mature adults. It is appropriate to take these differences into consideration when sentencing juveniles tried as adults. The legislature further finds that applying mandatory minimum sentences for juveniles tried as adults prevents trial court judges from taking these differences into consideration in appropriate circumstances.

(2) The legislature intends to eliminate the application of mandatory minimum sentences under RCW 9.94A.540 to juveniles tried as adults, and to continue to apply all other adult sentencing provisions to juveniles tried as adults.

Sec. 2. RCW 9.94A.540 and 2001 2nd sp.s. c 12 s 315 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(3)(a) Subsection (1) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after the effective date of this act."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Engrossed House Bill No. 1187.

The motion by Senator Hargrove and others carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 9.94A.540; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 1187, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1187, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1187, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 1187, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8410 by Senator Brown

Exempting House Bill No. 1515 from SCR 8400.

MOTION

Senator Eide moved that rules be suspended and Senate Concurrent Resolution No. 8410 be placed on the second reading calendar.

MOTION

Senator Esser moved to amend the motion by Senator Eide and that Senate Concurrent Resolution No. 8410 be referred to the Committee on Judiciary.

Senators Eide and Brown spoke against the motion.

Senator Esser spoke in favor of the motion.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Esser that Senate Concurrent Resolution No. 8410 be referred to the Committee on Judiciary.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser that Senate Concurrent Resolution No. 8410 be referred to the Committee on Judiciary and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25

The President declared the question before the Senate to be the motion by Senator Eide that the rules be suspended and that Senate Concurrent Resolution No. 8410 be placed on the second reading calendar.

MOTION

A division was demanded.

The motion by Senator Eide carried and Senate Concurrent Resolution No. 8410 was placed on the second reading calendar by a rising vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senator Brown

Exempting House Bill No. 1515 from SCR 8400.

The measure was read the second time.

REMARKS BY THE PRESIDENT

President Owen: "There is an error in the amendment which, without objection, the Secretary will correct."

MOTION

Senator Esser moved that the following amendment by Senator Esser, as corrected by the Secretary, be adopted.

On page 8, after "commission)", insert ", Senate Bill 5774 (Modifying employee wage and benefit provisions), Senate Joint Resolution 8210 (Amending the Constitution to limit the types of domestic relations that will be recognized as valid in Washington state), House Bill 2069 (Expanding access to insurance coverage through the small business assist program), and Senate Bill 6085 (Addressing the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system and plan 1 of the teachers' retirement system)"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Esser spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

MOTIONS

Senator Honeyford moved to divide the question presented by the motion by Senator Esser and that the Senate consider each bill contained therein separately.

Senator Honeyford demanded a roll call on each bill embraced by the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Honeyford to divide the question presented by the motion by Senator Esser and that the Senate consider each subject embraced therein separately.

The motion by Senator Honeyford carried and the question was divided by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser to Concurrent Resolution No. 8410 to include Senate Bill No. 5774.

Senator Hewitt spoke in favor of the motion.

Senator Kohl-Welles spoke against the motion.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to adopt of the amendment by Senator Esser to Concurrent Resolution No. 8410 to include Senate Bill No. 5774 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 23.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser to Senate Concurrent Resolution No. 8410 to include Senate Joint Resolution No. 8210.

Senators Stevens and Benton spoke in favor of the motion.

Senators Kline and Franklin spoke against the motion.

POINT OF ORDER

Senator Eide: "Regarding the constitution. Would it take sixty percent of the votes here on the floor, two-thirds?"

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the vote is not on the constitutional amendment. It's on the inclusion into the resolution and so the answer is no, it would not. It takes a simple majority."

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to adopt the amendment by Senator Esser Senate Concurrent Resolution No. 8410 to include Senate Joint Resolution No. 8210 and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser to Senate Concurrent Resolution No. 8410 to include House Bill No. 2069.

Senators Deccio and Parlette spoke in favor of the motion.

Senator Keiser spoke against the motion.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to adopt the amendment by Senator Esser to Senate Concurrent Resolution No. 8410 to include House Bill No. 2069 and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser to Senate Concurrent Resolution No. 8410 to include Senate Bill No. 6085.

Senator Hewitt spoke in favor of the motion.

Senator Prentice spoke against the motion.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to adopt the amendment by Senator Esser to Senate Concurrent Resolution No. 8410 to include Senate Bill No. 6085 and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

The President declared the amendment by Senator Benton out of order as the subject had already been considered.

MOTION

Senator Roach moved that the following amendment by Senator Roach be adopted.

On page 1, line 8 after "commission)", insert ", Senate Bill 5670 (Requiring the opportunity for a referendum for critical areas regulations)"

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Brown moved that the amendment by Senator Roach to Senate Concurrent Resolution No. 8410 be laid upon the table.

The President declared the question before the Senate to be the motion by Senator Brown to lay upon the table the amendment by Senator Roach to Senate Concurrent Resolution No. 8410.

The motion by Senator Brown carried and the amendment was laid upon the table by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8410.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the ninth order of business.

Senator Eide moved that the Committee on Judiciary be relieved of further consideration of Engrossed House Bill No. 1515 and the bill be placed on the second reading.

The motion by Senator Eide carried by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1515, by Representatives Murray, Hankins, Walsh, Jarrett, McDermott, Grant, Linville, Upthegrove, Quall, Moeller, Tom, Appleton, Schual-Berke, Darneille, Clibborn, Hunter, Flannigan, Simpson, Williams, Hunt, Hudgins, B. Sullivan, Haigh, Chase, Wood, Cody, Sommers, Kenney, Dickerson, McIntire, Hasegawa, Santos and Ormsby

Expanding the jurisdiction of the human rights commission.

The measure was read the second time.

POINT OF ORDER

Senator Esser: "Mr. President. Point of Order as to whether House Bill No. 1515 is properly before the body at this point in time. Given that the concurrent resolution that was just adopted is a Senate concurrent resolution. I believe the President has ruled in the past that, if we were dealing with a House bill, we needed to have the House have acted on the concurrent resolution in the past and I can I speak to that further. Thank you, Mr. President. The President has ruled in the past that the Senate may consider a Senate bill beyond cut-off by first passing a concurrent resolution exempting the Senate bills from cut-off regardless whether the House has yet acted upon that cut-off resolution. By contrast, the cut-off, the resolution we just passed is a Senate resolution and this is a House bill. The rationale, I think, behind the difference in treatment is that it keeps a body from passing a measure beyond cut-off that the other body has not acted upon. I urge the President to rule that, at present, the House Bill No. 1515 is not presently before the body."

Senator Brown spoke against the point of order.

On motion of Senator Esser, the point of order by Senator Esser was withdrawn.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.60.010 and 1997 c 271 s 1 are each amended to read as follows:

This chapter shall be known as the "law against discrimination((=))." It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. RCW 49.60.020 and 1993 c 510 s 2 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his or her civil rights.

Sec. 3. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (a) The right to obtain and hold employment without discrimination;
- (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;
- (d) The right to engage in credit transactions without discrimination;
- (e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and
- (f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 4. RCW 49.60.040 and 1997 c 271 s 3 are each amended to read as follows:

~~((As used in this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

~~((16))~~ (17) "Complainant" means the person who files a complaint in a real estate transaction;

~~((17))~~ (18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

~~((18))~~ (19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

~~((19))~~ (20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

~~((20))~~ (21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

~~((21))~~ (22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

~~((22))~~ (23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

~~((23))~~ (24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Sec. 5. RCW 49.60.120 and 1997 c 271 s 4 are each amended to read as follows:

The commission shall have the functions, powers, and duties:

(1) To appoint an executive director and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, ~~((promulgate,))~~ amend, and rescind suitable rules ~~((and regulations))~~ to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith.

(4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter.

(5) To issue such publications and ~~((such))~~ results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, sexual orientation, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 6. RCW 49.60.130 and 1997 c 271 s 5 are each amended to read as follows:

The commission has power to create such advisory agencies and conciliation councils, local, regional, or statewide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; to foster through community effort or otherwise good

will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The commission may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 7. RCW 49.60.175 and 1997 c 271 s 7 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, marital status, sexual orientation, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide or service animal by a disabled person, concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

Sec. 8. RCW 49.60.176 and 1997 c 271 s 8 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, sex, marital status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person:

- (a) To deny credit to any person;
- (b) To increase the charges or fees for or collateral required to secure any credit extended to any person;
- (c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;
- (d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

Sec. 9. RCW 49.60.178 and 1997 c 271 s 9 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 10. RCW 49.60.180 and 1997 c 271 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 11. RCW 49.60.190 and 1997 c 271 s 11 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(2) To expel from membership any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

Sec. 12. RCW 49.60.200 and 1997 c 271 s 12 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, sexual orientation, creed, color, or national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 13. RCW 49.60.215 and 1997 c 271 s 13 are each amended to read as follows:

It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a disabled person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Sec. 14. RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are each reenacted and amended to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real

estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(k) To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

(3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status.

(4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublesor. For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

Sec. 15. RCW 49.60.223 and 1997 c 271 s 15 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person.

Sec. 16. RCW 49.60.224 and 1997 c 271 s 16 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 17. RCW 49.60.225 and 1997 c 271 s 17 are each amended to read as follows:

(1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250.

Sec. 18. RCW 48.30.300 and 1993 c 492 s 287 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex ((~~or~~)), marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex ((~~or~~)), marital status, or sexual orientation, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of

subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen to the committee striking amendment be adopted.

On page 2, line 10 of the amendment after "rights." insert "This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Nothing contained in this chapter limits, modifies, or supercedes the application of Title 26 RCW."

Senators Rasmussen and Fairley spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mulliken spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 10 to the committee striking amendment to House Bill No. 1515.

The motion by Senator Rasmussen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Consumer Protection as amended to House Bill No. 1515.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; reenacting and amending RCW 49.60.222; and declaring an emergency."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1515 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Weinstein spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

POINT OF ORDER

Senator Deccio: "I think that the speaker is impugning the motives of those people who are going to vote no on this bill. I think he is greatly exaggerating the issue and I think that he ought to consider the impugning of the rest of us who may vote for this."

REPLY BY THE PRESIDENT

President Owen: "Senator Weinstein, please make sure your remarks are relative to the issue at hand and not to the personalities."

Senators Thibaudeau, Franklin, Kohl-Welles, Keiser, Brown, Shin and Kline spoke in favor of passage of the bill.

Senators Benson, Mulliken and Sheldon spoke against passage of the bill.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fairley yield to a question? Senator Fairley, does this act in any way alter or impact the state laws relating to marriage?"

Senator Fairley: "Thank you for asking that Senator. The answer is no. Neither the current law against discrimination nor House Bill No. 1515 deals with or impacts domestic relation issues including marriage, in any way. House Bill No. 1515 deals with the issue of discrimination in employment, public accommodations, real estate transactions, insurance and commerce. House Bill No. 1515 does not amend the marriage laws directly or by implication and, in fact, makes no reference to marriage at all."

Senators Rasmussen and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1515 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1515, as amended by the Senate and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 24

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 25

HOUSE BILL NO. 1515, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION

8681

By Senators Rasmussen, Jacobsen and Spanel

WHEREAS, Recreational boating is a beloved activity enjoyed by many in Washington; and
WHEREAS, Washington has the fourth highest boater accident rate in the nation, and 87 percent of the operators involved in those accidents had not received any sort of boater safety training; and
WHEREAS, Through implementation in 36 other states, boater safety education has been proven to reduce serious accidents; and
WHEREAS, Boating safety education programs contribute to the reduction of accidents and increase the enjoyment of boating by all operators of all recreational vessels on Washington's waters; and
WHEREAS, Boater safety education in Washington would be phased in so that boaters are required to obtain a boater education card by January 1, 2016; and
WHEREAS, The boater safety education programs include training on preventing the spread of aquatic invasive species; and
WHEREAS, The programs set minimum standards for boating safety accomplishment, course instruction, examination, and accreditation that are consistent with United States Coast Guard regulations; and
WHEREAS, Boater safety programs encourage coordination with volunteer and private sector efforts to enhance boating safety and education for operators of nonmotorized vessels; and
WHEREAS, Successful implementation of boater safety education will make the waters of Washington more enjoyable for boaters, swimmers, and fishermen;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the importance of promoting boater safety for the protection of all Washington citizens; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the United States Power Squadrons.
Senators Rasmussen, Rockefeller, Spanel and Jacobsen spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.
The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the United States Power Squadron who were seated in the gallery.

MOTION

At 1:01 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Poulsen, moved that Gubernatorial Appointment No. 9257, Jay Manning, as Director of the Department of Ecology, be confirmed.
Senators Poulsen, Hargrove, Hewitt, Parlette, Doumit, Rockefeller and Fraser spoke in favor of the motion.
Senators Morton, Honeyford and Schoesler spoke against the motion.

APPOINTMENT OF JAY MANNING

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Jay Manning as Director of the Department of Ecology.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9257, Jay Manning as Director of the Department of Ecology and the appointment was confirmed by the following vote: Yeas, 38; Nays, 8; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Benson, Carrell, Honeyford, McCaslin, Morton, Pflug, Schoesler and Stevens - 8

Absent: Senators Berkey, Deccio and Mulliken - 3

Gubernatorial Appointment No. 9257, Jay Manning, having received the constitutional majority was declared confirmed as Director of the Department of Ecology.

MOTIONS

On motion of Senator Brandland, Senator Schmidt was excused.

On motion of Senator Regala, Senator Berkey was excused.

PERSONAL PRIVILEGE

Senator Fraser: "I'd like to bring to the attention of members that I've had passed out to your desks a brochure that tells about the Olympia Art Walk that's going on Friday night and Saturday night. On Saturday in the afternoon there's a fabulous 'Procession of the Species' and since we're here, we know we're going to be here at least most of the weekend. And, we know, when the session gets toward the end we sometimes have long breaks between bills getting finalized. I'd just like to let you know you have a great opportunity for wonderful fun if we have long breaks on Friday night and on Saturday."

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

SUBSTITUTE HOUSE BILL NO. 2304,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6097

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6050

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on Engrossed Substitute House Bill No. 1635.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on Engrossed Substitute House Bill No. 1635.

The motion by Senator Kastama carried and the Senate receded from its position on Engrossed Substitute House Bill No. 1635.

MOTION

On motion of Senator Kastama, the rules were suspended and Engrossed Substitute House Bill No. 1635 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, by House Committee on Local Government (originally sponsored by Representatives Kessler, Haler, Clibborn, Jarrett, O'Brien, Hankins, Ericks, Grant, Buck, Chase and Kenney)

Authorizing local government funding of ambulance and emergency services. Revised for 1st Substitute: Modifying local emergency medical service funding provisions.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that ambulance and emergency medical services are essential services and the availability of these services is vital to preserving and promoting the health, safety, and welfare of people in local communities throughout the state. All persons, businesses, and industries benefit from the availability of ambulance and emergency medical services, and survival rates can be increased when these services are available, adequately funded, and appropriately regulated. It is the legislature's intent to explicitly recognize local jurisdictions' ability and authority to collect utility service charges to fund ambulance and emergency medical service systems that are based, at least in some part, upon a charge for the availability of these services.

Sec. 2. RCW 35.21.766 and 2004 c 129 s 34 are each amended to read as follows:

(1) Whenever a regional fire protection service authority (~~(or the legislative authority of any city or town)~~) determines that the fire protection jurisdictions that are members of the authority (~~((or the city or town or a substantial portion of the city or town is))~~) are not adequately served by existing private ambulance service, the governing board of the authority may by resolution (~~(, or the legislative authority of the city or town may by appropriate legislation,)~~) provide for the establishment of a system of ambulance service to be operated by the authority as a public utility (~~(of the city or town, or)~~) operated by contract after a call for bids.

(2) The legislative authority of any city or town may establish an ambulance service to be operated as a public utility. However, the legislative authority of the city or town shall not provide for the establishment of an ambulance service utility that would compete with any existing private ambulance service, unless the legislative authority of the city or town determines that the city or town, or a substantial portion of the city or town, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the legislative authority of the city or town shall take into consideration objective generally accepted medical standards and reasonable levels of service which shall be published by the city or town legislative authority. The decision of the city council or legislative body shall be a discretionary, legislative act. When it is preliminarily concluded that the private ambulance service is inadequate, before issuing a call for bids or before the city or town establishes an ambulance service utility, the legislative authority of the city or town shall allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and reasonable levels of service. In the event of a second preliminary conclusion of inadequacy within a twenty-four month period, the legislative authority of the city or town may immediately issue a call for bids or establish an ambulance service utility and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service. Nothing in this act is intended to supersede requirements and standards adopted by the department of health. A private ambulance service which is not licensed by the department of health or whose license is denied, suspended, or revoked shall not be entitled to a sixty-day period within which to demonstrate adequacy and the legislative authority may immediately issue a call for bids or establish an ambulance service utility.

(3) The city or town legislative authority is authorized to set and collect rates and charges in an amount sufficient to regulate, operate, and maintain an ambulance utility. Prior to setting such rates and charges, the legislative authority must determine, through a cost-of-service study, the total cost necessary to regulate, operate, and maintain the ambulance utility. Total costs shall not include capital cost for the construction, major renovation, or major repair of the physical plant. Once the legislative authority determines the total costs, the legislative authority shall then identify that portion of the total costs that are attributable to the availability of the ambulance service and that portion of the total costs that are attributable to the demand placed on the ambulance utility.

(a) Availability costs are those costs attributable to the basic infrastructure needed to respond to a single call for service within the utility's response criteria. Availability costs may include costs for dispatch, labor, training of personnel, equipment, patient care supplies, and maintenance of equipment.

(b) Demand costs are those costs that are attributable to the burden placed on the ambulance service by individual calls for ambulance service. Demand costs shall include costs related to frequency of calls, distances from hospitals, and other factors identified in the cost-of-service study conducted to assess burdens imposed on the ambulance utility.

(4) A city or town legislative authority is authorized to set and collect rates and charges as follows:

(a) The rate attributable to costs for availability described under subsection (3)(a) of this section shall be uniformly applied across user classifications within the utility;

(b) The rate attributable to costs for demand described under subsection (3)(b) of this section shall be established and billed to each utility user classification based on each user classification's burden on the utility;

(c) The fee charged by the utility shall reflect a combination of the availability cost and the demand cost;

(d)(i) Except as provided in (d)(ii) of this subsection, the combined rates charged shall reflect an exemption for persons who are medicaid eligible and who reside in a nursing facility, boarding home, adult family home, or receive in-home services. The combined rates charged may reflect an exemption or reduction for designated classes consistent with Article VIII, section 7 of the state Constitution. The amounts of exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

(ii) For cities with a population less than two thousand five hundred that established an ambulance utility before May 6, 2004, the combined rates charged may reflect an exemption or reduction for persons who are medicaid eligible, and for designated classes consistent with Article VIII, section 7 of the state Constitution;

(e) The legislative authority must continue to allocate at least seventy percent of the total amount of general fund revenues expended, as of May 5, 2004, toward the total costs necessary to regulate, operate, and maintain the ambulance service utility. However, cities or towns that operated an ambulance service before May 6, 2004, and commingled general fund dollars and ambulance service dollars, may reasonably estimate that portion of general fund dollars that were, as of May 5, 2004, applied toward the operation of the ambulance service, and at least seventy percent of such estimated amount must then continue to be applied toward the total cost necessary to regulate, operate, and maintain the ambulance utility. Cities and towns which first established an ambulance service utility after May 6, 2004, must allocate, from the general fund or emergency medical service levy funds, or a combination of both, at least an amount equal to seventy percent of the total costs necessary to regulate, operate, and maintain the ambulance service utility as of May 5, 2004, or the date that the utility is established;

(f) The legislative authority must allocate available emergency medical service levy funds, in an amount proportionate to the percentage of the ambulance service costs to the total combined operating costs for emergency medical services and ambulance services, towards the total costs necessary to regulate, operate, and maintain the ambulance utility;

(g) The legislative authority must allocate all revenues received through direct billing to the individual user of the ambulance service to the demand-related costs under subsection (3)(b) of this section;

(h) The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility; and

(i) Revenues generated by the rates and charges must be deposited in a separate fund or funds and be used only for the purpose of paying for the cost of regulating, maintaining, and operating the ambulance utility.

(5) Ambulance service rates charged pursuant to this section do not constitute taxes or charges under RCW 82.02.050 through 82.02.090, or RCW 35.21.768, or charges otherwise prohibited by law.

NEW SECTION. Sec. 3. The joint legislative audit and review committee shall study and review ambulance utilities established and operated by cities under this act. The committee shall examine, but not be limited to, the following factors: The number and operational status of utilities established under this act; whether the utility rate structures and user classifications used by cities were established in accordance with generally accepted utility rate-making practices; and rates charged by the utility to the user classifications. The committee shall provide a final report on this review by December 2007."

Senators Kastama and Parlette spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Roach: "Will Senator Kastama yield to a question? Thank you Senator Kastama. Not having, I don't have a copy of the amendment here at the desk. Could you explain to us please what the amendment does?"

Senator Kastama: "Certainly, the amendment sets forth the process by which cities can engage in putting in a utility fee that helps with ambulance services pending a decision with the Supreme Court and the City of Kenewick. It outlines how much they can go ahead and supplant. For example, they say there has to be a cost of service study that is done prior to implementation of this fee and it must divide the fees in two manners, one based on availability; one based on utilization. It also goes into the competitive arena with private ambulance companies and cities and outlines some guidelines that, prior to this, have been lacking or have been non-existent in the relationship between ambulance service and the local city in which they provide services. Again, it is an agreed to amendment by all parties."

MOTIONS

On motion of Senator Oke, Senator Morton was excused.

On motion of Senator Schoesler, Senator Pflug was excused.

On motion of Senator Regala, Senator Hargrove was excused.

On motion of Senator Mulliken, Senator Benton was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Engrossed Substitute House Bill No. 1635.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 35.21.766; and creating new sections."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1635, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1635, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Brandland, Carrell, Esser, Hewitt, Honeyford, Mulliken, Schoesler, Sheldon and Stevens - 10

Excused: Senators Morton and Pflug - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senators Benton and Johnson were excused.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House insist on its position regarding the House's amendments to ENGROSSED SENATE BILL NO. 5513 and asks the Senate for a conference thereon.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5513, refuse a conference and ask the House to recede thereon.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5513, refuse a conference and ask the House to recede thereon.

The motion by Senator Haugen carried and the Senate insisted on its position on the House amendment(s) to Engrossed Senate Bill No. 5513, refused a conference and asked the House to recede thereon.

MOTION

On motion of Senator Brandland, Senator Mulliken was excused.

MOTION

At 3:11 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 4:16 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Reappointment No. 9153, Alan R. Parker, as a member of the Gambling Commission, be confirmed.

Senator Prentice spoke in favor of the motion.

REAPPOINTMENT OF ALAN R. PARKER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9153, Alan R. Parker as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9153, Alan R. Parker as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Deccio, Doumit and McCaslin - 3

Excused: Senator Pflug - 1

Gubernatorial Reappointment No. 9153, Alan R. Parker, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9241, John Ellis, as a member of the Gambling Commission, be confirmed.

Senator Prentice spoke in favor of the motion.

APPOINTMENT OF JOHN ELLIS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9241, John Ellis as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9241, John Ellis as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Doumit and Finkbeiner - 2

Gubernatorial Appointment No. 9241, John Ellis, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

On motion of Senator Weinstein, Senator Doumit was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Reappointment No. 9226, Stanley Barer, as a member of the Board of Regents, University of Washington, be confirmed.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Finkbeiner and Deccio were excused.

REAPPOINTMENT OF STANLEY BARER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9226, Stanley Barer as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9226, Stanley Barer as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Deccio - 1

Gubernatorial Reappointment No. 9226, Stanley Barer, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Reappointment No. 9231, Reiko Callner, as a Chair of the Human Rights Commission, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF REIKO CALLNER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9231, Reiko Callner as a Chair of the Human Rights Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9231, Reiko Callner as a Chair of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

Gubernatorial Reappointment No. 9231, Reiko Callner, having received the constitutional majority was declared confirmed as a Chair of the Human Rights Commission.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,

SECOND SUBSTITUTE HOUSE BILL NO. 1188,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6090, with the following amendments{s}:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2005, and ending June 30, 2007, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	\$29,300,000
General Fund--State Appropriation (FY 2007)	\$29,372,000
TOTAL APPROPRIATION	\$58,672,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the joint select committee on fiscal stability.

(1) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(2) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:

(a) Spending limits;

(b) Tax limits;

(c) Emergency reserve accounts; and

(d) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.

(3) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2006.

(4) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2006)	\$22,623,000
General Fund--State Appropriation (FY 2007)	\$24,301,000
TOTAL APPROPRIATION	\$46,924,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the joint select committee on fiscal stability.

(1) The joint select committee on fiscal stability is created, consisting of twelve members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(2) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following:

- (a) Spending limits;
- (b) Tax limits;
- (c) Emergency reserve accounts; and
- (d) Tax reforms necessary to: Create a sustainable system of state and local finance; improve the fairness of state and local taxation; and improve the competitiveness of Washington's economy.

(3) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2006.

(4) The committee shall use legislative facilities and staff from senate committee services and the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid jointly by the senate and the house of representatives.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006)	\$3,124,000
General Fund--State Appropriation (FY 2007)	\$3,094,000
TOTAL APPROPRIATION	\$6,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2) \$563,000 of the general fund--state appropriation for fiscal year 2006 and \$863,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for consultant costs related to the support of the citizen advisory board required by House Bill No. 1064 (government accountability). If House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2006 and \$360,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for consultant costs related to the citizen commission for performance measurement of tax preferences required by House Bill No. 1069 (audits of tax preferences). If House Bill No. 1069 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$188,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$100,000 of the general fund--state appropriation is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(6) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(7) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	\$1,677,000
General Fund--State Appropriation (FY 2007)	\$1,829,000

TOTAL APPROPRIATION	\$3,506,000
<u>NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY</u>	
Department of Retirement Systems Expense Account-- State Appropriation	\$2,902,000
<u>NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE</u>	
General Fund--State Appropriation (FY 2006)	\$7,142,000
General Fund--State Appropriation (FY 2007)	\$7,038,000
TOTAL APPROPRIATION	\$14,180,000
<u>NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE</u>	
General Fund--State Appropriation (FY 2006)	\$3,975,000
General Fund--State Appropriation (FY 2007)	\$4,209,000
TOTAL APPROPRIATION	\$8,184,000
<u>NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.</u> In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.	
<u>NEW SECTION. Sec. 109. FOR THE SUPREME COURT</u>	
General Fund--State Appropriation (FY 2006)	\$5,901,000
General Fund--State Appropriation (FY 2007)	\$6,057,000
TOTAL APPROPRIATION	\$11,958,000
<u>NEW SECTION. Sec. 110. FOR THE LAW LIBRARY</u>	
General Fund--State Appropriation (FY 2006)	\$1,983,000
General Fund--State Appropriation (FY 2007)	\$1,982,000
TOTAL APPROPRIATION	\$3,965,000
<u>NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS</u>	
General Fund--State Appropriation (FY 2006)	\$13,541,000
General Fund--State Appropriation (FY 2007)	\$13,798,000
TOTAL APPROPRIATION	\$27,339,000
<u>NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT</u>	
General Fund--State Appropriation (FY 2006)	\$1,035,000
General Fund--State Appropriation (FY 2007)	\$1,063,000
TOTAL APPROPRIATION	\$2,098,000
<u>NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS</u>	
General Fund--State Appropriation (FY 2006)	\$18,893,000
General Fund--State Appropriation (FY 2007)	\$18,991,000
Public Safety and Education Account--State Appropriation	\$49,324,000

Judicial Information Systems Account--State Appropriation	\$25,199,000
Trial Court Improvement Account--State Appropriation	\$1,440,000
TOTAL APPROPRIATION	\$113,847,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$720,000 of the trial court improvement account--state appropriation for fiscal year 2006 and \$720,000 of the trial court improvement account--state appropriation for fiscal year 2007 are provided for the implementation of Engrossed Second Substitute House Bill No. 5454 (revising trial court funding provisions). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(4) \$17,000 of the general fund--state appropriation for fiscal year 2006 and \$11,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006)	\$690,000
General Fund--State Appropriation (FY 2007)	\$1,078,000
Public Safety and Education Account--State Appropriation	\$13,288,000
Judicial Improvement Account--State Appropriation	\$8,260,000
TOTAL APPROPRIATION	\$23,316,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,500,000 of the judicial improvement account--state appropriation for fiscal year 2006 and \$3,500,000 of the judicial improvement account--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases. If Engrossed Second Substitute Bill No. 5454 (revising trial court funding provisions) is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$630,000 of the judicial improvement account--state appropriation for fiscal year 2006 and \$630,000 of the judicial improvement account--state appropriation for fiscal year 2007 are provided for trial level indigent defense pursuant to Engrossed Second Substitute Bill No. 5454 (revising trial court funding provisions). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract with the Washington defender association to continue services previously funded from the federal drug control and system improvement formula grant through the department of community, trade, and economic development.

NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	\$916,000
General Fund--State Appropriation (FY 2007)	\$2,832,000
Public Safety and Education Account--State Appropriation	\$4,701,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$4,958,000
Judicial Improvement Account--State Appropriation	\$3,000,000

TOTAL APPROPRIATION

\$16,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$816,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,701,000 of the public safety and education account--state appropriation, and \$4,958,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.

(2) \$3,000,000 of the judicial improvement account--state appropriation is provided for the implementation of Engrossed Second Substitute House Bill No. 5454 (revising trial court funding provisions). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	\$5,680,000
General Fund--State Appropriation (FY 2007)	\$5,036,000
General Fund--Federal Appropriation	\$1,350,000
Water Quality Account--State Appropriation	\$4,112,000

TOTAL APPROPRIATION

\$16,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(9) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$386,000 of the general fund--state appropriation for fiscal year 2006 and \$158,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	\$761,000
General Fund--State Appropriation (FY 2007)	\$762,000

TOTAL APPROPRIATION

\$1,523,000

NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,013,000
General Fund--State Appropriation (FY 2007)	\$1,998,000

TOTAL APPROPRIATION

\$4,011,000

The appropriations in this section are subject to the following conditions and limitations: \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1226 (campaign contribution limits). If House Bill No. 1226 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	\$18,934,000
General Fund--State Appropriation (FY 2007)	\$16,980,000
General Fund--Federal Appropriation	\$7,025,000
General Fund--Private/Local Appropriation	\$125,000
Archives and Records Management Account--State Appropriation	\$8,023,000
Department of Personnel Services Account--State Appropriation	\$702,000
Local Government Archives Account--State Appropriation	\$11,773,000
Election Account--Federal Appropriation	\$47,498,000
TOTAL APPROPRIATION	\$111,060,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,999,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,063,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$344,000
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General Fund--State Appropriation (FY 2007) \$349,000
TOTAL APPROPRIATION \$693,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN-PACIFIC- AMERICAN AFFAIRS
General Fund--State Appropriation (FY 2006) \$298,000
General Fund--State Appropriation (FY 2007) \$293,000
TOTAL APPROPRIATION \$591,000

NEW SECTION. Sec. 122. FOR THE STATE TREASURER
State Treasurer's Service Account--State
Appropriation \$13,666,000

NEW SECTION. Sec. 123. FOR THE STATE AUDITOR
General Fund--State Appropriation (FY 2006) \$2,160,000
General Fund--State Appropriation (FY 2007) \$2,818,000
State Auditing Services Revolving Account--State
Appropriation \$13,645,000
TOTAL APPROPRIATION \$18,623,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$1,413,000 of the general fund--state appropriation for fiscal year 2006, \$2,091,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS
General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007)	\$133,000
	\$202,000
TOTAL APPROPRIATION	\$335,000
<u>NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL</u>	
General Fund--State Appropriation (FY 2006)	\$5,172,000
General Fund--State Appropriation (FY 2007)	\$5,052,000
General Fund--Federal Appropriation	\$2,927,000
Public Safety and Education Account--State Appropriation	\$2,239,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,298,000
Legal Services Revolving Account--State Appropriation	\$181,865,000
Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	\$198,823,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$178,000 of the legal services revolving account--state appropriation is subject to enactment of Engrossed Substitute House Bill No. 1251 (refund anticipation loans). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$712,000
General Fund--State Appropriation (FY 2007)	\$695,000
TOTAL APPROPRIATION	\$1,407,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	\$68,167,000
General Fund--State Appropriation (FY 2007)	\$68,702,000
General Fund--Federal Appropriation	\$247,903,000
General Fund--Private/Local Appropriation	\$12,175,000
Public Safety and Education Account--State Appropriation	\$5,552,000
Public Works Assistance Account--State Appropriation	\$2,678,000
Tourism Development and Promotion Account Appropriation	\$300,000

Drinking Water Assistance Administrative Account-- State Appropriation	\$213,000
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	\$1,108,000
Administrative Contingency Account--State Appropriation	\$1,808,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,359,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$5,240,000
Manufactured Home Installation Training Account--State Appropriation	\$236,000
Community and Economic Development Fee Account--State Appropriation	\$1,567,000
Washington Housing Trust Account--State Appropriation	\$18,881,000
Homeless Families Service Account--State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$601,000
Mobile Home Investigation Account--State Appropriation	\$261,000
Homeless Housing Account--State Appropriation	\$10,350,000
Individual Development Account--State Appropriation	\$1,021,000
TOTAL APPROPRIATION	\$455,428,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

- (a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$20,000 to the department for tribal law enforcement;
- (e) \$345,000 to the department to continue domestic violence legal advocacy;
- (f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;
- (h) \$626,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (i) \$97,000 to the department to continue evaluation of this grant program;
- (j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$170,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(4) \$28,875,000 of the general fund--state appropriation for fiscal year 2006 and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for providing early childhood education assistance. Of these amounts, \$1,497,000 in each fiscal year is provided solely to increase the number of children receiving education, and \$1,052,000 in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are provided solely for a targeted vendor rate increase.

(5) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(6) \$1,288,000 of the Washington housing trust account--state appropriation shall lapse if neither Engrossed House Bill No. 1074 nor Substitute Senate Bill No. 5108 (housing programs) are enacted by June 30, 2005.

(7) \$235,000 of the public works assistance account--state appropriation is provided solely for technical assistance to municipalities through the small communities initiative.

(8) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(9) \$1,154,000 of the violence reduction and drug enforcement account appropriation is provided solely for the community mobilization program to provide grants and training to community organizations.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the community services block grant program to replace federal funding.

(11) \$4,950,000 of the homeless housing account--state appropriation for fiscal year 2006 and \$5,400,000 of the homeless housing account--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 2163 (homeless housing program). If House Bill No. 2163 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(12) \$106,000 of the general fund--state appropriation for fiscal year 2006 and \$261,000 of the mobile home investigations account--state appropriation for fiscal year 2006 are provided solely for the implementation of Engrossed Substitute House Bill No. 1640 (landlord and tenant disputes). If Engrossed Substitute House Bill No. 1640 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$404,000 of the individual development account--state appropriation for fiscal year 2006 and \$617,000 of the individual development account--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1408 (individual development account). If Substitute House Bill No. 1408 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(14) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(15) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(16) \$150,000 of general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(18) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the

general fund--state appropriation for fiscal year 2007 are provided solely for Pierce county for the extension of treatment alternatives and targeting the identification, arrest, and prosecution of perpetrators of methamphetamine-related crimes.

(19) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(20) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(21) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(23) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(24) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$170,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1815 (small business incubator). \$250,000 must be distributed as grants and must be matched by an equal amount of private funds. If Second Substitute House Bill No. 1815 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(25) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(26) In addition to other funds available for this purpose, \$140,000 of the public safety and education account--state appropriation is provided solely for the court-appointed special advocates program.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$568,000
General Fund--State Appropriation (FY 2007)	\$503,000
TOTAL APPROPRIATION	\$1,071,000
<u>NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT</u>	
General Fund--State Appropriation (FY 2006)	\$17,004,000
General Fund--State Appropriation (FY 2007)	\$15,622,000
General Fund--Federal Appropriation	\$23,510,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$246,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
TOTAL APPROPRIATION	\$56,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$182,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. By October 1, 2005, recommendations shall be provided on the services that best address client needs in different regions of the state, and by January 1, 2006, recommendations on the preferred system shall be complete. The advisory council may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office, the office of financial management, the department of social and health services, the Washington state disabilities council, a labor organization, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental

disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a study that will provide an in-depth review of the policy and funding issues facing Washington's education system and will provide recommendations in the areas of finance, governance, efficiency, and accountability. The steering committee will submit findings and final recommendations by November 15, 2006.

(4) \$127,000 of the general fund--state appropriation for fiscal year 2006 and \$46,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1834 (performance measures). If Substitute House Bill No. 1834 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$160,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 2257 (state contracts). If Engrossed House Bill No. 2257 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(7) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation

\$28,870,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation

\$19,858,000

Higher Education Personnel Services Account--State

Appropriation

\$1,610,000

TOTAL APPROPRIATION

\$21,468,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation

\$23,343,000

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006)

\$296,000

General Fund--State Appropriation (FY 2007)

\$308,000

TOTAL APPROPRIATION

\$604,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)

\$301,000

General Fund--State Appropriation (FY 2007)

\$295,000

TOTAL APPROPRIATION

\$596,000

NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State
Appropriation

\$1,006,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State
Appropriation

\$404,000

Department of Retirement Systems Expense Account--
State Appropriation

\$43,806,000

TOTAL APPROPRIATION

\$44,210,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327 (purchasing service credit). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$32,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325 (military service credit purchase). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$99,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1326 (postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

<u>NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD</u>	
State Investment Board Expense Account--State Appropriation	\$15,725,000
<u>NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE</u>	
General Fund--State Appropriation (FY 2006)	\$87,131,000
General Fund--State Appropriation (FY 2007)	\$86,327,000
Timber Tax Distribution Account--State Appropriation	\$5,446,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$104,000
State Toxics Control Account--State Appropriation	\$69,000
Oil Spill Prevention Account--State Appropriation	\$14,000
TOTAL APPROPRIATION	\$179,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$135,000 of the general fund--state appropriation for fiscal year 2006 and \$119,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1096 (tax expenditure reports). If House Bill No. 1096 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$11,000 of the general fund--state appropriation for fiscal year 2006 and \$11,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2163 (homeless housing program). If Engrossed Second Substitute House Bill No. 2163 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

<u>NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS</u>	
General Fund--State Appropriation (FY 2006)	\$1,350,000
General Fund--State Appropriation (FY 2007)	\$1,182,000
TOTAL APPROPRIATION	\$2,532,000

<u>NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL</u>	
County Research Services Account--State Appropriation	\$787,000
City and Town Research Services Account--State Appropriation	\$4,134,000
TOTAL APPROPRIATION	\$4,921,000

<u>NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES</u>	
OMWBE Enterprises Account--State Appropriation	\$3,094,000

The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

<u>NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
General Fund--State Appropriation (FY 2006)	\$318,000
General Fund--State Appropriation (FY 2007)	\$228,000
General Fund--Federal Appropriation	\$3,634,000
General Administration Service Account--State Appropriation	\$30,559,000
TOTAL APPROPRIATION	\$34,739,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State Appropriation	\$3,552,000
Public Safety and Education Account--State Appropriation	\$684,000
TOTAL APPROPRIATION	\$4,236,000

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$655,000
Insurance Commissioners Regulatory Account--State Appropriation	\$39,304,000
TOTAL APPROPRIATION	\$39,959,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	\$1,931,000
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NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation	\$282,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation	\$4,878,000
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NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006)	\$1,528,000
General Fund--State Appropriation (FY 2007)	\$1,521,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	\$149,624,000
TOTAL APPROPRIATION	\$165,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(5) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(6) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(7) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(8) \$715,000 of the liquor revolving account--state appropriation for fiscal year 2006 and \$720,000 of the liquor revolving account--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1379 (liquor retail business plan). If House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Account--State Appropriation

Pipeline Safety Account--State Appropriation	\$27,787,000
Pipeline Safety Account--Federal Appropriation	\$2,827,000
	\$1,476,000
TOTAL APPROPRIATION	\$32,090,000

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS
Volunteer Firefighters' and Reserve Officers'
Administrative Account--State Appropriation

\$750,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT
General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2006)	\$9,071,000
General Fund--State Appropriation (FY 2007)	\$9,024,000
General Fund--Federal Appropriation	\$165,137,000
Enhanced 911 Account--State Appropriation	\$34,705,000
Disaster Response Account--State Appropriation	\$2,277,000
Disaster Response Account--Federal Appropriation	\$11,008,000
Worker and Community Right-to-Know Account--State Appropriation	\$302,000
Nisqually Earthquake Account--State Appropriation	\$6,687,000
Nisqually Earthquake Account--Federal Appropriation	\$29,052,000
Military Department Rental and Lease Account--State Appropriation	\$378,000
TOTAL APPROPRIATION	\$267,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,277,000 of the disaster response account--state appropriation and \$11,008,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial

management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) \$6,687,000 of the Nisqually earthquake account--state appropriation and \$29,052,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) \$127,586,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$31,000 of the general fund--state appropriation for fiscal year 2006 and \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1850 (volunteer medical worker). If House Bill No. 1850 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$216,000 of the general fund--state appropriation for fiscal year 2006 and \$216,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1343 (National Guard life insurance). If House Bill No. 1343 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to integrate VOIP 911 with E-911. Instead, any funds used for the purpose of integrating VOIP 911 with E-911 shall be collected from an appropriate fee charged to VOIP providers.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,572,000
General Fund--State Appropriation (FY 2007)	\$2,574,000
Department of Personnel Service Account--State Appropriation	\$2,704,000
TOTAL APPROPRIATION	\$7,850,000

NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	\$1,567,000
General Fund--State Appropriation (FY 2007)	\$1,559,000
TOTAL APPROPRIATION	\$3,126,000

The appropriations in this section are subject to the following conditions and limitations: \$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State Appropriation	\$30,512,000
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State Convention and Trade Center Operating
Account--State Appropriation

\$45,983,000

TOTAL APPROPRIATION

\$76,495,000(End of part)

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$249,100,000
General Fund--State Appropriation (FY 2007)	\$260,089,000
General Fund--Federal Appropriation	\$423,111,000
General Fund--Private/Local Appropriation	\$400,000
Public Safety and Education Account--State Appropriation	\$12,461,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$1,510,000
TOTAL APPROPRIATION	\$946,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$375,000 of the general fund--state fiscal year 2006 appropriation, \$375,000 of the general fund--state fiscal year 2007 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through

age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(2) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(3) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(4) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(5) \$4,135,000 of the general fund--state appropriation for fiscal year 2006, \$5,665,000 of the general fund--state appropriation for fiscal year 2007, and \$3,557,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including 30-day face-to-face contact for children in out-of-home care, improved timeliness of child protective services investigations, an enhanced in-home child welfare services program, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Brame lawsuit settlement.

(6) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(7) \$5,282,000 of the general fund--state appropriation for fiscal year 2007 and \$3,521,000 of the general fund--federal appropriation are provided solely for the design, development, and initial implementation of a new automated child welfare information system to replace the existing case and management information system.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	\$75,899,000
General Fund--State Appropriation (FY 2007)	\$76,215,000
General Fund--Federal Appropriation	\$5,879,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$37,967,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$5,528,000
Reinvesting in Youth Account--State Appropriation	\$997,000
TOTAL APPROPRIATION	\$203,583,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,186,000 of the general fund--state appropriation for fiscal year 2006, \$1,197,000 of the general fund--state appropriation for fiscal year 2007, and \$5,208,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,518,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$997,000 of the reinvesting in youth account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1483 (investing in youth program). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$16,000 of the general fund--state appropriation for fiscal year 2006 and \$16,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	\$254,899,000
General Fund--State Appropriation (FY 2007)	\$260,942,000
General Fund--Federal Appropriation	\$331,584,000
General Fund--Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	\$849,395,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(b) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(c) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary

treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(e) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.

(f) \$104,500,000 of the general fund--state appropriation for fiscal year 2006 and \$104,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for persons and services not covered by the medicaid program, contingent upon the enactment of House Bill No. 1290 (community mental health). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. Of these amounts:

(i) \$7,500,000 of the general fund--state appropriation for fiscal year 2006 and \$7,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail, and for access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes.

(ii) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(iii) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot project to provide integrated care through a long-term rehabilitation facility that specializes in caring for people with chronic mental illness.

(iv) Consistent with RCW 71.24.035(13), the department shall distribute the remaining amounts among the regional support networks as follows:

(A) The department shall determine the level of spending in each regional support network for the fiscal year 2003 and fiscal year 2004 for services in institutes for mental disease and community inpatient hospital, intensive residential, and other licensed residential facilities. Funds shall be distributed in a manner that assures continuation of previous levels of these services in each regional support network area; and

(B) Funds remaining following the distribution in (f)(iv)(A) of this subsection shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population.

(v) To ensure that a consistent level of services are available to nonmedicaid clients across regional support networks, the department and the regional support networks shall utilize medicaid access to care standards for the nonmedicaid client population beginning November 1, 2005.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$99,819,000
General Fund--State Appropriation (FY 2007)	\$99,459,000
General Fund--Federal Appropriation	\$148,250,000
General Fund--Private/Local Appropriation	\$29,850,000
TOTAL APPROPRIATION	\$377,378,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,541,000 of the general fund--state appropriation for fiscal year 2006 and \$3,410,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	\$42,791,000
General Fund--State Appropriation (FY 2007)	\$45,269,000
TOTAL APPROPRIATION	\$88,060,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$464,000
General Fund--State Appropriation (FY 2007)	\$769,000
General Fund--Federal Appropriation	\$2,865,000
TOTAL APPROPRIATION	\$4,098,000

The appropriations in this subsection are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$3,553,000
General Fund--State Appropriation (FY 2007)	\$3,431,000
General Fund--Federal Appropriation	\$6,529,000
TOTAL APPROPRIATION	\$13,513,000

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	\$298,786,000
General Fund--State Appropriation (FY 2007)	\$311,505,000
General Fund--Federal Appropriation	\$504,612,000
Health Services Account--State Appropriation	\$904,000
TOTAL APPROPRIATION	\$1,115,807,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$213,000 of the general fund--state appropriation for fiscal year 2006, \$422,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(b) The entire health services account appropriation and \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week.

(i) For the period of July 1, 2005, through December 31, 2005, home care agencies may obtain coverage either through the basic health plan or through an alternative plan that provides substantially equivalent benefits.

(ii) The department, in consultation with the health care authority, shall establish a health benefits purchasing cooperative for agency home care workers. The health benefits offered through the cooperative shall provide substantially equivalent benefits to the 2003 basic health plan benefits package. The cooperative shall offer coverage beginning January 1, 2006.

(iii) Beginning January 1, 2006, home care agencies must obtain coverage either through the basic health plan, the health benefits purchasing cooperative established in (b)(ii) of this subsection, or the Taft Hartley trust established in accordance with the collective bargaining agreement for individual providers of home care services.

(c) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(d) \$712,000 of the general fund--state appropriation for fiscal year 2006, \$1,955,000 of the general fund--state appropriation for fiscal year 2007, and \$2,667,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; (iv) children who require an out-of-home placement because of the intense level of support required to care for them in the home; and (v) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$579,000 of the general fund--state appropriation for fiscal year 2006, \$1,531,000 of the general fund--state appropriation for fiscal year 2007, and \$2,110,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(f) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(g) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$1,979,000 of the general fund--state appropriation for fiscal year 2007, and \$1,219,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(h) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(i) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(j) \$65,000 of the general fund--state appropriation for fiscal year 2006, \$65,000 of the general fund--state appropriation for fiscal year 2007, and \$130,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$73,857,000
General Fund--State Appropriation (FY 2007)	\$73,780,000
General Fund--Federal Appropriation	\$146,082,000
General Fund--Private/Local Appropriation	\$12,000,000
TOTAL APPROPRIATION	\$305,719,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$2,398,000
General Fund--State Appropriation (FY 2007)	\$1,963,000
General Fund--Federal Appropriation	\$2,931,000
TOTAL APPROPRIATION	\$7,292,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007)	\$6,000
General Fund--Federal Appropriation	\$2,000
TOTAL APPROPRIATION	\$16,597,000
	\$16,605,000
NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM	
General Fund--State Appropriation (FY 2006)	\$605,974,000
General Fund--State Appropriation (FY 2007)	\$618,528,000
General Fund--Federal Appropriation	\$1,262,121,000
General Fund--Private/Local Appropriation	\$18,779,000
Health Services Account--State Appropriation	\$4,888,000
TOTAL APPROPRIATION	\$2,510,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$610,000 of the general fund--state appropriation for fiscal year 2006, \$610,000 of the general fund--state appropriation for fiscal year 2007, and \$5,552,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week.

(a) For the period of July 1, 2005 through December 31, 2005, home care agencies may obtain coverage either through the basic health plan or through an alternative plan that provides substantially equivalent benefits.

(b) The department, in consultation with the health care authority, shall establish a health benefits purchasing cooperative for agency home care workers. The health benefits offered through the cooperative shall provide substantially equivalent benefits to the 2003 basic health plan benefits package. The cooperative shall offer coverage beginning January 1, 2006.

(c) Beginning January 1, 2006, home care agencies must obtain coverage either through the basic health plan, the health benefits purchasing cooperative established in (b) of this subsection, or the Taft Hartley trust established in accordance with the collective bargaining agreement for individual providers of home care services.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$150.55 for fiscal year 2006 and shall not exceed \$153.17 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,413,000 of the general fund--state appropriation for fiscal year 2006, \$2,887,000 of the general fund--state appropriation for fiscal year 2007, and \$4,305,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) Within amounts appropriated in this section, the department shall develop and implement a pilot program that authorizes assisted living facilities to offer dual-occupancy accommodations to publicly-funded residents who would otherwise be placed in a skilled nursing facility or adult family home. The pilot shall include contracted assisted living facilities that are ineligible to receive capital add-on payments and whose Medicaid occupancy rates exceeded 50 percent as of December 31, 2004.

(12) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(14) \$435,000 of the general fund--state appropriation for fiscal year 2006, \$435,000 of the general fund--state appropriation for fiscal year 2007, and \$870,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$474,763,000
General Fund--State Appropriation (FY 2007)	\$479,411,000
General Fund--Federal Appropriation	\$1,238,190,000
General Fund--Private/Local Appropriation	\$31,466,000
TOTAL APPROPRIATION	\$2,223,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,333,000 of the general fund--state appropriation for fiscal year 2006, \$273,333,000 of the general fund--state appropriation for fiscal year 2007, and \$1,020,292,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$75,833,000 of the general fund--state appropriation for fiscal year 2006 and \$74,358,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance-unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department; and

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	\$51,834,000
General Fund--State Appropriation (FY 2007)	\$59,746,000
General Fund--Federal Appropriation	\$108,545,000
General Fund--Private/Local Appropriation	\$626,000
Criminal Justice Treatment Account--State Appropriation	\$16,500,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$48,842,000
Problem Gambling Treatment Account--State Appropriation	\$1,500,000
Public Safety and Education Account--State Appropriation	\$2,077,000
TOTAL APPROPRIATION	\$289,670,000

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the problem gambling treatment account appropriation is provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	\$1,478,101,000
General Fund--State Appropriation (FY 2007)	\$1,589,133,000
General Fund--Federal Appropriation	\$4,027,385,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,500,000
Health Services Account--State Appropriation	\$637,441,000

TOTAL APPROPRIATION

\$7,749,560,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$1,660,000 of the health services account appropriation, \$4,361,000 of the general fund--federal appropriation, \$1,350,000 of the general fund--state appropriation for fiscal year 2006, and \$1,351,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$22,081,000 of the health services account appropriation and \$20,714,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The department shall therefore make additional grant payments, not to exceed the amounts provided in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. \$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.

(10) \$4,372,000 of the general fund--state appropriation for fiscal year 2006, \$4,014,000 of the general fund--state appropriation for fiscal year 2007, and \$65,112,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$150,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers,

including states with all-payer hospital rate setting systems. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.5 percent effective July 1, 2005, and by an average of an additional 1.5 percent effective July 1, 2006. The increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) \$69,000 of the general fund--state appropriation for fiscal year 2006, \$137,000 of the general fund--state appropriation for fiscal year 2007, and \$207,000 of the general fund--federal appropriation are provided solely for participation in the health technology assessment program required in section 214(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 214(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. To the extent that experience with the pilot project indicates progress toward the goals of maximizing care coordination, high-risk medical management, and chronic care management to achieve better health outcomes, the department may expand the pilot project to additional counties.

(20) The department will begin voluntary enrollment of SSI and other eligible medicaid elderly and disabled persons into managed care pilots by March 2006.

(21) Within the funding provided in section 207(2) of this act, the medical assistance administration and the economic services administration may implement a time-limited transitional prescription drug benefit for general assistance unemployable recipients who obtain employment and who have no other source of health insurance coverage. The benefit shall be limited to coverage of prescription drugs and medication management. The benefit shall be limited to one year. The department shall implement a premium schedule for the benefits under this subsection that is related to the participant's income. The minimum premium shall be twenty dollars per month. Recipients of this transitional benefit shall not be considered part of the general assistance caseload unless eligibility is established under standard reapplication procedures.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006)	\$11,097,000
General Fund--State Appropriation (FY 2007)	\$11,074,000
General Fund--Federal Appropriation	\$85,662,000
General Fund--Private/Local Appropriation	\$440,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,786,000
TOTAL APPROPRIATION	\$110,059,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$31,347,000
General Fund--State Appropriation (FY 2007)	\$27,597,000
General Fund--Federal Appropriation	\$50,360,000
General Fund--Private/Local Appropriation	\$810,000
Public Safety and Education Account--State Appropriation	\$20,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$6,000,000
TOTAL APPROPRIATION	\$110,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$13,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington council for the prevention of child abuse and neglect to conduct a public information and outreach campaign concerning the significance, signs, and treatment of postpartum depression.

(3) \$3,195,000 of the general fund--state appropriation for fiscal year 2006, \$639,000 of the general fund--state appropriation for fiscal year 2007, and \$3,833,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS
TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2006)	\$46,381,000
General Fund--State Appropriation (FY 2007)	\$46,380,000
General Fund--Federal Appropriation	\$45,103,000
TOTAL APPROPRIATION	\$137,864,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
INFORMATION SERVICES SYSTEM**

General Fund--State Appropriation (FY 2006)	\$274,000
General Fund--State Appropriation (FY 2007)	\$274,000
TOTAL APPROPRIATION	\$548,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation	\$2,766,000
State Health Care Authority Administrative Account-- State Appropriation	\$29,392,000
Medical Aid Account--State Appropriation	\$171,000
Health Services Account--State Appropriation	\$457,340,000
TOTAL APPROPRIATION	\$489,669,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family

incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$19,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of House Bill No. 1219 (drug purchasing consortium). If House Bill No. 1219 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$221,000 of the health services account--state appropriation is provided solely for a health technology assessment to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$630,000 of the health services account appropriation is provided solely for implementation of House Bill No. 2069 (small business assistance program). If House Bill No. 2069 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$750,000 of the health services account appropriation is provided solely for implementation of House Bill No. 1689 (dental residency program). If House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$403,000 of the health services account appropriation is provided solely for implementation of House Bill No. 2060 (non-subsidized basic health plan). If House Bill No. 2060 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(11) \$250,000 of the health services account appropriation is provided solely for implementation of House Bill No. 1688 (certificate of need program). If House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(12) \$50,000 of the health services account--state appropriation is provided solely for a study of the feasibility of the health care authority establishing a consumer driven health plan pilot for subsidized BHP enrollees. This pilot shall provide subsidized BHP enrollees with the option of receiving a subsidy to purchase a health insurance plan that consists of a health savings plan and a high-deductible health plan from a regulated insurance carrier in the private market. The health savings account shall conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The high deductible health plans shall provide preventative care outside of the health plan deductible and a wellness program. This study shall identify: (a) Health savings accounts and high deductible plans offered by regulated insurance carriers in the private market; (b) the required premiums and health savings account contribution requirements for these plans; (c) the schedule of covered health care services in the high deductible health plan, including preventative and wellness services; (d) proposed subsidy scale based upon gross family income, giving appropriate consideration to family size and the ages of all family members; (e) process used to select participants of the pilot program; and (d) proposed state funding plan for the pilot. On or before December 1, 2005, the agency shall report to relevant policy and fiscal committees of the legislature on the results of the study.

NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION
General Fund--State Appropriation (FY 2006)

\$2,654,000

General Fund--State Appropriation (FY 2007)	\$2,616,000
General Fund--Federal Appropriation	\$1,672,000
TOTAL APPROPRIATION	\$6,942,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$85,000 of the general fund--state appropriation for fiscal year 2006 and \$67,000 of the general fund state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1515 (expanding the jurisdiction of the human rights commission). If House Bill No. 1515 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	\$15,895,000
Medical Aid Account--State Appropriation	\$15,894,000
TOTAL APPROPRIATION	\$31,809,000

NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State Appropriation	\$19,076,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account-- Private/Local Appropriation	\$460,000
TOTAL APPROPRIATION	\$19,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) \$25,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.

(4) \$11,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	\$7,230,000
General Fund--State Appropriation (FY 2007)	\$7,145,000
Public Safety and Education Account--State Appropriation	\$26,832,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$782,000
Electrical License Account--State Appropriation	\$32,269,000

Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,732,000
Public Works Administration Account--State Appropriation	\$3,041,000
Accident Account--State Appropriation	\$197,792,000
Accident Account--Federal Appropriation	\$13,616,000
Medical Aid Account--State Appropriation	\$196,473,000
Medical Aid Account--Federal Appropriation	\$3,180,000
Plumbing Certificate Account--State Appropriation	\$1,560,000
Pressure Systems Safety Account--State Appropriation	\$3,089,000
TOTAL APPROPRIATION	\$504,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$26,831,000 of the public safety and education account--state appropriation and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program. If the department estimates that expenditures for crime victims' compensation will exceed the appropriation, the department shall take steps, including but not limited to reduction of rates or elimination of optional services, to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(3) \$200,000 of the medical aid account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation for the fiscal year 2007 are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 214(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 214(7) of this act.

(7) \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$182,000 of the medical aid account--state appropriation are provided solely to expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2006)	\$1,060,000
General Fund--State Appropriation (FY 2007)	\$1,055,000
TOTAL APPROPRIATION	\$2,115,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	\$1,803,000
General Fund--State Appropriation (FY 2007)	\$1,737,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,550,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall participate in the health technology assessment program required in section 214(6) of this act.
- (b) The department shall participate in the joint health purchasing project described in section 214(7) of this act.
- (c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,750,000
General Fund--State Appropriation (FY 2007)	\$2,726,000
General Fund--Federal Appropriation	\$318,000
General Fund--Private/Local Appropriation	\$1,943,000
TOTAL APPROPRIATION	\$7,737,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.
- (b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the posttraumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$7,099,000
General Fund--State Appropriation (FY 2007)	\$6,208,000
General Fund--Federal Appropriation	\$31,799,000
General Fund--Private/Local Appropriation	\$26,454,000
TOTAL APPROPRIATION	\$71,560,000

NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	\$1,408,000
General Fund--State Appropriation (FY 2007)	\$1,576,000
General Fund--Federal Appropriation	\$1,034,000
TOTAL APPROPRIATION	\$4,018,000

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006)	\$63,669,000
General Fund--State Appropriation (FY 2007)	

General Fund--Federal Appropriation	\$63,434,000
General Fund--Private/Local Appropriation	\$452,484,000
Hospital Commission Account--State Appropriation	\$99,739,000
Health Professions Account--State Appropriation	\$2,553,000
Aquatic Lands Enhancement Account--State Appropriation	\$49,943,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$600,000
Safe Drinking Water Account--State Appropriation	\$12,567,000
Drinking Water Assistance Account--Federal Appropriation	\$2,838,000
Waterworks Operator Certification--State Appropriation	\$15,969,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$1,083,000
Water Quality Account--State Appropriation	\$326,000
State Toxics Control Account--State Appropriation	\$3,502,000
Medical Test Site Licensure Account--State Appropriation	\$2,756,000
Youth Tobacco Prevention Account--State Appropriation	\$1,752,000
Public Health Supplemental Account--Private/Local Appropriation	\$1,806,000
Accident Account--State Appropriation	\$3,306,000
Medical Aid Account--State Appropriation	\$266,000
Health Services Account--State Appropriation	\$46,000
Tobacco Prevention and Control Account--State Appropriation	\$38,083,000
Patient Safety Account--State Appropriation	\$52,621,000
TOTAL APPROPRIATION	\$641,000
	\$869,984,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of House Bill No. 1458 (on-site sewage/marine areas). The funds are provided to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1316 (prescription importation). If House Bill No. 1316 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$474,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 2266 (precursor drugs). If House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$125,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1850 (volunteer medical worker). If House Bill No. 1850 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$82,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1194 (prescription drug reimportation). If House Bill No. 1194 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$42,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1168 (prescription reimportation). If House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$90,000 of the general fund--state appropriation for fiscal year 2006 and \$65,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of House Bill No. 1516 (health services for children). If House Bill No. 1516 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(11) \$641,000 of the patient safety account appropriation is provided solely for implementation of House Bill No. 1291 (patient safety practices). If House Bill No. 1291 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(12) \$179,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of House Bill No. 1268 (stem cell research). If House Bill No. 1268 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve approximately 500 women annually. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(14) \$168,000 of the health services account--state appropriation for fiscal year 2006 is provided solely for the department to offer parents and providers a choice between newly available combination vaccines and corresponding single-antigen equivalents currently purchased by the department. The department shall offer the choice on a phased-in basis.

(15) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(16) Within the amounts provided in this section, the department shall implement Substitute House Bill No. 1282 (healthy youth act).

(17) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(18) The department of health shall develop, in consultation with the department of revenue, the department of social and health services, and the health care authority, a program to provide business and occupation tax credits for physicians who serve uninsured, medicare, and medicaid patients in a private practice or a reduced fee access program for the uninsured and shall submit proposed legislation to the legislature by December 15, 2005. The program must relate the amount of any tax credit to the

extent to which a provider serves uninsured, medicare, and medicaid patients, such that providers who serve the greatest number of uninsured, medicare, and medicaid patients receive the greatest tax credit. The program also should recommend a minimum threshold of uninsured, medicare, or medicaid patients that a provider must serve in order to qualify for the tax credit.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	\$51,563,000
General Fund--State Appropriation (FY 2007)	\$51,191,000
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$26,000
Public Safety and Education Account--State Appropriation	\$2,656,000
TOTAL APPROPRIATION	\$106,458,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$11,250,000 of the general fund--state appropriation for fiscal year 2006 and \$11,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. These amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$562,000 of the general fund--state appropriation for fiscal year 2006 and \$384,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 2016 (drug offender confinement). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	\$495,418,000
General Fund--State Appropriation (FY 2007)	\$492,954,000
General Fund--Federal Appropriation	\$4,422,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$2,984,000
TOTAL APPROPRIATION	\$995,778,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to

provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) \$14,000 of the general fund--state appropriation for fiscal year 2006 and \$27,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for participation in the health technology assessment program required in section 214(6) of this act. The department shall also participate in the joint health purchasing project described in section 214(7) of this act.

(g) \$21,000 of the general fund--state appropriation for fiscal year 2006 and \$322,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1966 (identity theft). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(h) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION
General Fund--State Appropriation (FY 2006)

\$83,766,000

General Fund--State Appropriation (FY 2007)

\$83,435,000

Public Safety and Education Account--State
Appropriation

\$15,989,000

TOTAL APPROPRIATION

\$183,190,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$3,048,000 of the general fund--state appropriation for fiscal year 2006 and \$5,533,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 2016 (drug offender confinement). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(e) \$16,000 of the general fund--state appropriation for fiscal year 2006 and \$232,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1966 (identity theft). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(f) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES
General Fund--State Appropriation (FY 2006)

\$831,000

General Fund--State Appropriation (FY 2007)

\$867,000

TOTAL APPROPRIATION

\$1,698,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS
General Fund--State Appropriation (FY 2006)

\$33,839,000

General Fund--State Appropriation (FY 2007)

\$33,838,000

TOTAL APPROPRIATION

\$67,677,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	\$1,872,000
General Fund--State Appropriation (FY 2007)	\$1,898,000
General Fund--Federal Appropriation	\$15,076,000
General Fund--Private/Local Appropriation	\$80,000
TOTAL APPROPRIATION	\$18,926,000
<u>NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION</u>	
General Fund--State Appropriation (FY 2006)	\$846,000
General Fund--State Appropriation (FY 2007)	\$835,000
TOTAL APPROPRIATION	\$1,681,000
<u>NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT</u>	
General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	\$257,246,000
General Fund--Private/Local Appropriation	\$30,964,000
Unemployment Compensation Administration Account-- Federal Appropriation	\$189,223,000
Administrative Contingency Account--State Appropriation	\$14,629,000
Employment Service Administrative Account--State Appropriation	\$23,830,000
TOTAL APPROPRIATION	\$516,012,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).(End of part)

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$466,000
General Fund--State Appropriation (FY 2007)	\$469,000
General Fund--Private/Local Appropriation	

TOTAL APPROPRIATION	\$845,000
NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY	\$1,780,000
General Fund--State Appropriation (FY 2006)	
General Fund--State Appropriation (FY 2007)	\$40,136,000
General Fund--Federal Appropriation	\$38,922,000
General Fund--Private/Local Appropriation	\$72,286,000
Special Grass Seed Burning Research Account--State Appropriation	\$13,225,000
Reclamation Account--State Appropriation	\$14,000
Flood Control Assistance Account--State Appropriation	\$2,531,000
State Emergency Water Projects Revolving Account--State Appropriation	\$2,042,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$2,531,000
State Drought Preparedness Account--State Appropriation	\$14,789,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$157,000
Vessel Response Account--State Appropriation	\$342,000
Site Closure Account--State Appropriation	\$2,876,000
Water Quality Account--State Appropriation	\$725,000
Wood Stove Education and Enforcement Account--State Appropriation	\$27,530,000
Worker and Community Right-to-Know Account--State Appropriation	\$357,000
State Toxics Control Account--State Appropriation	\$2,053,000
State Toxics Control Account--Private/Local Appropriation	\$80,849,000
Local Toxics Control Account--State Appropriation	\$363,000
Water Quality Permit Account--State Appropriation	\$5,089,000
Underground Storage Tank Account--State Appropriation	\$30,783,000
Environmental Excellence Account--State Appropriation	\$2,794,000
Biosolids Permit Account--State Appropriation	\$504,000
Hazardous Waste Assistance Account--State	\$815,000

Appropriation	\$4,963,000
Air Pollution Control Account--State Appropriation	\$11,103,000
Oil Spill Prevention Account--State Appropriation	\$9,885,000
Air Operating Permit Account--State Appropriation	\$2,507,000
Freshwater Aquatic Weeds Account--State Appropriation	\$2,519,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$393,000
Water Pollution Control Revolving Account--Federal Appropriation	\$1,913,000
Commercial Passenger Vessel Enforcement Account--State Appropriation	\$124,000
TOTAL APPROPRIATION	\$382,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$375,000 of the general fund--state appropriation for fiscal year 2006 and \$375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to negotiate agreements to secure water as part of the Columbia river initiative program. Of this amount, \$210,000 is provided to the department of fish and wildlife to determine impacts on fish from changes in water storage at Lake Roosevelt.

(3) \$661,000 of the reclamation account--state appropriation is provided solely to implement House Bill No. 1939 (well construction). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$1,403,000 of the state toxics control account--state appropriation is provided solely to complete the polybrominated diphenyl ether (PBDE) chemical action plan and to reduce persistent bioaccumulative toxics from the environment. Upon completion of the PBDE chemical action plan, the department may request funding to implement the plan.

(5) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$147,000 of the general fund--state appropriation for fiscal year 2006 and \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Second Substitute House Bill No. 1415 (commercial passenger vessels). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(9) As described in section 129(9) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(10) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(13) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$32,315,000
General Fund--State Appropriation (FY 2007)	\$31,239,000
General Fund--Federal Appropriation	\$2,697,000
General Fund--Private/Local Appropriation	\$66,000
Winter Recreation Program Account--State Appropriation	\$1,092,000
Off Road Vehicle Account--State Appropriation	\$189,000
Snowmobile Account--State Appropriation	\$4,797,000
Aquatic Lands Enhancement Account--State Appropriation	\$340,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account--State Appropriation	\$37,911,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	\$110,993,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific Ocean.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2006)	\$1,400,000
General Fund--State Appropriation (FY 2007)	\$1,410,000
General Fund--Federal Appropriation	\$18,341,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$254,000
Water Quality Account--State Appropriation	

Firearms Range Account--State Appropriation	\$200,000
Recreation Resources Account--State Appropriation	\$24,000
NOVA Program Account--State Appropriation	\$3,006,000
TOTAL APPROPRIATION	\$809,000
	\$25,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) As described in section 129(9) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(4) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,060,000
General Fund--State Appropriation (FY 2007)	\$1,053,000
TOTAL APPROPRIATION	\$2,113,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,229,000
General Fund--State Appropriation (FY 2007)	\$2,237,000
Water Quality Account--State Appropriation	\$4,149,000
TOTAL APPROPRIATION	\$8,615,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(9) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (funding conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	\$43,756,000
General Fund--State Appropriation (FY 2007)	\$42,622,000
General Fund--Federal Appropriation	\$41,449,000
General Fund--Private/Local Appropriation	\$35,329,000
Off Road Vehicle Account--State Appropriation	\$387,000
Aquatic Lands Enhancement Account--State Appropriation	\$5,710,000
Public Safety and Education Account--State	

Appropriation	\$566,000
Recreational Fisheries Enhancement--State Appropriation	\$3,481,000
Warm Water Game Fish Account--State Appropriation	\$2,839,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	\$57,340,000
Wildlife Account--Federal Appropriation	\$30,250,000
Wildlife Account--Private/Local Appropriation	\$10,296,000
Game Special Wildlife Account--State Appropriation	\$2,119,000
Game Special Wildlife Account--Federal Appropriation	\$8,799,000
Game Special Wildlife Account--Private/Local Appropriation	\$458,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$1,754,000
Oil Spill Prevention Account--State Appropriation	\$1,010,000
Recreation Resources Account--State Appropriation	\$36,000
Oyster Reserve Land Account--State Appropriation	\$411,000
TOTAL APPROPRIATION	\$289,377,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(2) As described in section 129(9) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006, \$225,000 of the general fund--state appropriation for fiscal year 2007, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.

(6) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(7) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(8) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(9) Prior to the department entering into any agreement relating to the disposal, sale, lease, or transfer of property identified within the 2003 legislatively authorized report "Thurston county property functions, operations & valuations analysis,"

the department shall notify the director of financial management and the chairs of the senate committee on ways and means, the house of representatives committee on appropriations, and the house of representatives capital budget committee.

(10) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(11) \$400,000 of the wildlife account--state appropriation is provided solely for information technology and software licenses, which must be compatible with statewide systems and software.

(12) \$50,000 of the wildlife account--state appropriation is provided solely for reimbursements for damage to commercial livestock caused by cougars.

(13) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(14) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(15) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(16) \$398,000 of the fish and wildlife reward account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1696 (fish and wildlife violations). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(17) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	\$48,209,000
General Fund--State Appropriation (FY 2007)	\$41,973,000
General Fund--Federal Appropriation	\$15,073,000
General Fund--Private/Local Appropriation	\$1,257,000
Forest Development Account--State Appropriation	\$52,909,000
Off Road Vehicle Account--State Appropriation	\$3,796,000
Surveys and Maps Account--State Appropriation	\$2,301,000
Aquatic Lands Enhancement Account--State Appropriation	\$8,234,000
Resources Management Cost Account--State Appropriation	\$73,088,000
Surface Mining Reclamation Account--State Appropriation	\$1,791,000
Disaster Response Account--State Appropriation	\$5,000,000
Water Quality Account--State Appropriation	\$2,554,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$647,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	

Nonhighway and Off Road Vehicle Program Account--State Appropriation	\$540,000
Derelict Vessel Removal Account--State Appropriation	\$852,000
Agricultural College Trust Management Account--State Appropriation	\$1,132,000
	\$1,903,000
TOTAL APPROPRIATION	\$263,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(2) As described in section 129(9) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$953,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(4) \$10,635,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(5) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling all claims in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on the release of all claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006, this subsection shall lapse.

(9) \$852,000 of the nonhighway and off-road vehicle program account--state appropriation is provided solely for making safety improvements for off-road vehicle recreation on state lands. The department shall develop an implementation plan for off-road vehicle-related signage on state trust lands. The department shall submit this plan by October 1, 2005, to the office of financial management and appropriate committees of the legislature, and report progress on plan implementation to these same entities by March 1, 2006, and September 1, 2006.

(10) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(11) \$680,000 of the general fund--state appropriation for fiscal year 2006 and \$1,020,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fulfill compliance monitoring commitments expressed in the forest and fish report and to maintain the involvement of technical experts in its implementation. This compliance monitoring has been incorporated into the state's forest practices rules and is part of the habitat conservation plan the state is preparing to obtain federal endangered species act and clean water act assurances.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	\$11,923,000
General Fund--State Appropriation (FY 2007)	\$11,124,000
General Fund--Federal Appropriation	\$10,280,000
General Fund--Private/Local Appropriation	\$410,000
Aquatic Lands Enhancement Account--State	

Appropriation	\$1,968,000
Water Quality Account--State Appropriation	\$949,000
State Toxics Control Account--State Appropriation	\$3,367,000
Water Quality Permit Account--State Appropriation	\$238,000
TOTAL APPROPRIATION	\$40,259,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to research and develop new hop harvesting technologies and for associated pilot projects.

(4) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(5) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(7) \$466,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the economic impact of agriculture and fairs in Washington.

(9) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(10) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation	\$849,000
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(End of part)

**PART IV
TRANSPORTATION**

<u>NEW SECTION.</u> Sec. 401. FOR THE DEPARTMENT OF LICENSING	
General Fund--State Appropriation (FY 2006)	\$1,784,000
General Fund--State Appropriation (FY 2007)	\$1,532,000
Architects' License Account--State Appropriation	\$717,000
Cemetery Account--State Appropriation	\$220,000
Professional Engineers' Account--State Appropriation	\$3,082,000
Real Estate Commission Account--State Appropriation	\$7,362,000
Master License Account--State Appropriation	\$11,343,000

Uniform Commercial Code Account--State Appropriation	
	\$2,851,000
Real Estate Education Account--State Appropriation	\$275,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,146,000
Business and Professions Account--State Appropriation	\$7,927,000
Real Estate Research Account--State Appropriation	\$301,000
Funeral Directors and Embalmers Account--State Appropriation	\$523,000
Geologists' Account--State Appropriation	\$34,000
Data Processing Revolving Account--State Appropriation	\$29,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	\$39,157,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$3,759,000 of the business and professions account--state appropriation for fiscal year 2006 and \$3,296,000 of the business and professions account--state appropriation for fiscal year 2007 are contingent on enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, these appropriations shall be made from the general fund.

(3) \$834,000 of the master license account--state appropriation for fiscal year 2006 and \$819,000 of the master license account--state appropriation for fiscal year 2007 are subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006)	\$35,336,000
General Fund--State Appropriation (FY 2007)	\$29,668,000
General Fund--Federal Appropriation	\$4,269,000
General Fund--Private/Local Appropriation	\$582,000
Death Investigations Account--State Appropriation	\$5,439,000
Public Safety and Education Account--State Appropriation	\$4,283,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$2,790,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,123,000

Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	\$7,476,000
State Toxics Control Account--State Appropriation	\$450,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$300,000
Fingerprint Identification Account--State Appropriation	\$6,120,000
DNA Data Base Account--State Appropriation	\$150,000
TOTAL APPROPRIATION	\$98,689,000(End of part)

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006)	\$12,803,000
General Fund--State Appropriation (FY 2007)	\$12,395,000
General Fund--Federal Appropriation	\$29,784,000
TOTAL APPROPRIATION	\$54,982,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,621,000 of the general fund--state appropriation for fiscal year 2006 and \$10,513,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and \$428,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to

meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$50,000 of the general fund--state appropriation for fiscal year 2006 is appropriated for transfer into the financial literacy public-private partnership account under RCW 28A.300.465. The funds are provided to equally match funding from nonstate sources for the support of the partnership, financial literacy opportunities for students, and financial literacy professional development opportunities for teachers.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$10,283,000
General Fund--State Appropriation (FY 2007)	\$10,295,000
General Fund--Federal Appropriation	\$47,465,000
TOTAL APPROPRIATION	\$68,043,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$11,600,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(v) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$1,097,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,097,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,521,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$8,292,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) \$19,587,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006)	\$4,185,121,000
General Fund--State Appropriation (FY 2007)	\$4,238,010,000
TOTAL APPROPRIATION	\$8,423,131,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.21 percent in the 2005-06 school year and 11.73 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.08 percent in the 2005-06 school year and 15.08 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,285 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$22,802 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$17,692 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$7,621,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$523,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,035,000 for the 2007 fiscal year;

(c) A maximum of \$365,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$787,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 3.4 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 18, 2005, at 10:00 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 6, 2005, at 10:00 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.57 percent for school year 2005-06 and 11.09 percent for school year 2006-07 for certificated staff and for classified staff 10.58 percent for school year 2005-06 and 11.58 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under

the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006)	\$85,904,000
General Fund--State Appropriation (FY 2007)	\$178,245,000
General Fund--Federal Appropriation	\$1,171,000
TOTAL APPROPRIATION	\$265,320,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$135,598,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 1.7 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.57 percent for the 2005-06 school year and 11.09 percent for the 2006-07 school year for certificated staff and 10.58 percent for the 2005-06 school year and 11.58 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.27	\$0.67
Highly Capable (per formula student)	\$2.96	\$7.25
Transitional Bilingual Education (per eligible bilingual student)	\$7.94	\$19.41
Learning Assistance (per formula student)	\$1.75	\$4.29

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and \$676,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) \$129,722,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$643.63 per month for the 2005-06 school year and \$665 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.56	\$0.75
Highly Capable (per formula student)	\$3.74	\$5.08
Transitional Bilingual Education (per eligible bilingual student)	\$9.91	\$13.36
Learning Assistance (per formula student)	\$2.03	\$2.74

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	\$241,771,000
General Fund--State Appropriation (FY 2007)	\$247,868,000
TOTAL APPROPRIATION	\$489,639,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$812,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$41.40 per weighted mile in the 2005-06 school year and \$41.85 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	\$288,774,000
TOTAL APPROPRIATION	\$295,080,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	\$474,566,000
General Fund--State Appropriation (FY 2007)	\$482,565,000
General Fund--Federal Appropriation	\$435,462,000
TOTAL APPROPRIATION	

\$1,392,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$54,400,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(15) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(16) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(17) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)

\$3,691,000

General Fund--State Appropriation (FY 2007)

\$3,711,000

TOTAL APPROPRIATION

\$7,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)

\$167,003,000

General Fund--State Appropriation (FY 2007)

\$169,080,000

TOTAL APPROPRIATION

\$336,083,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)

\$19,111,000

General Fund--State Appropriation (FY 2007)

\$19,667,000

TOTAL APPROPRIATION

\$38,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$219,000 of the general fund--state appropriation for fiscal year 2006 and \$219,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	\$6,870,000
General Fund--State Appropriation (FY 2007)	\$6,922,000
TOTAL APPROPRIATION	\$13,792,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.93 per funded student for the 2005-06 school year and \$349.10 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$22,084,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	\$39,960,000
General Fund--State Appropriation (FY 2007)	\$37,749,000
General Fund--Federal Appropriation	\$123,264,000
TOTAL APPROPRIATION	\$200,973,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

\$19,810,000 of the general fund--state appropriation for fiscal year 2006, \$16,105,000 of the general fund--state appropriation for fiscal year 2007, and \$16,111,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,010,000 of the general fund--state appropriation for fiscal year 2006 and \$4,018,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$90,399,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(3) SCHOOL IMPROVEMENT

(a) \$363,000 of the general fund--state appropriation for fiscal year 2006 and \$363,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$50,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to match funding provided by a nonprofit foundation to expand the focused assistance program to high schools and school districts.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials. Half of the funding shall be used to develop regional leadership capacity to implement the state K-12 reading model and assessment system in areas of the state with the greatest need for assistance.

(h) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the districts to purchase and implement reading diagnostic assessments. The superintendent shall distribute funds based on K-5 enrollment, but districts are not restricted to using funds for K-5.

(i) \$16,758,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(4) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(b) \$260,000 of the general fund--state appropriation for fiscal year 2006 and \$260,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(5) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006)	\$59,791,000
General Fund--State Appropriation (FY 2007)	\$63,496,000
General Fund--Federal Appropriation	\$45,561,000
TOTAL APPROPRIATION	\$168,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$759.58 per eligible bilingual student in the 2005-06 school year and \$762.69 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	\$77,647,000
General Fund--State Appropriation (FY 2007)	\$82,617,000
General Fund--Federal Appropriation	\$343,227,000
TOTAL APPROPRIATION	\$503,491,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$191.60 per funded student for the 2005-06 school year and \$192.77 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year times the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through twelve. Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.(End of part)

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in sections 946 through 977 of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job

classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2005-06 and 2006-07 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2005-06 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2004-05 academic year.

For the 2006-07 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2005-06 academic year.

(4) For the 2005-07 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2005-07 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2005-07 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2005-2007 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) Pursuant to RCW 43.135.055, the governing boards of the state universities, regional universities, and The Evergreen State College are authorized to increase application fees in excess of the fiscal growth factor during the 2005-2007 biennium. The application fee levels increased pursuant to this subsection shall not exceed fifty dollars per application.

NEW SECTION. Sec. 602. (1) The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average	2006-07 Annual Average
University of Washington		
Main campus	33,107	33,357
Bothell branch	1,377	1,615
Tacoma branch	1,681	1,944
Washington State University		
Main campus	18,780	19,080
Tri-Cities branch	675	700

Vancouver branch	1,378	1,728
Central Washington University	8,449	8,899
Eastern Washington University	8,719	9,169
The Evergreen State College	4,058	4,183
Western Washington University	11,564	11,764
State Board for Community and Technical Colleges	131,293	133,980

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006)	\$562,889,000
General Fund--State Appropriation (FY 2007)	\$571,694,000
Administrative Contingency Account--State Appropriation	\$2,950,000
Higher Education Legacy Trust--State Appropriation	\$58,339,000
TOTAL APPROPRIATION	\$1,195,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,500,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$2,500,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$324 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;

- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$13,165,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$27,675,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,438 student FTEs in academic year 2006 and an additional 2,687 student FTEs in academic year 2007.

(9) \$2,250,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006)	\$341,066,000
General Fund--State Appropriation (FY 2007)	\$348,766,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	\$6,219,000
Medical Aid Account--State Appropriation	\$6,153,000
Higher Education Legacy Trust--State Appropriation	\$18,991,000
TOTAL APPROPRIATION	\$721,495,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3) \$4,718,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$11,032,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 500 new enrollments at the Seattle campus, 400 new enrollments at the Tacoma campus, and 350 new enrollments at the Bothell campus.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$585 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
 - (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
 - (c) Improve freshman retention rates;
 - (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
 - (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received;
- and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$370,000 of the general fund--state appropriation for fiscal year 2006 and \$370,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$209,959,000
General Fund--State Appropriation (FY 2007)	\$214,271,000
Higher Education Legacy Trust--State Appropriation	\$14,353,000
TOTAL APPROPRIATION	\$438,583,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2) \$3,774,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$8,965,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 600 new enrollments at the Pullman campus, 500 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$726 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education

coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(4) \$507,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$46,667,000
General Fund--State Appropriation (FY 2007)	\$47,480,000
Higher Education Legacy Trust--State Appropriation	\$9,201,000
TOTAL APPROPRIATION	\$103,348,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,993,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$5,986,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 900 new enrollments.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$480 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$46,209,000
General Fund--State Appropriation (FY 2007)	\$47,431,000
Higher Education Legacy Trust--State Appropriation	\$8,979,000
TOTAL APPROPRIATION	\$102,619,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,993,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$5,986,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 900 new enrollments.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$499 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in

core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	\$25,861,000
General Fund--State Appropriation (FY 2007)	\$26,404,000
Higher Education Legacy Trust--State Appropriation	\$2,546,000
TOTAL APPROPRIATION	\$54,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$849,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$1,697,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 250 new enrollments.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$482 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant

students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$59,957,000
General Fund--State Appropriation (FY 2007)	\$61,316,000
Higher Education Legacy Trust--State Appropriation	\$4,234,000
TOTAL APPROPRIATION	\$125,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,348,000 of the higher education legacy trust appropriation for fiscal year 2006 and \$2,695,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 400 new enrollments.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 946 through 977 of this act are estimated to increase the total per student funding by \$486 during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006)	\$2,339,000
General Fund--State Appropriation (FY 2007)	\$2,321,000
General Fund--Federal Appropriation	\$4,274,000
TOTAL APPROPRIATION	\$8,934,000

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006)	\$171,665,000
General Fund--State Appropriation (FY 2007)	\$180,758,000
General Fund--Federal Appropriation	

Higher Education Legacy Trust--State Appropriation	\$13,060,000
	\$11,008,000
TOTAL APPROPRIATION	\$376,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$133,142,000 of the general fund--state appropriation for fiscal year 2006, \$142,293,000 of the general fund--state appropriation for fiscal year 2007, \$2,470,000 of the higher education legacy trust appropriation for fiscal year 2006, and \$5,467,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely for the state need grant program. After April 1st of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement House Bill No. 1345 (part-time student financial aid). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. It is the intent of the legislature that these amounts be made available only to eligible students who are attending or planning on attending a Washington state public community or technical college. The board may not expend more than the amount provided in this subsection to implement the bill.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support the future teachers' conditional scholarship and loan repayment program.

(8) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$929,000 of the higher education legacy trust appropriation for fiscal year 2006, and \$2,142,000 of the higher education legacy trust appropriation for fiscal year 2007 are provided solely for the state work study program. After April 1st of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (11) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(9) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(10) \$2,208,319 of the general fund--state appropriation for fiscal year 2006 and \$2,206,293 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select two Washington scholars annually from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

(11) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$846,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(12) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

(13) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$8,288,104 of the general fund--state appropriation for fiscal year 2006 and \$8,215,321 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington promise scholarship program. For fiscal year 2006, the income eligibility for the graduating high school class of 2005 shall not exceed one hundred twenty percent of the state median family income adjusted for family size. The income eligibility for the graduating high school class of 2004 shall be retained at one hundred thirty-five percent of the state median family income adjusted for family size.

(14) \$2,872,000 of the general fund--state appropriation for fiscal year 2006 and \$2,872,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	\$1,209,000
General Fund--State Appropriation (FY 2007)	\$1,189,000
General Fund--Federal Appropriation	\$53,849,000
TOTAL APPROPRIATION	\$56,247,000

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	\$1,479,000
General Fund--State Appropriation (FY 2007)	\$1,493,000
TOTAL APPROPRIATION	\$2,972,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,304,000
General Fund--State Appropriation (FY 2007)	\$2,311,000
General Fund--Federal Appropriation	\$1,300,000
TOTAL APPROPRIATION	\$5,915,000

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	\$2,748,000
General Fund--State Appropriation (FY 2007)	\$2,556,000
TOTAL APPROPRIATION	\$5,304,000

The appropriations in this section are subject to the following condition and limitation: \$33,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the advisory committee and staff associated with the Lewis and Clark Corps of Discovery II bicentennial commemoration.

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	
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General Fund--State Appropriation (FY 2007)	\$1,539,000
	\$1,562,000
TOTAL APPROPRIATION	\$3,101,000
<u>NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND</u>	
General Fund--State Appropriation (FY 2006)	
	\$5,036,000
General Fund--State Appropriation (FY 2007)	\$5,018,000
General Fund--Private/Local Appropriation	\$1,335,000
TOTAL APPROPRIATION	\$11,389,000
<u>NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF</u>	
General Fund--State Appropriation (FY 2006)	
	\$8,279,000
General Fund--State Appropriation (FY 2007)	\$8,256,000
General Fund--Private/Local Appropriation	\$232,000
TOTAL APPROPRIATION	\$16,767,000(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

<u>NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT</u>	
General Fund--State Appropriation (FY 2006)	\$654,444,000
General Fund--State Appropriation (FY 2007)	\$708,119,000
State Building Construction Account--State Appropriation	\$3,924,000
State Taxable Building Construction Account--State Appropriation	\$139,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$1,215,000
Debt-limit General Fund Bond Retirement Account--State Appropriation	\$4,113,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,583,000
TOTAL APPROPRIATION	\$1,374,537,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

<u>NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES</u>	
State Convention and Trade Center Account--State Appropriation	\$29,411,000
Accident Account--State Appropriation	\$5,111,000
Medical Aid Account--State Appropriation	

TOTAL APPROPRIATION	\$5,111,000
	\$39,633,000
<u>NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE</u>	
General Fund--State Appropriation (FY 2006)	\$24,588,000
General Fund--State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$131,844,000
TOTAL APPROPRIATION	\$183,175,000
The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.	
<u>NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES</u>	
General Fund--State Appropriation (FY 2006)	\$1,357,000
General Fund--State Appropriation (FY 2007)	\$1,357,000
State Building Construction Account--State Appropriation	\$1,080,000
State Taxable Building Construction Account--State Appropriation	\$13,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
TOTAL APPROPRIATION	\$4,259,000
<u>NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL</u>	
Disaster Response Account--State Appropriation	\$4,000,000
The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.	
<u>NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND</u>	
General Fund--State Appropriation (FY 2006)	\$1,100,000
General Fund--State Appropriation (FY 2007)	\$1,100,000
TOTAL APPROPRIATION	\$2,200,000
The appropriations in this section are subject to the following conditions and limitations:	
(1) The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.	
(2) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to state agencies or units of local government that experience increased costs in complying with public records disclosure requests as a result of Second Substitute House Bill No. 1758 (public disclosure). The office of financial management shall determine the amounts of the grants to be provided pursuant to this subsection. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.	
<u>NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT</u>	
General Fund--State Appropriation (FY 2006)	\$45,000
General Fund--State Appropriation (FY 2007)	\$792,000
TOTAL APPROPRIATION	

\$837,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SMALL AGENCY INFORMATION TECHNOLOGY POOL
General Fund--State Appropriation (FY 2006)

\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the data processing revolving account.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT
General Fund--State Appropriation (FY 2006)

\$600,000

General Fund--State Appropriation (FY 2007)

\$1,000,000

TOTAL APPROPRIATION

\$1,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for deposit in the capitol building construction account.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE
Health Services Account--State Appropriation

\$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2006	FY 2007	FY 2005-07 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854

Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. A new section is added to 2003 1st sp.s. c 25 (unmodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--INDIVIDUAL DEVELOPMENT ACCOUNT

General Fund--State Appropriation (FY 2006)	\$510,000
General Fund--State Appropriation (FY 2007)	\$511,000
TOTAL APPROPRIATION	\$1,021,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the individual development account. If House Bill No. 1408 is not enacted by June 30, 2005, these amounts shall lapse.

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW. (1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006)	\$31,400,000
General Fund--State Appropriation (FY 2007)	\$37,400,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006)	\$6,000,000
General Fund--State Appropriation (FY 2007)	\$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006)	\$300,000
General Fund--State Appropriation (FY 2007)	\$300,000
TOTAL APPROPRIATION	\$81,400,000

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2006)	\$6,840,000
General Fund--State Appropriation (FY 2007)	\$6,840,000
TOTAL APPROPRIATION	\$13,680,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BASE REALIGNMENT AND CLOSURE ASSISTANCE

General Fund--State Appropriation (FY 2006)

\$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is at risk of being identified for closure on the federal base realignment and closure process. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management.

NEW SECTION. Sec. 716. FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006)

\$500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a grant to the life sciences discovery fund authority to be used in accordance with Second Substitute House Bill No. 1623 or Engrossed Second Substitute Senate Bill No. 5581 (life sciences). If neither bill is enacted by June 30, 2005, the appropriation in this section shall lapse.

(2) The amount provided in this section constitutes a loan from the state general fund to the life sciences discovery fund authority pending the state's receipt of strategic contribution payments under the master settlement agreement with the major manufacturers of tobacco. Upon the state's receipt of the first such strategic contribution payment in 2008, the authority shall reimburse the state general fund with revenues from such payments that are made available to the authority.

NEW SECTION. Sec. 717. DOUBLE-FILLED PERSONNEL POSITIONS. From appropriations in this act, the director of financial management shall reduce general fund--state appropriations for fiscal year 2006 by \$1,333,000 and general fund--state appropriations for fiscal year 2007 by \$2,667,000 to reflect the elimination of double-filled personnel positions in which two or more persons occupy the same position in the state personnel system. The allotment reductions shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 718. CRITICAL HIGH DEMAND EMPLOYEES. From the funds placed in unallotted status under section 717 of this act, the office of financial management may allot up to \$1,333,000 for fiscal year 2006 and \$2,667,000 for fiscal year 2007 to meet critical staffing needs of state agencies, particularly need for employees with high degrees of technical skill in high-demand nonmanagerial occupations. In no event may any of these funds be used, directly or indirectly, to increase employee compensation.

NEW SECTION. Sec. 719. FOR THE OFFICE OF THE GOVERNOR--JOINT TASK FORCE ON MENTAL HEALTH General Fund--State Appropriation (FY 2006)

\$25,000

General Fund--State Appropriation (FY 2007)

\$25,000

TOTAL APPROPRIATION

\$50,000

The appropriations in this section are subject to the following conditions and limitations: Amounts are provided for the task force created in House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 720. STRATEGIC PURCHASING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of \$50,000,000, of which \$25,000,000 shall be from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$8 million for fiscal year 2006 and by \$17 million for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of \$50,000,000 without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

NEW SECTION. Sec. 721. WASHINGTON MANAGEMENT SERVICES MIDDLE MANAGEMENT REDUCTION. (1) Appropriations made in this act assume the reduction of 1,000 middle managers.

(2) The office of financial management shall report to the fiscal committees of the legislature on the implementation of reduction no later than June 30, 2006, and again no later than June 30, 2007. The report will include the following information

for each position eliminated: (a) Job classification; (b) date the position was eliminated; (c) the amount saved by fund source; (d) whether the employee who previously held the vacated position still works in another position within the agency; and (e) whether the employee who previously held the vacated position still works in any other state agency.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2006)

\$70,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following county in the amounts designated for extraordinary criminal justice costs:

Grant

\$70,000

NEW SECTION. Sec. 723. INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 724. INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 725. NONREPRESENTED EMPLOYEE SALARY COST OF LIVING ADJUSTMENT
General Fund--State Appropriation (FY 2006)

\$11,425,000

General Fund--State Appropriation (FY 2007)

\$19,628,000

General Fund--Federal Appropriation

\$7,566,000

General Fund--Private/Local Appropriation

\$727,000

Dedicated Funds and Accounts Appropriation

\$24,203,000

TOTAL APPROPRIATION

\$63,549,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(2) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Appropriations in this section are provided for a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriations are also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsections (2) and (3) of this section.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-33 dated April 3, 2005.

NEW SECTION. Sec. 726. NONREPRESENTED EMPLOYEE SALARY SURVEY

General Fund--State Appropriation (FY 2006)	\$4,169,000
General Fund--State Appropriation (FY 2007)	\$4,412,000
General Fund--Federal Appropriation	\$1,655,000
General Fund--Private/Local Appropriation	\$314,000
Dedicated Funds and Accounts Appropriation	\$6,257,000
TOTAL APPROPRIATION	\$16,807,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-78Z dated March 28, 2005.

NEW SECTION. Sec. 727. CLASSIFICATION REVISIONS

General Fund--State Appropriation (FY 2006)	\$566,000
General Fund--State Appropriation (FY 2007)	\$1,144,000
General Fund--Federal Appropriation	\$250,000
General Fund--Private/Local Appropriation	\$3,000
Dedicated Funds and Accounts Appropriation	\$1,023,000
TOTAL APPROPRIATION	\$2,976,000

The appropriations in this section, or as much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for partial implementation of classification consolidation and revisions under the personnel system reform act of 2002. Groups 2 and 3 of the department of personnel's initial class consolidation plan are affected.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in OFM document 2005-07-8Q dated March 21, 2005.

NEW SECTION. Sec. 728. COLLECTIVE BARGAINING AGREEMENTS. Provisions of the collective bargaining agreements contained in sections 729 through 735 are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements.

NEW SECTION. Sec. 729. COLLECTIVE BARGAINING AGREEMENT--WFSE

General Fund--State Appropriation (FY 2006)	\$21,730,000
General Fund--State Appropriation (FY 2007)	\$31,698,000
General Fund--Federal Appropriation	\$23,895,000
General Fund--Private/Local Appropriation	\$2,233,000
Dedicated Funds and Accounts Appropriation	\$37,693,000
TOTAL APPROPRIATION	\$117,229,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees under the personnel system reform act of 2002. For employees

covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-780 dated March 28, 2005.

NEW SECTION. Sec. 730. COLLECTIVE BARGAINING AGREEMENT--WPEA

General Fund--State Appropriation (FY 2006)	\$1,859,000
General Fund--State Appropriation (FY 2007)	\$2,750,000
General Fund--Federal Appropriation	\$647,000
General Fund--Private/Local Appropriation	\$74,000
Dedicated Funds and Accounts Appropriation	\$5,198,000
TOTAL APPROPRIATION	\$10,528,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-781 dated March 28, 2005.

NEW SECTION. Sec. 731. COLLECTIVE BARGAINING AGREEMENT--UFCW

Dedicated Funds and Accounts Appropriation	\$1,138,000
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The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the united food and commercial workers under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 732. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS

General Fund--State Appropriation (FY 2006)	\$7,325,000
General Fund--State Appropriation (FY 2007)	\$13,613,000
Dedicated Funds and Accounts Appropriation	\$3,000
TOTAL APPROPRIATION	\$20,941,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 2.9% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 733. COLLECTIVE BARGAINING AGREEMENT--COALITION

General Fund--State Appropriation (FY 2006)	\$701,000
General Fund--State Appropriation (FY 2007)	\$926,000
General Fund--Federal Appropriation	\$86,000
General Fund--Private/Local Appropriation	\$225,000
Dedicated Funds and Accounts Appropriation	\$3,245,000
TOTAL APPROPRIATION	\$5,183,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the coalition under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-786 dated March 28, 2005.

NEW SECTION. Sec. 734. COLLECTIVE BARGAINING AGREEMENT--IFPTE
General Fund--State Appropriation (FY 2006)

	\$96,000
General Fund--State Appropriation (FY 2007)	\$145,000
TOTAL APPROPRIATION	\$241,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers local 17 under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 735. COLLECTIVE BARGAINING AGREEMENT--SEIU-1199
General Fund--State Appropriation (FY 2006)

	\$1,656,000
General Fund--State Appropriation (FY 2007)	\$2,260,000
General Fund--Federal Appropriation	\$1,574,000
General Fund--Private/Local Appropriation	\$188,000
TOTAL APPROPRIATION	\$5,678,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the collective bargaining agreement reached between the governor and the service employees international union, local 1199 NW under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates, and for adjustments to the salary grid.

The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in OFM document 2005-07-85 dated March 21, 2005.

NEW SECTION. Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2006)	(\$27,322,000)
General Fund--State Appropriation (FY 2007)	(\$15,783,000)
General Fund--Federal Appropriation	(\$15,354,000)
General Fund--Private/Local Appropriation	(\$1,543,000)
Dedicated Funds and Accounts Appropriation	(\$25,908,000)
TOTAL APPROPRIATION	(\$85,910,000)

The appropriations in this section are subject to the following conditions and limitations: Funding in this section is provided solely for funding agency pension changes as set forth in proposed Substitute House Bill No. 1044 (H-3021.2/05). The office of financial management shall update agency appropriations schedules to reflect the change in funding in this section, as identified by agency and account in: LEAP document 2005-37 dated March 21, 2005; LEAP document 2005-38 dated April 5, 2005; LEAP document 2005-37N dated April 5, 2005; and LEAP document 2005-36 dated April 5, 2005.

NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION--INSURANCE BENEFITS IN BARGAINED AGREEMENTS

General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007)	\$19,705,000
General Fund--Federal Appropriation	\$39,403,000
General Fund--Private/Local Appropriation	\$19,178,000
Dedicated Funds and Accounts Appropriation	\$1,347,000
TOTAL APPROPRIATION	\$22,274,000
	\$104,524,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for the health insurance collective bargaining agreement reached between the governor and the health insurance coalition under the personnel system reform act of 2002 as per the specifications in section 945 of this act. The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-35 dated March 28, 2005.

NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION--INSURANCE BENEFITS FOR NONREPRESENTED EMPLOYEES

General Fund--State Appropriation (FY 2006)	\$6,753,000
General Fund--State Appropriation (FY 2007)	\$3,001,000
General Fund--Federal Appropriation	\$2,240,000
General Fund--Private/Local Appropriation	\$178,000
Dedicated Funds and Accounts Appropriation	\$6,947,000
TOTAL APPROPRIATION	\$19,119,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided for state employee health insurance benefits for nonrepresented state employees as per the specifications in section 945 of this act. The office of financial management shall update agency appropriations schedules to reflect the addition of the funding in this section, as identified by agency and account in LEAP document 2005-34 dated March 28, 2005.

NEW SECTION. Sec. 739. INSURANCE BENEFITS. The legislature finds that the trend in the rate of medical expense inflation is downward and projects an 8.5% rate of inflation for the 2005-07 fiscal biennium. The funds provided in sections 737 and 738 of this act are anticipated to be sufficient to hold the average employee share of medical insurance premiums to no more than 12% of costs under this 8.5% inflation assumption. If the actual growth in employee medical insurance costs is greater than 8.5%, the legislature intends to appropriate additional funds to cover the cost of inflation, up to a maximum of 11%, in order to maintain the average employee share of medical premiums at no more than 12% for school district employees and for state employees represented by a collective bargaining unit under the personnel system reform act of 2002.

NEW SECTION. Sec. 740. STATE EMPLOYEE INSURANCE BENEFIT RESERVE. \$20,000,000 in the public employees' and retirees' insurance account shall be held in reserve and may be expended only to the extent that the annual rate of employee health insurance premium inflation is greater than 8.5% and shall not be used to expand benefits or to reduce the average employee share of medical insurance premium costs to less than 12%.

NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

General Fund--State Appropriation (FY 2007)	\$4,400,000
Special Account Retirement Contribution Increase Revolving Account Appropriation	(\$3,900,000)
TOTAL APPROPRIATION	\$500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

Sec. 742. 2005 c ... (SHB 1037) s 707 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH SERVICES ACCOUNT
 General Fund--State Appropriation (FY 2005)

(((\$45,000,000))

\$69,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the health services account.(End of part)

**PART VIII
 OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$6,577,000
General Fund Appropriation for public utility district excise tax distributions	\$45,422,000
General Fund Appropriation for prosecuting attorney distributions	\$3,457,000
General Fund Appropriation for boating safety and education distributions	\$4,430,000
General Fund Appropriation for other tax distributions	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$71,110,000
County Criminal Justice Assistance Appropriation	\$53,914,000
Municipal Criminal Justice Assistance Appropriation	\$21,104,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$37,413,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$76,186,000
TOTAL APPROPRIATION	\$330,427,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation

\$1,913,400

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998

(drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation

\$1,275,600

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution

\$1,632,000

General Fund Appropriation for federal flood control funds distribution

\$68,000

Forest Reserve Fund Appropriation for federal forest reserve fund distribution

\$84,500,000

TOTAL APPROPRIATION

\$86,200,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund,
\$5,150,000 for fiscal year 2006 and \$5,150,000
for fiscal year 2007

\$10,300,000

General Fund--State Account:

For transfer to the tourism development
and promotion account, \$150,000 for fiscal
year 2006 and \$150,000 for fiscal year 2007

\$300,000

Financial Services Regulation Account: For transfer
to the state general fund, \$500,000 for
fiscal year 2006 and \$500,000 for fiscal
year 2007

\$1,000,000

Public Works Assistance Account: For
transfer to the drinking water
assistance account, \$8,400,000 for fiscal
year 2006

\$8,400,000

Tobacco Settlement Account: For transfer
to the health services account, in an
amount not to exceed the actual balance
of the tobacco settlement account

\$185,823,000

Health Services Account: For transfer to the
state general fund, \$109,000,000 for fiscal

year 2006	\$109,000,000
Health Services Account: For transfer to the tobacco prevention and control account	\$23,366,000
Health Services Account: For transfer to the water quality account	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account	\$6,932,000
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007	\$85,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006	\$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007	\$500,000
State Treasurer's Service Account: For transfer to the state general fund, \$5,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007	\$10,500,000
General Fund: For transfer to the water quality account, \$6,568,000 for fiscal year 2006 and \$6,569,000 for fiscal year 2007	\$13,137,000
Water Quality Account: For transfer to the water pollution control revolving account	\$10,534,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	\$15,000,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007	\$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006	\$4,500,000
Student Achievement Account: For transfer to the state general fund, \$87,900,000 for fiscal year 2006 and \$86,800,000 for fiscal year 2007	\$174,700,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006	\$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal	

year 2006

\$1,000,000

Judicial Improvement Subaccount: For
transfer to the trial court improvement
account

\$1,440,000

NEW SECTION. Sec. 806. FOR THE STATE TREASURER--TRANSFERS.

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391. If the bill is not enacted by June 30, 2005, the transfers shall not be made.

Public Employees' and Retirees' Insurance Account:

For transfer to the state general fund,
\$5,000,000 for fiscal year 2006 and \$12,000,000
for fiscal year 2007

\$17,000,000

NEW SECTION. Sec. 807. FOR THE STATE TREASURER--TRANSFERS.

The state treasurer shall make the following transfers from the state general fund into the reinvesting in youth account, subject to the enactment of Second Substitute House Bill No. 1483 (reinvesting in youth). Pursuant to the bill, these transfers shall be exempt from RCW 43.135.035(5). If the bill is not enacted by June 30, 2005, the transfers shall not be made.

(1) For fiscal year 2006, the treasurer shall transfer \$319,000 from the state general fund to the reinvesting in youth account.

(2) For fiscal year 2007, the treasurer shall transfer \$678,000 from the state general fund to the reinvesting in youth account.(End of part)

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2003-05 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols.

Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost

of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. BUSINESS CONTINUITY AND DISASTER RECOVERY. State agencies shall comply with the business continuity and disaster recovery policies, guidelines, and statements of direction developed by the department of information services and the information services board in consultation with state agencies. To ensure that agency business continuity and disaster recovery activities identify the primary risks across state agencies, account for dependencies between agencies, capitalize on economies of scale, and avoid unnecessary duplication of costs and efforts, state agencies shall receive the prior approval of the department of information services before implementing business continuity and disaster recovery strategies and expending funds for business continuity activities.

NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 905. PROGRAM COST SHIFTS. Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may

include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2006.

NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2007, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2005-07 biennium.

NEW SECTION. Sec. 911. AGENCY EXPENDITURES FOR MOTOR VEHICLES. The use of hybrid motor vehicles reduces air contaminants, greenhouse gas emissions and reliance on imported sources of petroleum. To foster the use of hybrid motor vehicles, beginning July 1, 2005, before the purchase or lease of a motor vehicle, state agencies should first consider the feasibility of hybrid motor vehicles. State agencies should strive to purchase or lease a hybrid motor vehicle when the use of such vehicle is consistent with and can accomplish the agency's mission and when the purchase is financially reasonable. The financial assessment should include savings accruing from reduced fuel purchases over the life of the vehicle. Agencies shall report on their purchases of hybrid vehicles in their biennial sustainability plans as required under executive order 02-03.

Sec. 912. RCW 28A.160.195 and 2004 c 276 s 904 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. In fiscal (~~year 2005~~) years 2006 and 2007, the superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and shall (a) except in fiscal (~~year 2005~~) years 2006 and 2007, establish a list of the lowest competitive price quotes obtained under this subsection, and (b) in fiscal (~~year 2005~~) years 2006 and 2007, establish a list of all accepted price quotes in each category obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who is providing the lowest competitive price quote on the list established under subsection (2) of this section and in fiscal (~~year 2005~~) years 2006 and 2007 from any dealer on the list established under subsection (2)(b) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state. For the (~~2003-05~~) 2005-2007 fiscal biennium, school districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted pursuant to RCW 28A.335.190 or through the state bid process established by this section.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Sec. 913. RCW 28A.305.210 and 2003 1st sp.s. c 25 s 911 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the (~~2003-05~~) 2005-2007 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 914. RCW 28A.500.030 and 2003 1st sp.s. c 25 s 912 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

- (a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to
- (b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

- (a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by
- (b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to ~~((June 30,))~~ December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to June 30, 2007, allocations and maximum eligibility under this chapter shall be multiplied by 0.885.

Sec. 915. RCW 28A.600.110 and 2004 c 275 s 46 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers, except that during the 2005-2007 fiscal biennium, no more than two seniors may be selected.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.76.660.

Sec. 916. RCW 28A.600.150 and 1999 c 159 s 2 are each amended to read as follows:

Each year, three Washington scholars and one Washington scholars-alternate shall be selected from the students nominated under RCW 28A.600.140, except that during the 2005-2007 fiscal biennium, no more than two scholars shall be selected. The higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars and the Washington scholars-alternates. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 917. RCW 28B.102.040 and 2004 c 276 s 905, 2004 c 275 s 68, and 2004 c 58 s 4 are each reenacted and amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology, or special education.

~~((Subject to enactment of chapter 58, Laws of 2004,))~~ For fiscal years ~~((2005))~~ 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.

Sec. 918. RCW 28B.119.010 and 2004 c 275 s 60 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) ~~(Beginning with the graduating class of 2002,)~~ Students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year. For the 2005-07 fiscal biennium if the fall term enrollment of the current senior class is not available to the superintendent in a timely manner then the number of seniors that may be identified is equal to the previous year's fall term senior class enrollment; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must on their first attempt equal or exceed a cumulative ~~((scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite))~~ score on either the scholastic assessment test (SAT) I or the American college test ~~((score of twenty seven on their first attempt))~~ (ACT) that represents performance in the top fifteen percent of students taking the test.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent or, for the 2005-07 fiscal biennium, one hundred twenty percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.76.685 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Sec. 919. RCW 41.05.065 and 2003 c 158 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(7) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

Sec. 920. RCW 41.05.120 and 1994 c 153 s 9 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, the remittance paid by school districts and educational service districts (~~under RCW 28A.400.400~~), reserves, dividends, and refunds, and for payment of premiums for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The

administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' insurance account.

(3) During the 2005-07 fiscal biennium, the legislature may transfer from the public employees' and retirees' insurance account such amounts as reflect the excess fund balance of the fund.

Sec. 921. RCW 41.50.110 and 2003 1st sp.s. c 25 s 914 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2003-))~~ 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 922. RCW 41.50.110 and 2004 c 242 s 46 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ((2003-)) 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 923. RCW 43.07.130 and 1994 c 211 s 1311 are each amended to read as follows:

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23B.01.220 (1)(e), (6) and (7), 23B.18.050, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

During the 2005-2007 fiscal biennium, the legislature may transfer from the secretary of state's revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 924. RCW 43.08.190 and 2003 1st sp.s. c 25 s 916 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW ((43.79.040)) 43.79A.040 or 43.84.092(4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the ((2003-)) 2005-2007 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 925. RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ((2005)) 2007, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

Sec. 926. RCW 43.10.180 and 2003 1st sp.s. c 25 s 917 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ((2003-05)) 2005-2007 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 927. RCW 43.30.305 and 2003 c 334 s 120 are each amended to read as follows:

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. During the 2005-2007 fiscal biennium the legislature may transfer such amounts as represent the excess balance of the fund to the state general fund.

Sec. 928. RCW 43.43.944 and 2003 1st sp.s. c 25 s 919 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and

(c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the ~~((2003-2005))~~ 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

Sec. 929. RCW 43.72.900 and 2003 c 259 s 1 are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

During the ~~((2001-2003))~~ 2005-2007 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account to the state general fund.

Sec. 930. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the ((2003-05)) 2005-2007 fiscal biennium.

Sec. 931. RCW 43.320.110 and 2003 1st sp.s. c 25 s 921 and 2003 c 288 s 1 are each reenacted and amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the 2005-2007 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 932. RCW 50.16.010 and 2003 2nd sp.s. c 4 s 23 and 2003 1st sp.s. c 25 s 925 are each reenacted and amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

- (i) All interest on delinquent contributions collected pursuant to this title;
- (ii) All fines and penalties collected pursuant to the provisions of this title;
- (iii) All sums recovered on official bonds for losses sustained by the fund; and
- (iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the ~~((2003-2005))~~ 2005-2007 fiscal biennium, the cost of the job skills program and the alliance for corporate education at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 933. RCW 66.16.010 and 2003 1st sp.s. c 25 s 928 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five percent. Effective no later than ~~((September 1, 2003))~~ July 1, 2005, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military, and tribal sales. The intent of this surcharge is to raise ~~(((\$14,000,000 in additional))~~ revenue for the general fund-state ~~((revenue))~~ for the ~~((2003-))~~2005- 2007 biennium. ~~((To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge.))~~ The board shall remove the surcharge ~~((once it generates \$14,000,000, but no later than))~~ June 30, ~~((2005))~~ 2007.

(2) The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

(3) The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the state of Washington, federal government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Sec. 934. RCW 67.40.040 and 2003 1st sp.s. c 25 s 929 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the (~~2003-~~) 2005-2007 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 935. RCW 69.50.520 and 2004 c 276 s 912 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the (~~2003-2005~~) 2005-2007 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 936. RCW 70.93.180 and 1998 c 257 s 5 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 937. RCW 70.146.030 and 2004 c 277 s 909 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related

administrative expenses. For the period July 1, ~~((2003))~~ 2005, to June 30, ~~((2005))~~ 2007, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 938. RCW 70.146.080 and 2003 1st sp.s. c 25 s 935 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the ~~((2003-05))~~ 2005-2007 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 939. RCW 72.11.040 and 2003 1st sp.s. c 25 s 936 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2003-2005))~~ 2005-2007 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 940. RCW 74.46.431 and 2004 c 276 s 913 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, direct care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, operations component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 941. RCW 79.64.040 and 2004 c 199 s 227 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall ~~((in no event))~~ not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty

percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During fiscal year 2006 only, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased to thirty percent by the board. If so increased, the department must provide a report by January 9, 2006 to the appropriate committees of the legislature on the use of the increased amount.

Sec. 942. RCW 79.90.245 and 2004 c 276 s 914 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, ~~((2005))~~ 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.

Sec. 943. RCW 86.26.007 and 2003 1st sp.s. c 25 s 943 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ~~((1997-99 fiscal biennium and each))~~ 2005-2007 fiscal biennium, the state treasurer shall transfer two million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 944. FOR THE OFFICE OF FINANCIAL MANAGEMENT--UNFUNDED PENSION LIABILITY. (1) It is the intent of the legislature to use one-half of state general fund revenues that are received by the state in excess of revenues assumed in this act to reduce the unfunded liabilities in the public employees' retirement system and the teachers' retirement system, plans 1.

(2)(a) The office of financial management shall calculate the difference between the June 2005 general fund state revenue forecast and the amount of revenues assumed in this act. If the official revenue forecast is greater than the revenue assumed in this act when enacted, the state actuary shall be immediately notified of this difference.

(b) Upon notification of additional forecasted revenues under (a) of this subsection by the office of financial management, the state actuary shall calculate the contribution rates that may be assessed on the employers of public employees' retirement system, the school employees' retirement system, and the teachers' retirement system members to reduce the unfunded liabilities in the public employees' retirement system and the teachers' retirement system, plans 1. The contribution rates calculated shall be applied to all employers and shall be projected to generate a general fund state cost of fifty percent of the additional forecasted general fund state revenues, in addition to costs attributed to other funds. The state actuary shall notify the office of financial management and the fiscal committees of the legislature of the contribution rates calculated under this subsection.

(c) The office of financial management and the state actuary shall conduct the same activities outlined in (a) and (b) of this subsection for any difference between the June 2006 general fund state revenue forecast and the amount of revenues assumed in the 2005 general fund supplemental state operating budget.

NEW SECTION. Sec. 945. COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible represented employee or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and \$55.73 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and \$55.73 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 946. NONREPRESENTED EMPLOYEE COMPENSATION. The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Salary Cost of Living Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified staff not covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 3.2% of pay effective July 1, 2005. Community and technical colleges shall provide to exempt professional staff an average salary increase of 3.2% of pay beginning July 1, 2005. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 3.2% effective July 1, 2005, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified and instructional staff not covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 1.6% of pay effective July 1, 2006, until June 30, 2007. Community and technical colleges shall provide to exempt professional staff an average salary increase of 1.6% of pay, beginning July 1, 2006, until June 30, 2007. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 1.6% effective July 1, 2006, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases. The appropriations are also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

NEW SECTION. Sec. 947. CLASSIFICATION REVISIONS. Funding is provided for partial implementation of classification consolidation and revisions under the personnel system reform act of 2002. Groups 2 and 3 of the department of personnel's initial class consolidation plan are affected.

NEW SECTION. Sec. 948. COLLECTIVE BARGAINING AGREEMENTS. Provisions of collective bargaining agreements contained in sections 945 and 947 through 977 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements.

NEW SECTION. Sec. 949. COLLECTIVE BARGAINING AGREEMENT--WFSE. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 950. COLLECTIVE BARGAINING AGREEMENT--WPEA. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 951. COLLECTIVE BARGAINING AGREEMENT--UFCW. Funding is provided for the collective bargaining agreement reached between the governor and the united food and commercial workers under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006 until June 30, 2007.

NEW SECTION. Sec. 952. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS. Funding is provided for the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 2.9% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 953. COLLECTIVE BARGAINING--COALITION. Funding is provided for the collective bargaining agreement reached between the governor and the coalition under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 954. COLLECTIVE BARGAINING--IFPTE. Funding is provided for the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers local 17 under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 955. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199. Funding is provided for the collective bargaining agreement reached between the governor and the service employees international union, local 1199 NW under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates, and for adjustments to the salary grid.

NEW SECTION. Sec. 956. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 957. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 958. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU A. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit A under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 959. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU B. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit B under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 960. COLLECTIVE BARGAINING AGREEMENT--WPEA/PROFESSIONAL LOCAL 365 UNIT C--WESTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington Public Employees Association bargaining unit C under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 961. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU E. Budget amounts reflect the collective bargaining agreement reached between the Western

Washington University and the Washington federation of state employees bargaining unit E under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 1.6% increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 962. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WSU POLICE GUILD. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington State University police guild bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 2.9% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 963. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WFSE BU 1 AND 11. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 1--research and extension units west of the Cascades, bargaining unit 5--library and bargaining unit 11--intercollegiate college of nursing under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 2% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 964. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, SEIU 925. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the service employees international union university-wide nonsupervisory, university-wide supervisory, research technologist, research technologist supervisor, and medical/laboratory technologist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, implementation of a University of Washington salary survey, and adjustment to the salary grid.

NEW SECTION. Sec. 965. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, WFSE. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees campus-wide, library, custodial supervisor, Harborview medical center, and Harborview medical center public safety officers bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of a University of Washington salary survey.

NEW SECTION. Sec. 966. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, WFSE, SKILLED TRADES. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees, skilled trades bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a \$1.00 per hour increase effective July 1, 2005, an increase in shift differential pay, and an adjustment to the grid.

NEW SECTION. Sec. 967. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW PROFESSIONAL AND TECHNICAL. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center professional and technical bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 1.5% salary increase effective January 1, 2006, a 1.5% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 968. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW NURSES. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center registered nurse bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 969. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW SOCIAL WORK. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the service employee international union Harborview medical center social work and health care specialist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 1.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 970. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON POLICE OFFICERS ASSOCIATION. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the University of Washington police officers association bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, and longevity pay increases.

NEW SECTION. Sec. 971. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON WFSE UW POLICE MANAGEMENT. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees police management bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 15% supervisory differential effective July 1, 2006.

NEW SECTION. Sec. 972. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON WASHINGTON STATE NURSES ASSOCIATION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the Washington state nurses association university medical center registered nurses bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 973. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON INLAND BOATMEN'S UNION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the inland boatmen's union of the Pacific Thompson research vessel crew bargaining unit under the personnel system return act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2006, and a 1.6% salary increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 974. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 2 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% salary increase effective July 1, 2006, until June 30, 2007, and for a \$500 lump-sum payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005.

NEW SECTION. Sec. 975. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 1 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a \$500 lump-sum payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005, and a lump sum payment of 1.6% of annual salary effective July 1, 2006.

NEW SECTION. Sec. 976. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 2 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 977. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 1 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 978. Currently there is no statutory policy for funding the gain-sharing benefits in the plans 1 and 3 of the public employees' retirement system, the teachers' retirement system and the school employees' retirement system. The legislature acknowledges that the 2003 Actuarial Valuation Report (prepared in December 2004) identified gain-sharing as a material liability of the affected retirement systems, and recognizes the need to develop a plan for addressing this material liability. The legislature hereby delays any decision regarding funding for this benefit during the 2006 fiscal year.

During the 2005 interim, the select committee on pension policy shall study the options available to the legislature for addressing the liability associated with future gain-sharing benefits. These options may include, but shall not be limited to, repealing, delaying, or suspending the gain-sharing provisions in law; making gain-sharing discretionary; or replacing gain-sharing benefits with other benefits such as plan choice, employer defined contributions, retirement eligibility enhancements, and post-retirement adjustments. The select committee on pension policy shall report the findings and recommendations of its study to the legislative fiscal committees by no later December 15, 2005.

NEW SECTION. Sec. 979. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 980. Except for sections 922 and 930 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 981. Section 922 (RCW 41.50.110) of this act takes effect July 1, 2006.

NEW SECTION. Sec. 982. Section 921 (RCW 41.50.110) of this act expires July 1, 2006.

NEW SECTION. Sec. 983. Section 930 (RCW 43.135.045) of this act takes effect June 30, 2005.(End of part)

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Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6090 and request of the House a conference thereon.

Senators Zarelli spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6090.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6090 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6090 and the House amendment(s) thereto: Senators Prentice, Doumit and Zarelli.

MOTION

On motion of Senator Zarelli, the appointments to the conference committee were confirmed.

PERSONAL PRIVILEGE

Senator Brandland: "I came back from after lunch and I found this laying on my desk. This is something that's going to be happening in Olympia over the weekend. I don't plan on being here this weekend, Madam President. I thought we were going to be leaving at 5 o'clock on Friday and I'm wondering if, Senator Fraser, Did you make a mistake? Did you not realize we were leaving at 5 o'clock?"

REMARKS BY SENATOR FRASER

Senator Fraser: "I'm assuming we've had such a good time here in Olympia, you'd like to stay and see one of the greatest events of our spring which is on Saturday, the Procession of the Species. Also, we're having Art Walk Friday night and Saturday night. So on the, hopefully you'll stick around after the session's over. If the session is still going on, we sometimes have long breaks between bills and I hope you'll be able to enjoy it along with others."

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6094, with the following amendments{s}:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings (report 03-1) including any necessary revisions and/or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the joint legislative audit and review committee shall consult the office of financial management and the higher education coordinating board about its workplan to ensure timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the joint legislative audit and review committee to complete the above task and oversight so assigned.

Reappropriation:

State Building Construction Account--State

\$120,000

Appropriation:	
Education Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$320,000
<u>NEW SECTION. Sec. 102. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u>	
Rural Washington Loan Fund (88-2-002)	
Reappropriation:	
State Building Construction Account--State	\$558,000
Rural Washington Loan Account--State	\$3,522,235
Subtotal Reappropriation	\$4,080,235
Prior Biennia (Expenditures)	\$3,570,132
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,650,367
<u>NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u>	
Rural Washington Loan Fund (06-4-010)	
Appropriation:	
Rural Washington Loan Account--State	\$4,126,905
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,096,207
TOTAL	\$36,223,112
<u>NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u>	
Drinking Water Assistance Program (00-2-007)	
Reappropriation:	
Drinking Water Assistance Account--State	\$2,792,784
Prior Biennia (Expenditures)	\$4,907,216
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,700,000
<u>NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u>	
Drinking Water Assistance Program (02-4-008)	
Reappropriation:	
Drinking Water Assistance Account--State	\$4,475,621
Prior Biennia (Expenditures)	\$3,224,379
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,700,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the reappropriation must comply with RCW 70.119A.170.

(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.

Reappropriation:

Drinking Water Assistance Account--State	\$8,500,000
State Building Construction Account--State	\$3,749,753
Drinking Water Assistance Repayment Account--State	\$4,200,000
Subtotal Reappropriation	\$16,449,753
Prior Biennia (Expenditures)	\$250,247
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,700,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

Reappropriation:

Drinking Water Assistance Repayment Account--State	\$15,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,200,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Appropriation:

Drinking Water Assistance Account--State	\$8,100,000
Drinking Water Assistance Repayment Account--State	\$11,500,000
Subtotal Appropriation	\$19,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$78,400,000
TOTAL	\$78,400,000

\$98,000,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Water System Acquisition and Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (04-4-007)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the project list in section 104, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State	\$1,750,000
Prior Biennia (Expenditures)	\$2,718,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,468,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750.

The following projects are eligible for funding:

Projects	Location	Recommendation
African-American museum	Seattle	\$700,000
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000

Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000
Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		\$4,690,000

Appropriation:

State Building Construction Account--State	\$5,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$21,390,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cancer Research Facility Grant (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided as a grant for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center and must be matched by an equal amount from nonstate sources.

(2) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$668,000
Prior Biennia (Expenditures)	\$2,332,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Fox Theatre Project (01-S-006)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$2,093,031
Prior Biennia (Expenditures)	\$1,406,969
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

West Central Community Center (01-S-016)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$493,750
Prior Biennia (Expenditures)	\$106,250
Future Biennia (Projected Costs)	\$0

TOTAL

\$600,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (04-4-001)

Reappropriation:

Public Works Assistance Account--State

\$350,000,000

Prior Biennia (Expenditures)

\$66,200,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$416,200,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (06-4-004)

Appropriation:

Public Works Assistance Account--State

\$288,900,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$1,400,000,000

TOTAL

\$1,688,900,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003 1st sp. sess.

(2) This reappropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State

\$7,517,598

Prior Biennia (Expenditures)

\$7,482,402

Future Biennia (Projected Costs)

\$0

TOTAL

\$15,000,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Woodland Infrastructure Development (04-4-959)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is provided for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Reappropriation:

State Building Construction Account--State

\$262,451

Prior Biennia (Expenditures)

\$37,549

Future Biennia (Projected Costs)

\$0

TOTAL

\$300,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (04-4-008)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation in section 105, chapter 277, Laws of 2004 may be used for grants.

Reappropriation:

Public Facility Construction Loan Revolving Account--State	\$11,437,000
Prior Biennia (Expenditures)	\$54,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,491,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (06-4-011)

The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State	\$20,448,657
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,990,055
TOTAL	\$75,438,712

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (04-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.125.

(2) The reappropriation is subject to the project list in section 128, chapter 26, Laws of 2003 1st sp. sess.

Reappropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$5,131,280
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,931,280

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (06-4-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.125.

The following projects are eligible for funding:

Projects	Location	Recommendation
Abused deaf women's advocacy services	Seattle	\$400,000
YouthCare	Seattle	\$350,000
Pike market senior center	Seattle	\$310,000
Friends of gladish	Pullman	\$25,000
FareStart	Seattle	\$400,000
Denise Louie education center	Seattle	\$400,000
Rural resources community action	Newport	\$170,000
Jumping mouse children's center	Port Townsend	\$45,000
Compass center	Seattle	\$400,000
Neighborhood house	Seattle	\$550,000

Behavioral health resources	Olympia	\$400,000
Salvation Army Renton corp	Renton	\$350,000
Metropolitan development council	Tacoma	\$110,000
Lutheran community services	SeaTac	\$200,000
Olympia childcare center	Olympia	\$90,000
Kitsap Community Resources	Bremerton	\$735,000
Northwest Youth Services	Bellingham	\$200,000
Total		\$5,135,000

Appropriation:

State Building Construction Account--State	\$5,135,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$21,135,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Greenbank Farm (04-4-950)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$550,000
Prior Biennia (Expenditures)	\$950,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(6) Up to \$1,000,000 of the reappropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.

Reappropriation:

State Taxable Building Construction Account--State	\$25,780,000
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$55,220,000
TOTAL	\$0

\$81,000,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (6) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to identify sufficient farmworker housing projects to support a goal of providing \$16,000,000 for farmworker housing, and to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (7) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$320,000,000
TOTAL	\$420,000,000

NEW SECTION. Sec. 126. \$2,500,000 of the state taxable building construction account--state appropriation in section 125 of this act is provided solely for on-farm infrastructure improvements that directly support the creation or preservation of housing for low-income migrant, seasonal, or temporary farmworkers. Future loan repayments shall be used for the same purpose as specified in this section.

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Japanese-American Memorial (04-4-951)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$475,000
Prior Biennia (Expenditures)	\$1,025,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY , TRADE, AND ECONOMIC DEVELOPMENT Lewis and Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State

Prior Biennia (Expenditures)	\$4,337,500
Future Biennia (Projected Costs)	\$662,500
TOTAL	\$5,000,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State

Prior Biennia (Expenditures)	\$5,228,345
Future Biennia (Projected Costs)	\$8,086,155
TOTAL	\$0

\$13,314,500

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The following projects are eligible for funding:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Bailey Gatzert children's play area	\$75,000
Bi-state habitat conservation funding plan	\$150,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
Childhaven	\$150,000
Colman school	\$500,000

Columbia breaks fire interpretive center	\$150,000
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,500,000
East Whatcom regional resource center	\$2,000,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Filipino cultural center of Kitsap county	\$250,000
Foster creek	\$150,000
Fox theater	\$1,325,000
Granite Falls museum expansion	\$50,000
Habitat park south hill	\$400,000
Hidden river environmental education center	\$50,000
HOP initiative	\$500,000
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Julia Butler Hansen home restoration	\$10,000
LeMay museum	\$1,000,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$1,500,000
McCaw hall	\$1,500,000
MOBIUS/Inland Northwest science and technology center	\$1,325,000
Mt. Vernon Jasper Gates Statue	\$12,000
Nathaniel Orr home site museum interpretive center	\$29,000
New Lakewood clinic	\$350,000
Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak stampede	\$200,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000

Performing arts center (PACE)	\$500,000
Puget Sound freight building warehouse-- Thea Foss waterway	\$1,500,000
Relocation of Sieke Japanese gardens	\$250,000
River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$1,500,000
Youth housing/drop-in center	\$400,000
Total	\$35,263,000

Appropriation:

State Building Construction Account--State	\$35,263,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,263,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

PBS Digital Upgrade (04-4-958)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) \$345,625 is provided to public television station KYVE for the costs to convert to digital transmission capability and the upgrading and replacement of equipment, studio facilities, and contents.

(3) The remaining reappropriation is available for public television stations based outside central Puget Sound metropolitan areas.

Reappropriation:

State Building Construction Account--State	\$363,548
Prior Biennia (Expenditures)	
Future Biennia (Projected Costs)	\$336,452
	\$0
TOTAL	\$700,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Washington State Games (04-4-850)

Reappropriation:

State Building Construction Account--State	\$97,597
Prior Biennia (Expenditures)	\$102,403
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Wing Luke Asian Art Museum (04-4-952)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$316,202
Prior Biennia (Expenditures)	\$1,183,798
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Yakima Ball Fields (04-2-952)

The reappropriation in this section is subject to the following conditions and limitations: \$119,990 of the reappropriation is provided solely to Yakima Valley Community College for the purchase of Noel field from the city of Yakima, and \$230,000 is provided solely to the city of Yakima to replace and relocate ballfields. It is intended that no funds be distributed to the city of Yakima until the transfer of the Noel field property is complete.

Reappropriation:

State Building Construction Account--State	\$346,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Youth Recreational Facilities Program (06-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.135.

The following projects are eligible for funding:

Projects	Location	Recommendation
Clinton and Gloria John clubhouse	Vancouver	\$300,000
Greenbridge youth and family center	Seattle	\$300,000
Mount Angeles clubhouse remodel	Port Angeles	\$40,000
Mukilteo family YMCA skate park	Mukilteo	\$200,000
Girl scouts program center	Spokane	\$300,000
Federal Way Ex3 teen center	Federal Way	\$300,000
Granite Falls clubhouse renovation	Granite Falls	\$120,000
Monroe teen center	Monroe	\$100,000
Springwood youth center	Kent	\$300,000
Lummi youth recreation	Bellingham	\$40,000
H.O.P.E. center	Gig Harbor	\$200,000
South Whidbey commons	Langley	\$200,000
H.O.P.E. center	Lakewood	\$500,000
Tumwater boys and girls club	Tumwater	\$400,000
Total		\$3,300,000

Appropriation:

State Building Construction Account--State	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$11,300,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Historic Courthouse Rehabilitation (06-4-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,550,000 of the appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations completed since January 1, 2003, and improvements to access and accommodations for persons with disabilities. The office of archaeology and historic preservation within the department of community, trade, and economic development shall administer the historic county courthouse grant program. By October 1, 2005, the department shall establish eligibility criteria and a grant application process. A historic courthouse advisory committee shall be established to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall minimize the amount of these funds that are utilized for program administration.

(2) \$450,000 of the appropriation is provided solely for rehabilitation of the Jefferson county clock tower.

Appropriation:

State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for job and community development projects under the provisions of chapter . . . (Engrossed Substitute House Bill No. 1903), Laws of 2005. If the bill is not enacted by June 30, 2005, the appropriation shall lapse.

(2) \$1,000,000 of the public works assistance account--state appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

Projects	Recommendation
Agriculture innovation center	\$1,000,000
Bellingham waterfront restoration/farmers market	\$2,300,000
Bremerton Harborside	\$5,500,000
Burien town square	\$3,000,000
Carnation sewer	\$2,000,000
City of Covington	\$1,000,000
Infrastructure for Renton Boeing property	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,500,000
Port of Walla Walla wine incubator	\$1,000,000
Rainier court	\$1,900,000
Redevelop Snohomish riverfront	\$3,000,000
Ridgefield employment center project	\$1,500,000
Wine and culinary arts center in Prosser	\$3,000,000
Yakima town center restoration	\$4,000,000
Total	\$40,700,000

Appropriation:

Public Works Assistance Account--State	\$40,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,700,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East Plaza Repairs (96-1-002)

Reappropriation:

State Vehicle Parking Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$36,567,200
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,567,200

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State

	\$100,000
Prior Biennia (Expenditures)	
	\$106,280,442
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$106,380,442

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

Reappropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	
	\$3,100,000
Future Biennia (Projected Costs)	
	\$24,940,000
TOTAL	\$30,540,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Infrastructure Preservation: Capital Campus (04-1-003)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation shall not be used for studies.

Reappropriation:

Thurston County Capital Facilities Account--State	\$750,000
Prior Biennia (Expenditures)	
	\$1,350,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$2,100,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Facility Preservation: Statewide (04-1-004)

Reappropriation:

Thurston County Capital Facilities Account--State	\$200,000
Prior Biennia (Expenditures)	
	\$5,345,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$5,545,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Historic Buildings - Exterior Preservation (04-1-012)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is for the sole purpose of capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	
	\$1,225,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$1,475,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (02-1-008)	
Appropriation:	
Thurston County Capital Facilities Account--State	\$5,190,000
Prior Biennia (Expenditures)	\$2,939,116
Future Biennia (Projected Costs)	\$12,818,000
TOTAL	\$20,947,116

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Legislative Building Security (04-2-950)

Reappropriation:	
Thurston County Capital Facilities Account--State	\$60,000
Prior Biennia (Expenditures)	\$1,119,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,179,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Emergency Repairs (06-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety.

Appropriation:	
State Building Construction Account--State	\$350,000
Thurston County Capital Facilities Account--State	\$900,000
General Administration Service Account--State	\$150,000
Subtotal Appropriation	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Infrastructure Projects - Savings (06-1-008)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:	
State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Engineering and Architectural Services (06-2-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects

included are all those financed by the state capital budget for the biennium ending June 30, 2007, with individual total project values up to \$20,000,000.

(2) The community and technical capital projects account shall be used to provide services to six community and technical colleges projects that require separate reimbursable project management agreements.

(3) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20,000,000, or for the nonstate funded portion of projects with mixed funding sources.

(4) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2,500,000 for inclusion in the 2006 supplemental capital budget and the 2007-09 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$145,000
State Vehicle Parking Account--State	\$132,815
State Building Construction Account--State	\$9,216,771
Community/Technical College Capital Projects Account--State	\$1,723,892
Thurston County Capital Facilities Account--State	\$461,307
General Administration Service Account--State	\$103,839
Subtotal Appropriation	\$11,783,624
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$43,464,100
TOTAL	\$55,247,724

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building Rehabilitation (06-1-002)

Appropriation:

Thurston County Capital Facilities Account--State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$65,500,000
TOTAL	\$65,900,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highway-License Building Repair and Renewal (06-1-013)

Appropriation:

Thurston County Capital Facilities Account--State	\$925,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,600,000
TOTAL	\$5,525,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Natural Resources Building Repairs and Renewal (06-1-014)

Appropriation:

Thurston County Capital Facilities Account--State	\$502,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,950,000
TOTAL	\$8,452,000
<u>NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Infrastructure: Preservation Minor Works (06-1-004)	
Appropriation:	
State Vehicle Parking Account--State	\$34,000
State Building Construction Account--State	\$1,463,000
Thurston County Capital Facilities Account--State	\$2,033,600
Subtotal Appropriation	\$3,530,600
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,585,000
TOTAL	\$15,115,600
<u>NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Office Facilities: Preservation Minor Works (06-1-003)	
Appropriation:	
Thurston County Capital Facilities Account--State	\$2,965,000
General Administration Service Account--State	\$1,850,000
Subtotal Appropriation	\$4,815,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,239,000
TOTAL	\$21,054,000
<u>NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Parking Facilities: Preservation Minor Works (06-1-007)	
Appropriation:	
State Vehicle Parking Account--State	\$880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,585,000
TOTAL	\$2,465,000
<u>NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)	
Appropriation:	
State Building Construction Account--State	\$1,204,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,270,000
TOTAL	\$3,474,000

NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park Complete Development (01-H-004)

Appropriation:

State Building Construction Account--State	\$1,600,000
Prior Biennia (Expenditures)	\$15,535,774
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,135,774

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol Campus Master Plan and Campus Predisigns (06-2-850)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are contingent upon the enactment of chapter . . . (Engrossed Substitute House Bill No. 1301), Laws of 2005. If the bill is not enacted by June 30, 2005, the entire appropriation in this section shall lapse.

(2) \$200,000 of the general administration services account--state appropriation is provided solely for completion of the capitol campus master plan. The department shall develop the master plan in consultation with the state capitol committee and the legislative buildings committee created in chapter . . . (Engrossed Substitute House Bill No. 1301), Laws of 2005.

(3) \$140,000 of the archives and records account--state appropriation is provided solely for the secretary of state to conduct a predesign that explores alternatives for the Washington state library and the state archives in Thurston county. The predesign shall include a full range of alternatives for the state library and the state archives, including the feasibility and cost implications of relocating the state library back into the Pritchard building.

(4) \$350,000 of the general administration services account--state appropriation is provided solely for a predesign and associated studies for a new executive office building on the capitol campus.

(5) The predisigns in this section are subject to review and approval by the office of financial management in accordance with section 903 of this act.

(6) The predisigns in this section shall be consistent with the master plan developed under subsection (2) of this section.

Appropriation:

Archives and Records Account--State	\$140,000
General Administration Services Account--State	\$550,000
Subtotal Appropriation	\$690,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$690,000

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Omnibus (06-1-005)

The appropriations in this section are subject to the following conditions and limitations: The department will assist in the relocation of the statute law committee offices from the legislative building to the Pritchard building. The vacated space is intended for additional offices for the house of representatives.

Appropriation:

State Building Construction Account--State	\$1,317,000
Thurston County Capital Facilities Account--State	\$878,000
Subtotal Appropriation	\$2,195,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,195,000

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT

Bremerton Readiness Center (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$11,023,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,823,000

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT

Construct Spokane Readiness Center (04-2-003)

Reappropriation:

General Fund--Federal	\$7,800,000
State Building Construction Account--State	\$3,300,000
Subtotal Reappropriation	\$11,100,000
Prior Biennia (Expenditures)	\$2,468,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,568,000

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT

Omnibus Support to Federal Preservation Projects (04-1-003)

Reappropriation:

General Fund--Federal	\$6,300,000
State Building Construction Account--State	\$1,100,000
Subtotal Reappropriation	\$7,400,000
Prior Biennia (Expenditures)	\$6,548,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,948,000

NEW SECTION. Sec. 162. FOR THE MILITARY DEPARTMENT

Preservation Projects - Statewide (04-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.

Reappropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$513,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,113,000

NEW SECTION. Sec. 163. FOR THE MILITARY DEPARTMENT

Alteration of Building No. 2, Camp Murray (05-1-001)

Reappropriation:

General Fund--Federal	\$140,000
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Appropriation:

General Fund--Federal	\$1,260,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000
<u>NEW SECTION. Sec. 164. FOR THE MILITARY DEPARTMENT</u>	
Courseware Development Support Facility (05-2-002)	
Reappropriation:	
General Fund--Federal	\$138,000
Appropriation:	
General Fund--Federal	\$1,237,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,375,000
<u>NEW SECTION. Sec. 165. FOR THE MILITARY DEPARTMENT</u>	
Design and Construct Olympia Area Readiness Center (06-2-002)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is for a redesign to develop alternatives for the consolidation of the Olympia and Centralia readiness centers.	
Appropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,062,000
TOTAL	\$23,312,000
<u>NEW SECTION. Sec. 166. FOR THE MILITARY DEPARTMENT</u>	
Auditorium and Instructor Support Facility (06-2-003)	
Appropriation:	
General Fund--Federal	\$1,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,390,000
<u>NEW SECTION. Sec. 167. FOR THE MILITARY DEPARTMENT</u>	
Infrastructure Projects-Savings (06-1-022)	
The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1
<u>NEW SECTION. Sec. 168. FOR THE MILITARY DEPARTMENT</u>	
Kent Readiness Center Preservation (06-1-001)	
Appropriation:	
General Fund--Federal	

	\$750,000
State Building Construction Account--State	
Subtotal Appropriation	\$386,000
Prior Biennia (Expenditures)	\$1,136,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$1,136,000
<u>NEW SECTION. Sec. 169. FOR THE MILITARY DEPARTMENT</u>	
National Guard Headquarter's Building Preservation (06-1-002)	
Appropriation:	
State Building Construction Account--State	
Subtotal Appropriation	\$643,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$643,000
<u>NEW SECTION. Sec. 170. FOR THE MILITARY DEPARTMENT</u>	
Omnibus Preservation Projects - Statewide (06-1-003)	
Appropriation:	
State Building Construction Account--State	
Subtotal Appropriation	\$2,723,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,723,000
	\$14,723,000
<u>NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT</u>	
Omnibus Support for Federal Minor Works Projects - Statewide (06-2-001)	
Appropriation:	
General Fund--Federal	
State Building Construction Account--State	
Subtotal Appropriation	\$15,851,000
Prior Biennia (Expenditures)	\$3,142,000
Future Biennia (Projected Costs)	\$18,993,000
TOTAL	\$0
	\$77,571,000
	\$96,564,000
<u>NEW SECTION. Sec. 172. FOR THE STATE CONVENTION AND TRADE CENTER</u>	
Minor Works: Facility Preservation (06-1-001)	
Appropriation:	
State Convention and Trade Center Account--State	
Subtotal Appropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,770,000
TOTAL	\$9,770,000

(End of part)

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (06-1-100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system. The criminal justice training commission shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects and shall develop policies and procedures to ensure efficient use and implementation of such procedures.

Appropriation:

Education Construction Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 202. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Washington State Criminal Justice Training Commission Omnibus Minor Works (06-1-003)

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$925,000
State Building Construction Account--State	\$830,000
Subtotal Reappropriation	\$1,755,000
Prior Biennia (Expenditures)	\$5,654,300
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,409,300

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New IMU, Health Center, and Administration (06-2-202)

Appropriation:

State Building Construction Account--State	\$13,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,250,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation - Acute Mental Health Unit: New Facilities (04-2-203)

Appropriation:

State Building Construction Account--State	
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	\$5,800,000
Prior Biennia (Expenditures)	
	\$200,000
Future Biennia (Projected Costs)	
	\$7,400,000
TOTAL	
	\$13,400,000
<u>NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Western State Hospital: Legal Offender Unit (98-2-052)	
Reappropriation:	
State Building Construction Account--State	
	\$500,000
Prior Biennia (Expenditures)	
	\$50,794,341
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$51,294,341
<u>NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)	
Reappropriation:	
State Building Construction Account--State	
	\$900,000
Prior Biennia (Expenditures)	
	\$900,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,800,000
<u>NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)	
Reappropriation:	
State Building Construction Account--State	
	\$500,000
Prior Biennia (Expenditures)	
	\$5,605,495
Future Biennia (Projected Costs)	
	\$16,100,000
TOTAL	
	\$22,205,495
<u>NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)	
The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds reappropriated in this section may be transferred to minor works-health, safety, and code requirements (project No. 06-1-111) for expenditure for minor works projects.	
Reappropriation:	
State Building Construction Account--State	
	\$1,200,000
Prior Biennia (Expenditures)	
	\$27,359,008
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$28,559,008
<u>NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health: Omnibus Programmatic Projects (04-2-365)	
Reappropriation:	
State Building Construction Account--State	
	\$450,000
Prior Biennia (Expenditures)	
	\$300,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000
<u>NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Facility Preservation (04-1-112)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Health, Safety, and Code Requirements (04-1-111)	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Infrastructure Preservation (04-1-113)	
Reappropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Rainier School - Wastewater Treatment Plant: Construction (Buckley) (04-1-950)	
Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$60,000
Prior Biennia (Expenditures)	\$190,000
Future Biennia (Projected Costs)	\$4,350,000
TOTAL	\$4,600,000
<u>NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Residential Habilitation Center Consolidation (04-1-958)	
Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$2,100,000
State Building Construction Account--State	\$2,000,000
Subtotal Reappropriation	\$4,100,000
Prior Biennia (Expenditures)	\$1,900,000
Future Biennia (Projected Costs)	\$0

	\$0
TOTAL	\$6,000,000
<u>NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Special Commitment Center - Regional Secure Community Transition Facility: New 12 Bed Facility (04-2-502)	
Reappropriation:	
State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000
<u>NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Statewide: Emergency and Unanticipated Repair Projects (04-1-116)	
Reappropriation:	
State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000
<u>NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)	
Appropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Capital Project Management (06-1-110)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$2,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,100,000
TOTAL	\$13,350,000
<u>NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Eastern State Hospital - Westlake Building: Fire Alarm Upgrade (06-1-370)	
Appropriation:	
State Building Construction Account--State	\$1,650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,650,000
<u>NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Fircrest School - Health and Safety Improvements (06-1-852)	
Appropriation:	

State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000
 <u>NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
 <u>NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Lakeland Village - Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)	
Appropriation:	
State Building Construction Account--State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,100,000
TOTAL	\$7,500,000
 <u>NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - Clark County: Center for Community Health (06-4-351)	
Appropriation:	
State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000
 <u>NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - CLIP Facilities: Preservation (06-4-353)	
Appropriation:	
State Building Construction Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000
 <u>NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - Highline Mental Health: Preservation (06-4-313)	
Appropriation:	
State Building Construction Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0

		\$50,000
	<u>NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Mental Health Division - North Sound Evaluation and Treatment: Air Conditioning (06-4-356)	
Appropriation:		
	State Building Construction Account--State	
		\$35,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$35,000
	<u>NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Mental Health Division - Eastern Washington: Evaluation and Treatment (06-4-352)	
Appropriation:		
	State Building Construction Account--State	
		\$1,500,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$1,500,000
	TOTAL	\$3,000,000
	<u>NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Mental Health: Omnibus Programmatic Projects (06-2-365)	
Appropriation:		
	State Building Construction Account--State	
		\$1,000,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$1,000,000
	<u>NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Omnibus Preservation: Facility Preservation (06-1-112)	
Appropriation:		
	State Building Construction Account--State	
		\$3,000,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$3,000,000
	<u>NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Omnibus Preservation: Health, Safety and Code Requirements (06-1-111)	
Appropriation:		
	State Building Construction Account--State	
		\$5,000,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$5,000,000
	<u>NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
	Omnibus Preservation: Infrastructure Preservation (06-1-113)	
Appropriation:		
	State Building Construction Account--State	
		\$3,000,000
	Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$3,000,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Project Savings: Infrastructure and Preservation Projects (06-1-114)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.

Appropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,600,000
TOTAL	\$4,400,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Preservation Planning, Phase 2 (06-1-120)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
TOTAL	\$700,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Hazards Abatement and Demolition (06-1-119)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,700,000
TOTAL	\$9,000,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Laundry: New Construction (06-3-325)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to assess the feasibility of constructing a new western state hospital laundry using certificates of participation. The feasibility analysis shall include, but not be limited to, the following:

- (1) An assessment of the feasibility and costs for remodeling the existing building versus new construction;
- (2) An assessment of what facilities and equipment would be required to process the laundry for western state hospital, Rainier school, and Francis Haddon Morgan center;
- (3) An assessment of other potential clients to western state hospital laundry operations; and
- (4) An assessment of the region for the processing of western state hospital, Rainier school, and Francis Haddon Morgan center laundry including private vendors, nonprofit vendors, the department of corrections, or others.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pediatric Interim Care Newborn Nursery (06-4-951)

Appropriation:

State Building Construction Account--State	\$617,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$617,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Cliff Bailey Center (06-4-952)

Appropriation:

State Building Construction Account--State	\$225,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$225,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation Administration Strategic Facilities Study (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the development of a strategic facilities plan, based on data from the caseload forecast council and the September 2004 juvenile rehabilitation master plan, which considers the strategic direction of the juvenile rehabilitation administration and its changing demographics. In developing the plan, the appropriateness of the location of facilities, both in terms of community impacts and the value of the location in program function, should be considered as well as the capital, opportunity, and operational costs of consolidated or alternative facilities. The department of social and health services shall report to the fiscal committees of the legislature no later than November 1, 2005.

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000
<u>NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Special Commitment Center on McNeil Island: Additional Capacity (06-2-505)	
Appropriation:	
State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,500,000
TOTAL	\$21,600,000
<u>NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF HEALTH</u>	
Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for a comprehensive predesign exploring all alternatives for a biosafety level 3 facility and central receiving area. The agency shall also explore the feasibility of collaboration and colocation with the University of Washington's proposed bioresearch laboratory. The predesign is subject to review and approval by the office of financial management in accordance with section 903 of this act.	
Reappropriation:	
State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$101,485
Future Biennia (Projected Costs)	\$0
TOTAL	\$301,485
<u>NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF HEALTH</u>	
Public Health Laboratory: Chiller Plant Upgrade (02-1-004)	
Reappropriation:	
State Building Construction Account--State	\$2,040,000
Appropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$315,142
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,855,142
<u>NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF HEALTH</u>	
Drinking Water Assistance Program (04-4-003)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.	
Reappropriation:	
Drinking Water Assistance Account--Federal	\$29,820,094
Prior Biennia (Expenditures)	\$16,401,906
Future Biennia (Projected Costs)	\$0

TOTAL

\$46,222,000

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for an interagency agreement with the department of community, trade and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal

\$28,122,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$112,488,000

TOTAL

\$140,610,000

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Roof Replacement (06-1-002)

Appropriation:

State Building Construction Account--State

\$1,625,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$1,625,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF VETERANS AFFAIRS

240 Bed Nursing Facility (02-2-008)

Reappropriation:

General Fund--Federal

\$500,000

State Building Construction Account--State

\$1,670,000

Subtotal Reappropriation

\$2,170,000

Prior Biennia (Expenditures)

\$46,730,700

Future Biennia (Projected Costs)

\$0

TOTAL

\$48,900,700

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Spokane Veterans Home Kitchen (04-2-004)

Reappropriation:

General Fund--Federal

\$200,000

Prior Biennia (Expenditures)

\$753,830

Future Biennia (Projected Costs)

\$0

TOTAL

\$953,830

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency Funds (06-1-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State

Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	\$2,500,000
Infrastructure Projects - Savings (06-1-001)	
The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$1
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
<u>NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	\$1
Minor Works Health, Safety, Code Requirements (06-1-007)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	
Prior Biennia (Expenditures)	\$120,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
<u>NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	\$120,000
Minor Works Infrastructure Preservation (06-1-002)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	
Prior Biennia (Expenditures)	\$55,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$816,912
<u>NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS</u>	\$871,912
Coyote Ridge Corrections Center: Expansion (98-2-011)	
The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the development of a request for proposal and the selection and management of a proposer to, at a minimum, design and construct a medium/hybrid security prison at Coyote Ridge corrections center in Connell, Washington.	
Reappropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$921,140
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,070,000
Appropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$986,347
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,977,487

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries Space (98-2-005)

Reappropriation:

State Building Construction Account--State	\$3,549,994
Prior Biennia (Expenditures)	\$4,250,006
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,800,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal	\$66,667
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$8,333
Subtotal Reappropriation	\$75,000
Prior Biennia (Expenditures)	\$505,993
Future Biennia (Projected Costs)	\$0
TOTAL	\$580,993

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

General Fund--Federal	\$819,229
State Building Construction Account--State	\$18,674,000
Subtotal Reappropriation	\$19,493,229
Prior Biennia (Expenditures)	\$19,944,803
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,438,032

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Electrical Supply System (02-1-024)

Reappropriation:

State Building Construction Account--State	\$425,000
Prior Biennia (Expenditures)	\$7,878,715
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,303,715

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)

Reappropriation:

State Building Construction Account--State	\$925,000
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Appropriation:

State Building Construction Account--State	\$1,962,235
Prior Biennia (Expenditures)	

	\$1,457,167
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,344,402
<u>NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS</u>	
McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)	
Reappropriation:	
State Building Construction Account--State	\$3,200,000
Appropriation:	
State Building Construction Account--State	\$1,856,331
Prior Biennia (Expenditures)	\$1,702,000
Future Biennia (Projected Costs)	\$0
TOTAL	
	\$6,758,331
<u>NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Facility Preservation (Minor Works) (04-1-001)	
Reappropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$2,852,961
Future Biennia (Projected Costs)	\$0
TOTAL	
	\$4,052,961
<u>NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Health, Safety, and Code (04-1-021)	
Reappropriation:	
State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$1,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	
	\$3,750,000
<u>NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Infrastructure Preservation (Minor Works) (04-1-003)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	
	\$4,000,000
<u>NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center: Regional Infrastructure (04-2-008)	
Reappropriation:	
State Building Construction Account--State	\$4,593,000
Appropriation:	
State Building Construction Account--State	\$11,196,001
Prior Biennia (Expenditures)	\$57,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$15,846,001
<u>NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)	
Reappropriation:	
State Building Construction Account--State	\$15,600,000
Prior Biennia (Expenditures)	\$2,209,202
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,809,202
<u>NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: North Close Security Compound (04-2-005)	
Reappropriation:	
State Building Construction Account--State	\$124,000,000
Appropriation:	
State Building Construction Account--State	\$6,818,000
Prior Biennia (Expenditures)	\$9,940,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$140,758,000
<u>NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)	
Appropriation:	
State Building Construction Account--State	\$4,752,053
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,752,053
<u>NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Clallam Bay Corrections Center: Replace Water Tanks (06-1-003)	
Appropriation:	
State Building Construction Account--State	\$1,501,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,501,000
<u>NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)	
Appropriation:	
State Building Construction Account--State	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,500,000
TOTAL	\$11,600,000

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Improve C and D Units Security Features (06-1-046)

Appropriation:

State Building Construction Account--State	\$2,898,269
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,898,269

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Predesign/Design Replace/Stabilize Housing Unit Siding (06-1-005)

Appropriation:

State Building Construction Account--State	\$794,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,214,000
TOTAL	\$9,008,000

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek: Add 120 Beds (06-2-017)

Appropriation:

State Building Construction Account--State	\$3,425,184
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,425,184

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)

Appropriation:

State Building Construction Account--State	\$3,833,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,200,000
TOTAL	\$21,033,000

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)

Appropriation:

State Building Construction Account--State	\$4,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,054,000
TOTAL	\$22,154,000

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)

Appropriation:

State Building Construction Account--State	\$3,826,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$16,800,000
TOTAL	\$20,626,000
<u>NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)	
Appropriation:	
State Building Construction Account--State	\$1,915,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$13,915,000
<u>NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)	
Appropriation:	
State Building Construction Account--State	\$1,593,266
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,593,266
<u>NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Emergency Projects (06-1-036)	
The appropriations in this section are subject to the following conditions and limitations: The appropriations shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$900,000
State Building Construction Account--State	\$1,500,000
Subtotal Appropriation	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	\$12,000,000
<u>NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Infrastructure Projects - Savings (06-1-001)	
The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1
<u>NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Statewide: Inflow and Infiltration Analysis (06-2-034)	
Appropriation:	

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Statewide: Seismic Study (06-1-039)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Class II/Class III Offender Work Program Master Plan (06-2-075)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000
<u>NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center: Predesign/Design Health Care Facility Remodel (06-2-072)	
Appropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,834,000
TOTAL	\$12,034,000
<u>NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center: Replace G Building Roof (06-1-077)	
Appropriation:	
State Building Construction Account--State	\$3,776,477
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,776,477
<u>NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center for Women: Predesign/Design Replace Steamlines (06-1-018)	
Appropriation:	
State Building Construction Account--State	\$1,016,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$1,016,000
<u>NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Design South Close Security Complex (06-2-021)	
Appropriation:	
State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,917,295
TOTAL	\$58,917,295
<u>NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Replace 6 Wing Roof (06-1-009)	
Appropriation:	
State Building Construction Account--State	\$1,096,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,096,000
<u>NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Replace Correctional Industries Roof (06-1-023)	
Appropriation:	
State Building Construction Account--State	\$2,772,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,772,000
<u>NEW SECTION. Sec. 289. FOR THE EMPLOYMENT SECURITY DEPARTMENT</u>	
Employment Resource Center (05-2-001)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).	
Reappropriation:	
Unemployment Compensation Administration Account--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000
<u>NEW SECTION. Sec. 290. FOR THE EMPLOYMENT SECURITY DEPARTMENT</u>	
Walla Walla WorkSource Office: Training Room Expansion (06-2-001)	
The appropriation in this section is subject to the following conditions and limitations: This appropriation is to build a training and meeting room at the Walla Walla WorkSource building using funds available to the state in section 903(d) of the Social Security Act (Reed act).	
Appropriation:	
Unemployment Compensation Administration Account--Federal	\$250,000
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$250,000(End of part)

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY
Water Supply Facilities (74-2-006)

Reappropriation:

State Drought Preparedness--State	\$205,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$2,869,674
Subtotal Reappropriation	\$3,074,674
Prior Biennia (Expenditures)	\$2,431,709
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,506,383

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Fund (86-2-007)

Reappropriation:

Public Works Assistance Account--State	\$287,359
Water Quality Account--State	\$1,293,656
Subtotal Reappropriation	\$1,581,015
Prior Biennia (Expenditures)	\$3,761,004
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,342,019

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Grants for Cleanup and Prevention (88-2-008)

Reappropriation:

Local Toxics Control Account--State	\$8,400,000
Prior Biennia (Expenditures)	\$250,435,524
Future Biennia (Projected Costs)	\$0
TOTAL	\$258,835,524

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal	\$13,828,872
Prior Biennia (Expenditures)	\$13,528,483
Future Biennia (Projected Costs)	\$0

TOTAL	\$27,357,355
<u>NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY</u>	
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)	
Reappropriation:	
Site Closure Account--State	\$5,131,732
Prior Biennia (Expenditures)	\$1,087,335
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,219,067
<u>NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Irrigation Efficiencies (01-H-010)	
The reappropriations in this section are subject to the following conditions and limitations:	
(1) The reappropriations are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.	
(2) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.	
Reappropriation:	
State Building Construction Account--State	\$495,963
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$2,983,926
Water Quality Account--State	\$1,663,103
Subtotal Reappropriation	\$5,142,992
Prior Biennia (Expenditures)	\$1,979,657
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,122,649
<u>NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Measuring Devices (01-H-009)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.	
Reappropriation:	
State Building Construction Account--State	\$1,611,941
Prior Biennia (Expenditures)	\$1,088,059
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,700,000
<u>NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY</u>	
Centennial Clean Water Fund (02-4-007)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Account--State	\$5,828,687
Prior Biennia (Expenditures)	\$7,874,259
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,702,946

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal	\$1,693,690
State Building Construction Account--State	\$281,734
Subtotal Reappropriation	\$1,975,424
Prior Biennia (Expenditures)	\$3,849,509
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,824,933

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State	\$47,002,053
Water Pollution Control Revolving Account--Federal	\$774,704
Subtotal Reappropriation	\$47,776,757
Prior Biennia (Expenditures)	\$91,623,880
Future Biennia (Projected Costs)	\$0
TOTAL	\$139,400,637

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (02-4-006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$3,243,909
Prior Biennia (Expenditures)	\$2,201,906
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,445,815

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (04-4-007)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account--state reappropriation is provided for the extended grant payment to metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state reappropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state reappropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$760,000 of the state building construction account--state reappropriation is provided solely for the Klickitat wastewater treatment project.

(5) \$800,000 of the state building construction account--state reappropriation is provided solely for the comprehensive irrigation district management program.

(6) \$150,000 of the water quality account--state reappropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.

(7) The remaining reappropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$10,981,926
Water Quality Account--State	\$8,109,075
Subtotal Reappropriation	\$19,091,001
Prior Biennia (Expenditures)	\$25,958,999
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,050,000

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Columbia Basin Ground Water Management (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of ecology to make grants to implement the Columbia basin ground water management area plan.

Reappropriation:

Water Quality Account--State	\$250,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (04-4-008)

Reappropriation:

Local Toxics Control Account--State	\$24,208,000
Prior Biennia (Expenditures)	\$249,042,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$273,250,000

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY

Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)

Reappropriation:

Site Closure Account--State	\$1,135,470
Prior Biennia (Expenditures)	\$5,945
Future Biennia (Projected Costs)	

TOTAL

\$0

\$1,141,415

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (04-2-951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water right applications and restoration of the Twin Lakes in the Methow valley.

Reappropriation:

State Building Construction Account--State

\$715,000

Prior Biennia (Expenditures)

\$35,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$750,000

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (04-4-002)

Reappropriation:

Water Pollution Control Revolving
Account--State

\$54,935,416

Water Pollution Control Revolving
Account--Federal

\$33,730,455

Subtotal Reappropriation

\$88,665,871

Prior Biennia (Expenditures)

\$65,128,587

Future Biennia (Projected Costs)

\$0

TOTAL

\$153,794,458

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Reappropriation:

State Drought Preparedness--State

\$1,470,000

Prior Biennia (Expenditures)

\$30,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$1,500,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (04-4-006)

The reappropriations in this section are subject to the following conditions and limitations:

(1)(a) \$541,951 of the state building construction account reappropriation and \$1,733,812 of the state and local improvements revolving account reappropriation are provided solely for expenditure under a contract between the department of ecology and the United States bureau of reclamation for the development of plans, engineering, and financing reports and other preconstruction activities associated with the development of water storage projects in the Yakima river basin, consistent with the Yakima river basin water enhancement project, P.L. 103-434. It is the intent of the legislature that the contract include provision for participation of the Yakama nation, on a government-to-government basis, in the development of plans and other preconstruction activities concerning salmon recovery and instream flow. The initial water storage feasibility study shall be for the Black Rock reservoir project. The department shall seek federal funds to augment the funding provided by this appropriation.

(b) Up to \$2,240,000 of the state building construction account--state reappropriation is provided solely for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(c) The remainder of the state building construction account reappropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this reappropriation.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$5,759,519
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$4,779,173
Subtotal Reappropriation	\$10,538,692
Prior Biennia (Expenditures)	\$3,111,308
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,650,000

NEW SECTION. Sec. 320. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State	\$2,186,549
Prior Biennia (Expenditures)	\$13,451
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 321. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$424,085
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Appropriation:

State Building Construction Account--State	\$3,878,000
Prior Biennia (Expenditures)	\$100,915
Future Biennia (Projected Costs)	\$4,676,000
TOTAL	\$9,079,000

NEW SECTION. Sec. 322. FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements revolving account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state reappropriation is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Reappropriation:

Water Quality Account--State	\$525,000
State Building Construction Account--State	\$3,500,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$1,772,949
Subtotal Reappropriation	\$5,797,949
Prior Biennia (Expenditures)	\$2,051
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,800,000

NEW SECTION. Sec. 323. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county.

(5) \$320,000 of the water quality account--state appropriation is provided to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation will be provided to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation will be provided to Jefferson county for surveys of septic systems in Hood Canal.

(8) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	\$35,000,000
Water Quality Account--State	\$8,000,000
Subtotal Appropriation	\$43,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$211,808,000
	\$254,808,000

NEW SECTION. Sec. 324. FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

Reappropriation:

State Drought Preparedness Account--State	\$8,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,200,000

NEW SECTION. Sec. 325. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$67,000,000 of the appropriation is provided solely for remedial action grants.

Appropriation:

Local Toxics Control Account--State	\$90,000,000
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$315,000,000

NEW SECTION. Sec. 326. FOR THE DEPARTMENT OF ECOLOGY

Minor Works (06-1-004)

Appropriation:

State Building Construction Account--State	\$555,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$555,000

NEW SECTION. Sec. 327. FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

Appropriation:

State Toxics Control Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL

\$500,000

NEW SECTION. Sec. 328. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (06-2-009)

Appropriation:

State Building Construction Account--State

\$3,500,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$14,000,000

TOTAL

\$17,500,000

NEW SECTION. Sec. 329. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The appropriations in this section are subject to the following conditions and limitations: The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

Appropriation:

Water Pollution Control Revolving
Account--State

\$162,839,146

Water Pollution Control Revolving
Account--Federal

\$76,777,140

Subtotal Appropriation

\$239,616,286

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$912,000,000

TOTAL

\$1,151,616,286

NEW SECTION. Sec. 330. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriation in this section is subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration.

The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Appropriation:

State Building Construction Account--State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION

Donation for Construction of Cama Beach State Park (99-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The funding is solely and directly from donations intended for this facility.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local	
	\$249,951
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$249,951

NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark Bicentennial (00-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park, Beacon Rock state park, and Cape Disappointment state park.

Reappropriation:

State Building Construction Account--State	\$1,600,000
Prior Biennia (Expenditures)	\$2,437,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,037,000

NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Reappropriation:

State Building Construction Account--State	\$1,200,000
Parks Renewal and Stewardship Account--State	\$200,000
Subtotal Reappropriation	\$1,400,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000
<u>NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Park Housing (02-2-008)	
Reappropriation:	
State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$1,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000
<u>NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Spokane Centennial Trail - Unanticipated receipt (03-2-001)	
Reappropriation:	
General Fund--Private/Local	\$50,000
Prior Biennia (Expenditures)	\$162,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$212,000
<u>NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Deception Pass Renovation (04-1-019)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is for design and permits for park and marine crew area relocation.	
Reappropriation:	
State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Historic Stewardship (04-1-010)	
Reappropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Minor Works: Facility Preservation (04-1-001)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.	
Reappropriation:	
State Building Construction Account--State	\$147,269
Parks Renewal and Stewardship Account--State	\$2,600,000
Subtotal Reappropriation	\$2,747,269
Prior Biennia (Expenditures)	

	\$4,990,231
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,737,500
<u>NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Parkland Acquisition (04-2-013)	
Reappropriation:	
Parkland Acquisition Account--State	
	\$412,690
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$412,690
<u>NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Recreation Development (04-2-002)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.	
(2) \$900,000 of the reappropriation shall be used to install fee collection stations at selected parks statewide.	
(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.	
Reappropriation:	
State Building Construction Account--State	
	\$700,000
Prior Biennia (Expenditures)	
	\$2,200,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$2,900,000
<u>NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)	
Reappropriation:	
General Fund--Federal	
	\$800,000
Prior Biennia (Expenditures)	
	\$200,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,000,000
<u>NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Jefferson County Public Utility District Grant (05-1-006)	
Reappropriation:	
Parks Renewal and Stewardship Account--Private/Local	
	\$265,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$265,000
<u>NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Donation for Construction of Cama Beach State Park (06-2-853)	
Appropriation:	
Parks Renewal and Stewardship Account--Private/Local	

	\$1,916,036
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,916,036
<u>NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Beacon Rock - Pierce Trust (06-1-030)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The appropriation in this section is provided to make improvements to the group camp at Beacon Rock state park.	
(2) The funding has been provided solely and directly for this project.	
Appropriation:	
Parks Renewal and Stewardship Account--Private/Local	
	\$350,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$350,000
<u>NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Cama Beach - New Destinations (06-2-011)	
Appropriation:	
State Building Construction Account--State	
	\$3,820,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$1,700,000
TOTAL	
	\$5,520,000
<u>NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Cape Disappointment - Renewed Traditions (06-2-027)	
Appropriation:	
State Building Construction Account--State	
	\$1,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$3,000,000
TOTAL	
	\$4,000,000
<u>NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Coastal Parks - Renewed Traditions (06-2-012)	
Appropriation:	
State Building Construction Account--State	
	\$1,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,000,000
<u>NEW SECTION. Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Hoko River Initial Property Development (06-2-850)	
Appropriation:	
State Building Construction Account--State	
	\$100,000
Prior Biennia (Expenditures)	
	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000
<u>NEW SECTION. Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Cowan Barn and House (06-2-851)	
Appropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000
<u>NEW SECTION. Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Deception Pass - Renewed Traditions (06-2-013)	
Appropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000
<u>NEW SECTION. Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Emergency and Unforeseen Needs (06-1-024)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is not intended to be used for routine maintenance.	
Appropriation:	
State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,750,000
<u>NEW SECTION. Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Facility Preservation - Facilities (06-1-004)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) Up to \$2,000,000 may be used toward deferred maintenance projects after the reappropriation in project 04-1-001 has been expended. A list will be provided to the office of financial management before funds from this project will be allotted for deferred maintenance.	
(2) \$600,000 of the appropriation shall be used to replace the wastewater system at Dosewallips state park.	
Appropriation:	
State Building Construction Account--State	\$18,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,000,000
<u>NEW SECTION. Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Federal Authority (06-2-021)	
Appropriation:	
General Fund--Federal	\$500,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Fort Worden - Facilities (06-1-003)	
Appropriation:	
State Building Construction Account--State	\$2,530,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,530,000
<u>NEW SECTION. Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Historic Stewardship - Stewardship (06-1-002)	
Appropriation:	
State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000
<u>NEW SECTION. Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Ice Age Floods - Cherished Resources (06-2-014)	
Appropriation:	
State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$1,300,000
<u>NEW SECTION. Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Local Authority (06-2-022)	
Appropriation:	
Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Natural Resources - Stewardship (06-1-001)	
Appropriation:	
State Building Construction Account--State	\$860,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$860,000
<u>NEW SECTION. Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Parkland Acquisition Account (06-2-020)	

Appropriation:

Parkland Acquisition Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach - Chelan County Public Utility District (06-1-023)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

(2) The funding is provided by Chelan county public utility district solely and directly for the work referenced in subsection (1) of this section.

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION

Trails (06-2-017)

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the appropriation is provided solely for the development of the North creek trail in the city of Mill Creek.

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION

Southeast Washington Parks (06-2-852)

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION

Road Development - Facilities (06-1-008)	
Appropriation:	
State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION

Revenue Creation - Financial Strategy (06-2-010)

Appropriation:	
State Building Construction Account--State	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$15,200,000

NEW SECTION. Sec. 366. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Projects (BFP) (98-2-001)

Reappropriation:	
Recreation Resources Account--State	\$4,116,820
Prior Biennia (Expenditures)	\$15,457,191
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,574,011

NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:	
Firearms Range Account--State	\$31,478
Prior Biennia (Expenditures)	\$542,191
Future Biennia (Projected Costs)	\$0
TOTAL	\$573,669

NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)

Reappropriation:	
Nonhighway and Off-Road Vehicle Activities Program Account--State	\$1,243,986
Prior Biennia (Expenditures)	\$9,851,937
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,095,923

NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:	
Outdoor Recreation Account--State	

Habitat Conservation Account--State	\$4,547,515
Subtotal Reappropriation	\$1,170,894
Prior Biennia (Expenditures)	\$5,718,409
Future Biennia (Projected Costs)	\$71,883,173
TOTAL	\$0
	\$77,601,582
<u>NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Aquatic Lands Enhancement Account Reappropriation (00-2-014)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$161,668
Prior Biennia (Expenditures)	\$1,097,397
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,259,065
<u>NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Salmon Recovery Funding Board Programs (SRFB) (00-2-001)	
Reappropriation:	
General Fund--Federal	\$11,227,424
Salmon Recovery Account--State	\$2,366,010
Subtotal Reappropriation	\$13,593,434
Prior Biennia (Expenditures)	\$88,031,707
Future Biennia (Projected Costs)	\$0
TOTAL	\$101,625,141
<u>NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Aquatic Lands Enhancement Grants (02-4-018)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$213,720
Prior Biennia (Expenditures)	\$2,440,712
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,654,432
<u>NEW SECTION. Sec. 373. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Facilities Program (BFP) (02-4-001)	
Reappropriation:	
Recreation Resources Account--State	\$2,455,586
Prior Biennia (Expenditures)	\$4,478,427
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,934,013
<u>NEW SECTION. Sec. 374. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Infrastructure Grant (BIG) (02-4-010)	
Reappropriation:	

Recreation Resources Account--Federal	\$1,322,153
Prior Biennia (Expenditures)	\$677,847
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 375. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Firearms and Archery Range Program (02-0-001)	
Reappropriation:	
Firearms Range Account--State	\$44,677
Prior Biennia (Expenditures)	\$355,323
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000
<u>NEW SECTION. Sec. 376. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Hatchery Management Program (02-4-009)	
Reappropriation:	
General Fund--Federal	\$3,704,190
Prior Biennia (Expenditures)	\$7,495,810
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,200,000
<u>NEW SECTION. Sec. 377. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Land and Water Conservation Fund (02-4-005)	
Reappropriation:	
Recreation Resources Account--Federal	\$4,904,639
Prior Biennia (Expenditures)	\$2,595,361
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000
<u>NEW SECTION. Sec. 378. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
National Recreation Trails Program (NRTP) (02-4-006)	
Reappropriation:	
Recreation Resources Account--Federal	\$178,120
Prior Biennia (Expenditures)	\$1,954,816
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,132,936
<u>NEW SECTION. Sec. 379. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Nonhighway Off-Road Vehicle (NOVA) (02-4-002)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.	
(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act	

and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	\$1,262,736
Prior Biennia (Expenditures)	\$4,264,815
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,527,551

NEW SECTION. Sec. 380. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (02-4-007)

Reappropriation:

General Fund--Federal	\$15,785,129
State Building Construction Account--State	\$5,283,674
Subtotal Reappropriation	\$21,068,803
Prior Biennia (Expenditures)	\$53,924,197
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,993,000

NEW SECTION. Sec. 381. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$2,041,864
Habitat Conservation Account--State	\$6,928,926
Subtotal Reappropriation	\$8,970,790
Prior Biennia (Expenditures)	\$36,029,210
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 382. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$4,329,280
Prior Biennia (Expenditures)	\$1,027,120
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,356,400

NEW SECTION. Sec. 383. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (04-4-009)	
Reappropriation:	
General Fund--Federal	\$1,800,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 384. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Facilities Program (BFP) (04-4-003)	
Reappropriation:	
Recreation Resources Account--State	\$3,753,480
Prior Biennia (Expenditures)	\$3,753,479
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,506,959
<u>NEW SECTION. Sec. 385. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Firearms and Archery Range Program (04-4-006)	
Reappropriation:	
Firearms Range Account--State	\$144,997
Prior Biennia (Expenditures)	\$105,003
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 386. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Family Forest Fish Blockages Program (04-4-011)	
Reappropriation:	
State Building Construction Account--State	\$780,379
Prior Biennia (Expenditures)	\$1,219,621
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 387. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Hatchery Management Program (04-4-010)	
Reappropriation:	
General Fund--Federal	\$7,505,749
Prior Biennia (Expenditures)	\$2,494,251
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000
<u>NEW SECTION. Sec. 388. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Land and Water Conservation Fund (04-4-007)	
Reappropriation:	
General Fund--Federal	\$2,833,091
Prior Biennia (Expenditures)	\$2,901,909
Future Biennia (Projected Costs)	

	\$0
TOTAL	\$5,735,000
<u>NEW SECTION. Sec. 389. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
National Recreation Trails Program (NRTP) (04-4-008)	
Reappropriation:	
General Fund--Federal	\$1,130,000
Prior Biennia (Expenditures)	\$1,130,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,260,000
<u>NEW SECTION. Sec. 390. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)	
Reappropriation:	
NOVA Program Account--State	\$5,492,729
Prior Biennia (Expenditures)	\$1,433,581
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,926,310
<u>NEW SECTION. Sec. 391. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Salmon Recovery Funding Board Programs (SRFB) (04-4-001)	
Reappropriation:	
General Fund--Federal	\$32,832,305
State Building Construction Account--State	\$11,500,000
Subtotal Reappropriation	\$44,332,305
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,332,305
<u>NEW SECTION. Sec. 392. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Washington Wildlife and Recreation Program (WWRP) (04-4-002)	
The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.	
Reappropriation:	
Outdoor Recreation Account--State	\$12,272,014
Habitat Conservation Account--State	\$16,707,815
Subtotal Reappropriation	\$28,979,829
Prior Biennia (Expenditures)	\$16,022,171
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,002,000
<u>NEW SECTION. Sec. 393. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Aquatic Lands Enhancement Account (06-4-018)	
The appropriation in this section is subject to the following conditions and limitations:	

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2005-15, developed on April 9, 2005.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2007-2009 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. The list of projects must be submitted to the office of financial management by September 15, 2006.

Appropriation:

Aquatic Lands Enhancement Account--State	\$5,024,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,900,000
TOTAL	\$25,924,500

NEW SECTION. Sec. 394. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

Appropriation:

Recreation Resources Account--State	\$8,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,597,535
TOTAL	\$44,947,535

NEW SECTION. Sec. 395. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (06-4-009)

Appropriation:

General Fund--Federal	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$800,000
TOTAL	\$1,000,000

NEW SECTION. Sec. 396. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (06-4-006)

Appropriation:

Firearms Range Account--State	\$222,300
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$777,470
TOTAL	\$999,770

NEW SECTION. Sec. 397. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 402 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	\$5,000,000
General Fund--Federal	

	\$217,000
Subtotal Appropriation	\$5,217,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,217,000
<u>NEW SECTION. Sec. 398. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Improve Hatchery Management (06-4-010)	
Appropriation:	
General Fund--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000
<u>NEW SECTION. Sec. 399. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Land and Water Conservation Fund (06-4-007)	
Appropriation:	
General Fund--Federal	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$22,500,000
<u>NEW SECTION. Sec. 400. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)	
Appropriation:	
Nonhighway and Off-Road Vehicle Activities Program Account--State	\$7,579,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858
<u>NEW SECTION. Sec. 401. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
National Recreation Trails Program (NRTP) (06-4-008)	
Appropriation:	
General Fund--Federal	\$2,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	\$11,750,000
<u>NEW SECTION. Sec. 402. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Salmon Recovery Funding Board Programs (SRFB) (06-4-001)	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--federal appropriation is provided solely for the state conservation commission to contract with a qualified external vendor to provide a web-based, statewide, single repository with mapping capabilities to track, manage, and report on all habitat projects developed by the forty-seven conservation districts. The commission shall be assisted by the department of information services and the governor's salmon recovery office to select a private vendor. In conjunction with the pilot, the commission will work with the department of ecology, the department of fish and wildlife, and the department

of natural resources to select a watershed in western Washington, in which all habitat projects sponsors will use the single repository and the three natural resource agencies will provide newly collected watershed data to the single repository through use of hand-held data collection devices.

(2) The remaining appropriations are provided solely for grants for other salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Appropriation:

General Fund--Federal	\$44,000,000
State Building Construction Account--State	\$20,000,000
Subtotal Appropriation	\$64,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$304,000,000
TOTAL	\$368,000,000

NEW SECTION. Sec. 403. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds appropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.

(3) Funds appropriated for distribution according to the provisions of RCW 79A.15.040(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Appropriation:

Outdoor Recreation Account--State	\$25,000,000
Habitat Conservation Account--State	\$25,000,000
Subtotal Appropriation	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 404. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (04-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 405. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$8,500,000

NEW SECTION. Sec. 406. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program - Loans (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.

Appropriation:

Conservation Assistance Revolving Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 407. FOR THE STATE CONSERVATION COMMISSION

Puget Sound District Grants (04-4-005)

Reappropriation:

Water Quality Account--State	\$75,000
Prior Biennia (Expenditures)	\$765,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$840,000

NEW SECTION. Sec. 408. FOR THE STATE CONSERVATION COMMISSION

Puget Sound District Grants (06-4-003)

Appropriation:

Water Quality Account--State	\$840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,360,000
TOTAL	\$4,200,000

NEW SECTION. Sec. 409. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (04-4-002)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 410. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (06-4-007)

Appropriation:

State Building Construction Account--State	\$500,000
Water Quality Account--State	\$3,000,000
Subtotal Appropriation	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$19,500,000

NEW SECTION. Sec. 411. FOR THE STATE CONSERVATION COMMISSION

Livestock Water Quality - Landowner Cost Share (06-4-006)

Appropriation:

Water Quality Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,500,000

NEW SECTION. Sec. 412. FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to \$50,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Culvert Replacement (03-S-001)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$1,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Hatchery (04-2-011)

Reappropriation:

State Building Construction Account--State	\$30,000
Prior Biennia (Expenditures)	\$670,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$700,000
<u>NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u> Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)	
Reappropriation:	
State Building Construction Account--State	\$2,550,000
Wildlife Account--State	\$40,000
Subtotal Reappropriation	\$2,590,000
Prior Biennia (Expenditures)	\$1,385,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,975,000
<u>NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u> Fish and Wildlife Opportunity Improvements (04-2-006)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$152,000
Wildlife Account--State	\$500,000
Subtotal Reappropriation	\$652,000
Prior Biennia (Expenditures)	\$1,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,102,000
<u>NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u> Fish and Wildlife Population and Habitat Protection (04-1-002)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,600,000
<u>NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u> Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)	
Reappropriation:	
State Building Construction Account--State	\$4,300,000
Wildlife Account--State	\$180,000
Subtotal Reappropriation	\$4,480,000
Prior Biennia (Expenditures)	\$3,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,900,000
<u>NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u> Internal and External Partnership Improvements (04-1-007)	
Reappropriation:	
General Fund--Federal	

	\$10,000,000
Prior Biennia (Expenditures)	
	\$9,918,418
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$19,918,418
<u>NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Region 1 Office - Spokane (04-2-009)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.	
Reappropriation:	
State Building Construction Account--State	\$50,000
Wildlife Account--State	\$500,000
Subtotal Reappropriation	\$550,000
Prior Biennia (Expenditures)	\$3,850,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,400,000
<u>NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Department of Fish and Wildlife Energy Savings (04-1-016)	
Reappropriation:	
State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)	
Appropriation:	
General Fund--Federal	\$650,000
State Building Construction Account--State	\$7,457,000
Subtotal Appropriation	\$8,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$34,707,000
<u>NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish and Wildlife Opportunity Improvements (06-2-004)	
The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.	
Appropriation:	
Aquatic Lands Enhancement Account--State	\$300,000
State Building Construction Account--State	\$500,000
Warm Water Game Fish Account--State	\$500,000

Wildlife Account--State	\$1,500,000
Subtotal Appropriation	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,900,000
TOTAL	\$15,700,000

NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	\$1,500,000
Wildlife Account--State	\$1,200,000
Subtotal Appropriation	\$9,030,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL	\$43,950,000

NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvement (06-1-001)

The appropriations in this section are subject to the following conditions and limitations: \$380,000 of the state building construction account--state appropriation shall be used to implement a pollution abatement pond and fish passage corrections or improvements at the Hoodspout hatchery.

Appropriation:

General Fund--Federal	\$6,000,000
General Fund--Private/Local	\$1,500,000
Recreational Fisheries Enhancement Account--State	\$400,000
State Building Construction Account--State	\$7,650,000
Subtotal Appropriation	\$15,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$64,600,000
TOTAL	\$80,150,000

NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Internal and External Partnership Improvements (06-1-005)

Appropriation:

General Fund--Federal	\$10,000,000
General Fund--Private/Local	\$3,000,000
Game Special Wildlife Account--State	

	\$100,000
Game Special Wildlife Account--Federal	
	\$400,000
Game Special Wildlife Account--Private/Local	
Subtotal Appropriation	\$700,000
	\$14,200,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
TOTAL	\$51,400,000
	\$65,600,000
<u>NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Region 1 Office Phase 2 - Spokane (06-2-006)	
Appropriation:	
State Building Construction Account--State	
	\$1,790,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
TOTAL	\$0
	\$1,790,000
<u>NEW SECTION. Sec. 428. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Department of Natural Resources - Department of Fish and Wildlife Land Exchange (06-2-014)	
Appropriation:	
State Building Construction Account--State	
	\$500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
TOTAL	\$0
	\$500,000
<u>NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Sustainability and Department of Fish and Wildlife Energy Savings (06-1-009)	
Appropriation:	
State Building Construction Account--State	
	\$500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
TOTAL	\$2,000,000
	\$2,500,000
<u>NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Youth Sport Fishing Program (06-2-010)	
Appropriation:	
Wildlife Account--State	
	\$250,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
TOTAL	\$1,000,000
	\$1,250,000
<u>NEW SECTION. Sec. 431. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish Screens (01-H-011)	
Reappropriation:	
State Building Construction Account--State	
	\$550,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION. Sec. 432. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wind Power Mitigation (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 433. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (04-2-015)

Reappropriation:

General Fund--Federal	\$4,650,000
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Appropriation:

General Fund--Federal	\$8,000,000
Prior Biennia (Expenditures)	\$11,900,000
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$56,550,000

NEW SECTION. Sec. 434. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (06-2-014)

Appropriation:

Comm/Tech College Forest Reserve Account--State	\$100,000
Prior Biennia (Expenditures)	\$558,000
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,658,000

NEW SECTION. Sec. 435. FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck and Sea Cucumber Population Surveys (06-2-850)

Appropriation:

Resources Management Cost Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 436. FOR THE DEPARTMENT OF NATURAL RESOURCES

Molluscan Model and Monitoring (06-2-851)

Appropriation:

Aquatic Lands Enhancement Account--State	\$200,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,500
<u>NEW SECTION. Sec. 437. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Marine Station Public Access (02-2-019)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$11,138
Prior Biennia (Expenditures)	\$53,862
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000
<u>NEW SECTION. Sec. 438. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Marine Station Public Access (04-2-019)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$93,840
Prior Biennia (Expenditures)	\$6,160
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000
<u>NEW SECTION. Sec. 439. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Federal HCP Land Acquisition Grants (05-2-021)	
Reappropriation:	
General Fund--Federal	\$19,820,630
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,820,630
<u>NEW SECTION. Sec. 440. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Department of Natural Resources - Department of Fish and Wildlife Land Exchange (06-2-009)	
Appropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000
<u>NEW SECTION. Sec. 441. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Land Bank (06-2-015)	
Appropriation:	
Resources Management Cost Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,462,000

	\$55,462,000
<u>NEW SECTION. Sec. 442. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Minor Works - Preservation (06-1-001)	
Appropriation:	
Forest Development Account--State	\$224,000
Resources Management Cost Account--State	\$384,000
State Building Construction Account--State	\$144,000
Agricultural College Trust Management Account--State	\$48,000
Subtotal Appropriation	\$800,000
Prior Biennia (Expenditures)	\$1,776,500
Future Biennia (Projected Costs)	\$3,400,000
TOTAL	\$5,976,500
<u>NEW SECTION. Sec. 443. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Minor Works - Programmatic (06-2-002)	
Appropriation:	
Forest Development Account--State	\$112,000
Resources Management Cost Account--State	\$192,000
State Building Construction Account--State	\$447,000
Agricultural College Trust Management Account--State	\$24,000
Subtotal Appropriation	\$775,000
Prior Biennia (Expenditures)	\$1,010,200
Future Biennia (Projected Costs)	\$1,968,000
TOTAL	\$3,753,200
<u>NEW SECTION. Sec. 444. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Natural Areas Facilities Preservation (06-1-010)	
Appropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$658,000
Future Biennia (Projected Costs)	\$8,298,000
TOTAL	\$9,456,000
<u>NEW SECTION. Sec. 445. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Natural Resources Real Property Replacement (06-2-013)	
Appropriation:	
Natural Resources Real Property Replacement Account--State	\$30,000,000
Prior Biennia (Expenditures)	\$28,961,300
Future Biennia (Projected Costs)	\$120,000,000

TOTAL	\$178,961,300
<u>NEW SECTION. Sec. 446. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Recreation Facilities Preservation (06-1-011)	
Appropriation:	
State Building Construction Account--State	\$865,000
Prior Biennia (Expenditures)	\$698,000
Future Biennia (Projected Costs)	\$8,840,000
TOTAL	\$10,403,000
<u>NEW SECTION. Sec. 447. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Right of Way Acquisition (06-2-006)	
Appropriation:	
Forest Development Account--State	\$250,000
Resources Management Cost Account--State	\$750,000
Subtotal Appropriation	\$1,000,000
Prior Biennia (Expenditures)	\$945,409
Future Biennia (Projected Costs)	\$5,750,000
TOTAL	\$7,695,409
<u>NEW SECTION. Sec. 448. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Riparian Open Space Program (06-2-018)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.	
(2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.	
Appropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$1,998,600
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$9,498,600
<u>NEW SECTION. Sec. 449. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Small Timber Landowner (FREPP) (06-2-019)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.	
(2) The department may not expend more than \$200,000 of the appropriation for administrative or staff costs.	
Appropriation:	
State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$57,750,000
<u>NEW SECTION. Sec. 450. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
State Lands Maintenance (06-1-004)	
Appropriation:	
Forest Development Account--State	

Resources Management Cost Account--State	\$225,000
Subtotal Appropriation	\$375,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$2,360,814
TOTAL	\$6,900,000
	\$9,860,814

NEW SECTION. Sec. 451. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
State Building Construction Account--State	\$150,000
Subtotal Appropriation	\$450,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,850,000

NEW SECTION. Sec. 452. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (06-2-012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring nonagricultural real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) Except as provided in subsection (11) of this section, the department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2007, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2005-11, as developed on April 4, 2005.

(11) The department shall execute trust land transfers, after the deduction of reasonable costs as provided in subsection (4) of this section, for Smugglers Cove, Cultus Bay, and Strawberry Point as described in LEAP capital document No. 2005-11, as developed on April 4, 2005.

Appropriation:

Natural Resources Real Property Replacement Account--State	\$13,670,000
State Building Construction Account--State	\$61,610,000
Subtotal Appropriation	\$75,280,000
Prior Biennia (Expenditures)	\$115,228,800
Future Biennia (Projected Costs)	\$201,400,000
TOTAL	\$391,908,800

NEW SECTION. Sec. 453. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetland Grants (06-2-017)

Appropriation:

General Fund--Federal	\$1,500,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$8,000,000

NEW SECTION. Sec. 454. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetland Grants (04-2-004)

Reappropriation:

General Fund--Federal	\$108,000
Prior Biennia (Expenditures)	\$392,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 455. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Estuarine Restoration Projects (04-2-021)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$80,000
Prior Biennia (Expenditures)	\$120,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 456. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (04-2-023)

The reappropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$100,000 of the reappropriation for administrative or staff costs.

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$500,000

Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$0
	\$2,500,000
<u>NEW SECTION. Sec. 457. FOR THE DEPARTMENT OF AGRICULTURE</u>	
Fair Improvements (06-4-850)	
Appropriation:	
State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

(End of part)

**PART 4
TRANSPORTATION**

<u>NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL</u>	
Minor Work Projects (06-1-001)	
Appropriation:	
State Building Construction Account--State	\$495,000
Prior Biennia (Expenditures)	\$450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$945,000

<u>NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL</u>	
Vancouver Crime Lab - Phase II (06-2-003)	
Appropriation:	
State Building Construction Account--State	\$3,825,000
Prior Biennia (Expenditures)	\$9,947,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,772,000

<u>NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF TRANSPORTATION</u>	
Columbia River Dredging (03-H-001)	
The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.	
Reappropriation:	
State Building Construction Account--State	\$17,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,700,000

(End of part)

**PART 5
EDUCATION**

NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$105,245,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	\$30,000,000
Education Construction Account--State	
	\$105,245,000
Subtotal Appropriation	
	\$135,245,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$135,245,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION

Construction Assistance Grants (02-4-001)

Reappropriation:

Common School Construction Account--State	\$12,000,000
Prior Biennia (Expenditures)	
	\$136,811,979
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$148,811,979

NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION

Port Angeles School District North Olympic Skills Center (04-4-852)

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	
	\$3,500,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$5,000,000

NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (04-4-001)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the conditions and limitations of section 606, chapter 26, Laws of 2003 1st sp. sess. and is pro-rated based on prior expenditures.

(2) \$2,500,000 of this reappropriation is provided solely for design and construction of additional space at the new market vocational skills center.

Reappropriation:

Common School Construction Account--State	\$160,000,000
State Building Construction Account--State	
	\$107,050,000
Subtotal Reappropriation	
	\$267,050,000
Prior Biennia (Expenditures)	
	\$135,218,513
Future Biennia (Projected Costs)	

\$0

TOTAL

\$402,268,513

NEW SECTION. Sec. 605. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$3,700,000 from this appropriation is provided solely for minor works projects at skills centers that are included on the prioritized list of capital items submitted by the state board of education and \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$160,233,081 of this appropriation is provided solely to increase the area cost allowance by \$12.86 per square foot for grades K-12 for fiscal year 2006, an additional \$12.87 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$138,200,000
Common School Construction Account--State	\$460,150,000
Subtotal Appropriation	\$598,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,532,456,000
TOTAL	\$3,130,806,000

NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 607. FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2005-06 and 2006-07. \$250,000 shall be available for awards in 2005-06 and \$250,000 in 2006-07. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 608. FOR THE STATE BOARD OF EDUCATION

Emergency School Repair (06-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,631,000 of the appropriation in this section is provided solely for nonrecurring costs associated with urgent health and safety school facility repairs and renovations and minimal administrative costs associated with administering the program. The state board of education and the office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects that stay within the appropriation level provided in this section. The criteria shall include, but is not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) any district receiving funding provided in this section demonstrating a consistent commitment to addressing school facilities needs. A portion of this appropriation may be used to develop and administer the program. It is the intent of the legislature that the state board of education and the office of the superintendent of public instruction keep the administrative costs of the program to a minimum by using criteria from the prior federal regrant program and other efficiency measures to avoid duplication.

(2) \$269,000 of the appropriation is provided solely for roof repairs in the White Pass school district.

(3) \$100,000 of the appropriation is provided solely for drainage issues related to the freshman campus and Ferguson creek in the Snohomish school district.

Appropriation:

Education Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 609. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

(2) It is the intent of the legislature to provide additional transition funding for public school districts constructing to recognized standards for high performance public buildings in the 2007-2009 biennium. \$13,000,000 is reserved in the common school construction account--state cash balance under the school construction assistance program for this purpose.

Appropriation:

State Building Construction Account--State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

NEW SECTION. Sec. 610. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Administration (06-2-001)	
Appropriation:	
Common School Construction Account--State	\$2,279,004
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882
TOTAL	\$16,803,265

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND

Kennedy, Dry, and Irwin Building Preservation (04-1-002)

The reappropriation in this section is subject to the following conditions and limitations: All funds reappropriated to be used for funding of new physical education center.

Reappropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$1,379,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,279,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	\$3,500,000

NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000
TOTAL	\$975,000

NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Safety (06-1-001)

Appropriation:

State Building Construction Account--State	\$800,816
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,816

NEW SECTION. Sec. 615. FOR THE HIGHER EDUCATION COORDINATING BOARD

Snohomish, Skagit, and Island County Higher Education Needs Assessment (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The higher education coordinating board is directed to assess the higher education needs in Snohomish, Skagit, and Island counties and recommend to the legislature solutions to the higher education needs. Solutions that the board should consider include, but should not be limited to, establishment of new institutions, expansion of existing institutions, and colocation

of institutions. In conducting its assessment, the board shall take into account but not be limited to the following: Population growth, higher education participation rates, economic demand and work force needs, and drive and commute times to existing higher education institutions.

(2) The board may contract for an assessment of sites to meet higher education needs in the counties.

(3) In conducting the assessment and siting study, the higher education coordinating board shall consult with the state board for community and technical colleges, the workforce training and education coordinating board, the North Snohomish, Island, and Skagit higher education consortium, and the existing research and comprehensive institutions.

(4) The advisory committee on higher education created pursuant to chapter . . . (Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education)), Laws of 2005 shall serve as a steering committee and direct the board in the conduct of the assessment and siting study.

(5) The board shall assemble a local advisory committee to assist in the conduct of the assessment and siting study. The committee shall include: (a) The Snohomish county executive; (b) three members of the house of representatives, including two from the majority party and one from the minority party, appointed by the speaker of the house of representatives; (c) three members of the senate, including two from the majority party and one from the minority party, appointed by the president of the senate; and (d) six education or business leaders, two each from Snohomish, Island, and Skagit counties.

(6) The recommendations to the legislature shall include, but are not limited to: (a) The type of institution or institutions to be established; (b) a business and operations plan for the institution if a new institution is recommended; (c) potential sites for establishment of an institution; (d) identification of site acquisition costs; and (e) identification of costs and a process for completing a master plan for higher education expansion.

(7) The board shall provide an interim report to the legislature and the governor by January 15, 2006, and a final report by December 1, 2006.

Appropriation:

Gardner-Evans Higher Education Construction
Account--State

	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State

	\$1,505,280
Prior Biennia (Expenditures)	\$36,130,653
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,635,933

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State

	\$620,455
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Appropriation:

State Building Construction Account--State

	\$4,500,000
Prior Biennia (Expenditures)	\$5,329,545
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$16,450,000

NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia Community College - SR 522 Off Ramp (02-2-014)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,742,500
Appropriation:	
State Building Construction Account--State	\$7,800,000
Prior Biennia (Expenditures)	\$7,500
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,550,000
 <u>NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Tacoma Campus Phase 2B (02-2-027)	
Reappropriation:	
State Building Construction Account--State	\$2,356,356
Prior Biennia (Expenditures)	\$41,992,644
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,349,000
 <u>NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON</u>	
Facility Preservation Backlog Reduction (04-1-951)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intention is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	
(3) This section is subject to the same allotment procedures as a minor works category.	
(4) Section 906 of this act does not apply to this appropriation.	
Reappropriation:	
State Building Construction Account--State	\$24,227,404
Prior Biennia (Expenditures)	\$4,372,596
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,600,000
 <u>NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON</u>	
Minor Works - Program (04-2-004)	
Reappropriation:	
State Building Construction Account--State	\$3,131,540
University of Washington Building Account--State	\$2,117,650
Subtotal Reappropriation	\$5,249,190
Prior Biennia (Expenditures)	\$5,250,810
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,500,000
 <u>NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Campus Communications Infrastructure (04-1-011)	
Reappropriation:	

State Building Construction Account--State	\$2,500,000
Gardner-Evans Higher Education Construction Account--State	\$2,000,000
Subtotal Reappropriation	\$4,500,000
Prior Biennia (Expenditures)	\$2,500,000
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$25,000,000
<u>NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Emergency Power Expansion - Phase 1 (02-1-009)	
Reappropriation:	
University of Washington Building Account--State	\$3,262,357
Prior Biennia (Expenditures)	\$7,737,643
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000
<u>NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Emergency Power Expansion - Phase 2 (04-1-024)	
Reappropriation:	
State Building Construction Account--State	\$2,803,379
University of Washington Building Account--State	\$3,148,000
Subtotal Reappropriation	\$5,951,379
Prior Biennia (Expenditures)	\$696,621
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,648,000
<u>NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Johnson Hall Renovation (04-1-005)	
Reappropriation:	
State Building Construction Account--State	\$4,470,762
University of Washington Building Account--State	\$15,552,000
Gardner-Evans Higher Education Construction Account--State	\$20,187,630
Subtotal Reappropriation	\$40,210,392
Prior Biennia (Expenditures)	\$12,844,608
Future Biennia (Projected Costs)	\$0
TOTAL	\$53,055,000
<u>NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON</u>	
Classroom Improvements (05-1-850)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	

	\$3,856,812
Prior Biennia (Expenditures)	
	\$143,188
Future Biennia (Projected Costs)	
	\$12,000,000
TOTAL	
	\$16,000,000
<u>NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON</u>	
Guthrie Hall Psychology Facilities Renovation (05-2-851)	
The reappropriation in this section is subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	
	\$3,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$3,000,000
<u>NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Bothell Phase 2B (06-2-851)	
Appropriation:	
State Building Construction Account--State	
	\$2,200,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$47,690,000
TOTAL	
	\$49,890,000
<u>NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Tacoma - Assembly Hall (06-2-007)	
Appropriation:	
State Building Construction Account--State	
	\$7,500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,500,000
<u>NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON</u>	
Infectious Disease Laboratory Facilities (05-2-850)	
The reappropriation in this section is subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	
	\$4,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,000,000
<u>NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON</u>	
Architecture Hall Renovation (06-1-008)	
The appropriation in this section is subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.	
Appropriation:	

State Building Construction Account--State	\$21,850,000
Prior Biennia (Expenditures)	\$1,474,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,324,000

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

Clark Hall Renovation (06-1-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of renovation of Clark Hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2006 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval as per RCW 43.88.110(6) prior to the start of the 2006 regular legislative session.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

The appropriation in this section is subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State	\$24,500,000
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences - H Wing (06-1-001)

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (06-1-002)

Appropriation:

University of Washington Building Account--State	\$21,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$84,800,000
TOTAL	\$106,000,000

NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Health, Safety, and Code Requirements (06-1-003)

Appropriation:

University of Washington Building Account--State	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$44,000,000
TOTAL	\$55,000,000

NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON
 Minor Works - Infrastructure Preservation (06-1-004)

Appropriation:

University of Washington Building Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON
 Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON
 Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$25,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,825,000

NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (06-2-009)

Appropriation:

State Building Construction Account--State	\$900,000
University of Washington Building Account--State	\$3,800,000
Subtotal Appropriation	\$4,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,700,000

NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of renovation of Savery Hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2006 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval as per RCW 43.88.110(6) prior to the start of the 2006 regular legislative session.

Appropriation:

State Building Construction Account--State	\$6,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,000,000
TOTAL	\$60,600,000

NEW SECTION. Sec. 642. FOR THE UNIVERSITY OF WASHINGTON

UW Playhouse Theater (05-1-004)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,000,000

NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Education Addition Cleveland Hall (98-2-032)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$9,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,700,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Johnson Hall Addition-Plant Bioscience Building (00-2-007)

The reappropriations in this section are subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State	\$606,500
Washington State University Building Account--State	

	\$3,000,000
Subtotal Reappropriation	
	\$3,606,500
Prior Biennia (Expenditures)	
	\$35,393,500
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$39,000,000
<u>NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY</u>	
WSU Vancouver - Student Services Center (00-2-905)	
Reappropriation:	
State Building Construction Account--State	\$400,000
Appropriation:	
State Building Construction Account--State	\$10,600,000
Prior Biennia (Expenditures)	\$1,155,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,155,000
<u>NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY</u>	
WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)	
The reappropriation in this section is subject to the following conditions and limitations: It is intended that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$20,500,000
Prior Biennia (Expenditures)	\$13,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,850,000
<u>NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY</u>	
Facility Preservation Backlog Reduction (04-1-951)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	
(3) This section is subject to the same allotment procedures as a minor works category.	
(4) Section 906 of this act does not apply to this appropriation.	
Reappropriation:	
State Building Construction Account--State	\$3,000,000
Washington State University Building Account--State	\$1,000,000
Subtotal Reappropriation	\$4,000,000
Prior Biennia (Expenditures)	\$38,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,000,000

\$42,000,000

NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$1,500,000

Prior Biennia (Expenditures)

\$1,500,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,000,000

NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY

WSU Tri-Cities - Bioproducts Facility (04-2-940)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least an additional \$10,000,000 provided through a lease revenue structure secured by a twenty year lease with Battelle and authorized in section 909(6) of this act.

Appropriation:

Gardner-Evans Higher Education Construction
Account--State

\$13,100,000

Prior Biennia (Expenditures)

\$1,650,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$14,750,000

NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY

Center for Precision Agriculture (06-2-850)

Appropriation:

State Building Construction Account--State

\$2,800,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$2,800,000

NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State

\$1,400,000

Prior Biennia (Expenditures)

\$3,250,000

Future Biennia (Projected Costs)

\$45,000,000

TOTAL

\$49,650,000

NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Campus Utilities/Infrastructure: Infrastructure (04-2-916)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$3,000,000

Prior Biennia (Expenditures)

	\$1,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,300,000
<u>NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY</u>	
WSU Prosser - Multipurpose Building (04-2-942)	
Reappropriation:	
State Building Construction Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY</u>	
Agricultural Research Facility Renovation and Repair (05-2-952)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation is provided solely for facility construction, renovation, and repair at agricultural research facilities other than in Pullman.	
(2) Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural research.	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY</u>	
Campus Infrastructure (06-1-073)	
Appropriation:	
State Building Construction Account--State	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$35,000,000
<u>NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY</u>	
Infrastructure Savings (06-1-751)	
The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0

\$2

NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$10,115,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,115,000

NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY Equipment Omnibus (06-2-003)

Appropriation:

Washington State University Building Account--State	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$35,000,000

NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY Minor Capital Improvements (MCI) (06-2-002)

Appropriation:

State Building Construction Account--State	\$1,000,000
Washington State University Building Account--State	\$7,000,000
Subtotal Appropriation	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY Minor Works - Facility Preservation (06-1-001)

Appropriation:

State Building Construction Account--State	\$25,000,000
Washington State University Building Account--State	\$5,500,000
Subtotal Appropriation	

	\$30,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$150,500,000
<u>NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY</u>	
Minor Works - Health, Safety, and Code (06-1-002)	
Appropriation:	
Washington State University Building Account--State	
	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,000,000
<u>NEW SECTION. Sec. 662. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	
	\$3,059,000
Prior Biennia (Expenditures)	\$19,841,482
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,900,482
<u>NEW SECTION. Sec. 663. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Senior Hall Renovation (00-1-003)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	
	\$9,938,000
Prior Biennia (Expenditures)	\$5,493,012
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,431,012
<u>NEW SECTION. Sec. 664. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Campus Network Upgrade (04-2-003)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	
	\$2,215,000
Prior Biennia (Expenditures)	\$4,160,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,375,000
<u>NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Cheney Hall Renovation (06-1-703)	
Appropriation:	
State Building Construction Account--State	
	\$2,002,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$2,002,000
<u>NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Isle Hall Renovation (06-1-705)	
Appropriation:	
State Building Construction Account--State	\$119,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,505,489
TOTAL	\$10,624,489
<u>NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Martin Williamson Renovation (06-1-706)	
Appropriation:	
State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,436,277
TOTAL	\$24,636,277
<u>NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Hargreaves Hall Renovation (06-1-701)	
Appropriation:	
State Building Construction Account--State	\$1,414,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,821,204
TOTAL	\$12,235,204
<u>NEW SECTION. Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Surplus Sales Building Renovation (Matlocks) (06-1-704)	
Appropriation:	
State Building Construction Account--State	\$1,651,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,651,000
<u>NEW SECTION. Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Walkway Pavers (06-1-702)	
Appropriation:	
State Building Construction Account--State	\$1,600,482
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,482
<u>NEW SECTION. Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Spokane Riverpoint Nursing Building (06-2-850)	
Appropriation:	

State Building Construction Account--State	\$31,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,600,000
<u>NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Minor Works - Preservation (02-1-003)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	\$566,168
Prior Biennia (Expenditures)	\$4,433,832
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000
<u>NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Water System Preservation and Expansion (02-1-008)	
Reappropriation:	
State Building Construction Account--State	\$196,072
Prior Biennia (Expenditures)	\$2,039,928
Future Biennia (Projected Costs)	\$7,500,000
TOTAL	\$9,736,000
<u>NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Infrastructure Preservation (04-1-006)	
Reappropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$2,600,000
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,850,000
<u>NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU University Visitor Center and Formal Entry (04-2-010)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	\$900,000
Prior Biennia (Expenditures)	\$75,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$975,000
<u>NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Facility Preservation Backlog Reduction (04-1-952)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., this reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog	

reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$2,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 677. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-710)

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 678. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health Safety and Code Compliance (06-1-711)

Appropriation:

State Building Construction Account--State	\$5,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$17,700,000

NEW SECTION. Sec. 679. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-712)

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,500,000
TOTAL	\$19,500,000

NEW SECTION. Sec. 680. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL

\$0

\$2

NEW SECTION. Sec. 681. FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State

\$2,217,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$2,217,000

NEW SECTION. Sec. 682. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works Program (06-2-006)

Appropriation:

State Building Construction Account--State

\$6,600,000

Eastern Washington University Capital Projects
Account--State

\$9,000,000

Subtotal Appropriation

\$15,600,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$44,000,000

TOTAL

\$59,600,000

NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY

Music Education Facility (00-2-001)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$2,000,000

Prior Biennia (Expenditures)

\$24,600,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$26,600,000

NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$2,000,000

Prior Biennia (Expenditures)

Future Biennia (Projected Costs)	\$10,575,000
TOTAL	\$0
	\$12,575,000
<u>NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Combined Utility Upgrade (04-1-952)	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$4,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,400,000
<u>NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
CWU/Moses Lake Higher Education Center (04-2-031)	
Reappropriation:	
Central Washington University Capital Projects Account--State	\$280,000
Prior Biennia (Expenditures)	\$320,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000
<u>NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Program (04-2-028)	
Reappropriation:	
Central Washington University Capital Projects Account--State	\$400,000
Prior Biennia (Expenditures)	\$1,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
CWU/Wenatchee Higher Education Center (05-2-850)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code Requirements (05-1-850)	
Reappropriation:	
Central Washington University Capital Projects Account--State	\$400,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$450,000
<u>NEW SECTION. Sec. 690. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure (05-1-851)	
Reappropriation:	
Central Washington University Capital Projects Account--State	\$600,000
Prior Biennia (Expenditures)	\$113,500
Future Biennia (Projected Costs)	\$0
TOTAL	\$713,500
<u>NEW SECTION. Sec. 691. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Combined Utilities (06-1-007)	
Appropriation:	
State Building Construction Account--State	\$4,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$22,400,000
<u>NEW SECTION. Sec. 692. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Dean Hall Renovation (06-1-004)	
Appropriation:	
State Building Construction Account--State	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,400,000
TOTAL	\$20,600,000
<u>NEW SECTION. Sec. 693. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Facility Preservation (06-1-003)	
Appropriation:	
Central Washington University Capital Projects Account--State	\$2,058,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,080,000
TOTAL	\$8,138,000
<u>NEW SECTION. Sec. 694. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code Requirements (06-1-001)	
Appropriation:	
Central Washington University Capital Projects Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,200,000
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 695. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure Preservation (06-1-002)	

Appropriation:

Central Washington University Capital Projects Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,400,000
TOTAL	\$5,500,000

NEW SECTION. Sec. 696. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 697. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$2,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,422,000

NEW SECTION. Sec. 698. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Program (06-2-005)

Appropriation:

Central Washington University Capital Projects Account--State	\$4,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	

TOTAL	\$14,272,000
	\$18,662,000
<u>NEW SECTION. Sec. 699. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Nicholson Pavilion Indoor Air/Asbestos (06-1-008)	
Appropriation:	
State Building Construction Account--State	\$4,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,100,000
<u>NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE</u>	
Seminar Building Phase II - Construction (02-2-004)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.	
Reappropriation:	
The Evergreen State College Capital Projects Account--State	\$700,000
Prior Biennia (Expenditures)	\$42,550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$43,250,000
<u>NEW SECTION. Sec. 701. FOR THE EVERGREEN STATE COLLEGE</u>	
Daniel J. Evans Building - Modernization (04-2-006)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$15,500,000
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$22,250,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$43,750,000
<u>NEW SECTION. Sec. 702. FOR THE EVERGREEN STATE COLLEGE</u>	
Facility Preservation Backlog Reduction (04-1-951)	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., this reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	
(3) This section is subject to the same allotment procedures as a minor works category.	
(4) Section 906 of this act does not apply to this reappropriation.	
Reappropriation:	
State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$3,950,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000
<u>NEW SECTION. Sec. 703. FOR THE EVERGREEN STATE COLLEGE</u>	
Infrastructure Preservation (04-1-001)	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$1,950,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,550,000
<u>NEW SECTION. Sec. 704. FOR THE EVERGREEN STATE COLLEGE</u>	
Minor Works - Health, Safety, and Code (04-1-004)	
Reappropriation:	
The Evergreen State College Capital Projects Account--State	\$700,000
Prior Biennia (Expenditures)	\$1,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000
<u>NEW SECTION. Sec. 705. FOR THE EVERGREEN STATE COLLEGE</u>	
Health, Safety, and Code Requirements (06-1-002)	
Appropriation:	
The Evergreen State College Capital Projects Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,000,000
<u>NEW SECTION. Sec. 706. FOR THE EVERGREEN STATE COLLEGE</u>	
Infrastructure Preservation (06-1-004)	
Appropriation:	
The Evergreen State College Capital Projects Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,450,000
TOTAL	\$3,450,000
<u>NEW SECTION. Sec. 707. FOR THE EVERGREEN STATE COLLEGE</u>	
Infrastructure Savings (06-1-751)	
The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1

Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 708. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$760,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$760,000

NEW SECTION. Sec. 709. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Facility Preservation (06-1-003)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$16,000,000

NEW SECTION. Sec. 710. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program (06-2-005)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,725,000
TOTAL	\$3,225,000

NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY

Campus Infrastructure Development (98-2-024)

Reappropriation:

State Building Construction Account--State	\$1,420,000
Prior Biennia (Expenditures)	

	\$14,859,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$16,279,000
<u>NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Academic Instructional Center (02-2-026)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,000,000
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$51,438,000
Prior Biennia (Expenditures)	\$2,733,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$57,171,000
<u>NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Communications Facility (98-2-053)	
Reappropriation:	
Western Washington University Capital Projects Account--State	\$350,000
Prior Biennia (Expenditures)	\$36,043,400
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,393,400
<u>NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Bond Hall Renovation/Asbestos Abatement (04-1-080)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,900,000
<u>NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Campus Roadway Development (04-2-073)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.	
(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.	
(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.	
Reappropriation:	
Western Washington University Capital Projects	

Account--State	\$38,826
Prior Biennia (Expenditures)	\$290,174
Future Biennia (Projected Costs)	\$16,625,000
TOTAL	\$16,954,000
<u>NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Facility Preservation Backlog Reduction (04-1-952)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	
(3) This section is subject to the same allotment procedures as a minor works category.	
(4) Section 906 of this act does not apply to this reappropriation.	
Reappropriation:	
State Building Construction Account--State	\$1,950,000
Prior Biennia (Expenditures)	\$2,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000
<u>NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Miller Hall Renovation (04-1-953)	
Reappropriation:	
State Building Construction Account--State	\$62,418
Prior Biennia (Expenditures)	\$187,582
Future Biennia (Projected Costs)	\$34,750,000
TOTAL	\$35,000,000
<u>NEW SECTION. Sec. 718. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code (04-1-074)	
Reappropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 719. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure Preservation (04-1-075)	
Reappropriation:	
State Building Construction Account--State	\$130,000
Prior Biennia (Expenditures)	\$1,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,550,000

NEW SECTION. Sec. 720. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 721. FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,614,000

NEW SECTION. Sec. 722. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (04-2-077)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION. Sec. 723. FOR WESTERN WASHINGTON UNIVERSITY

Shannon Point Marine - Undergraduate Center (04-2-059)

The reappropriation in this section is subject to the following conditions and limitations: Any further appropriations for equipment or furnishings shall be met with local funds.

Reappropriation:

Western Washington University Capital Projects Account--State	\$4,000,000
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Prior Biennia (Expenditures)	\$998,329
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,998,329
<u>NEW SECTION. Sec. 724. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Facility Preservation (06-1-083)	
Appropriation:	
State Building Construction Account--State	\$4,290,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,290,000
<u>NEW SECTION. Sec. 725. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code (06-1-082)	
Appropriation:	
State Building Construction Account--State	\$2,580,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,580,000
<u>NEW SECTION. Sec. 726. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure Preservation (06-1-084)	
Appropriation:	
State Building Construction Account--State	\$2,630,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,630,000
<u>NEW SECTION. Sec. 727. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Program (06-2-085)	
Appropriation:	
Western Washington University Capital Projects Account--State	\$8,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,000,000
TOTAL	\$44,900,000
<u>NEW SECTION. Sec. 728. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Lewis and Clark Interpretive Infrastructure Grant (02-4-001)	
Reappropriation:	
State Building Construction Account--State	\$1,806,000
Prior Biennia (Expenditures)	\$194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 729. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Pacific-Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State	\$1,047,000
Prior Biennia (Expenditures)	\$1,505,226
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,552,226

NEW SECTION. Sec. 730. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Projects (02-4-004)

Reappropriation:

State Building Construction Account--State	\$399,000
Prior Biennia (Expenditures)	\$3,601,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 731. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Stadium Way Research Center-Code Violation Correction (04-1-003)

Reappropriation:

State Building Construction Account--State	\$293,000
Prior Biennia (Expenditures)	\$168,200
Future Biennia (Projected Costs)	\$0
TOTAL	\$461,200

NEW SECTION. Sec. 732. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Projects (04-4-004)

Reappropriation:

State Building Construction Account--State	\$3,563,339
Prior Biennia (Expenditures)	\$436,661
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 733. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Olympia - State Capital Museum: Building Preservation (06-1-003)

Appropriation:

State Building Construction Account--State	\$330,694
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$330,694

NEW SECTION. Sec. 734. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided for the following list of projects:

Project

	Amount Recommended
Whatcom museum of history and art	\$133,303
Fort Walla Walla museum	\$150,000
Northwest maritime center	\$345,000
Squaxin Island tribal museum library and research center	\$210,539
Confluence project	\$500,000
City of Tumwater	\$70,901
City of Tacoma	\$350,000
Fox theater	\$102,000
Shoreline historical museum	\$143,578
Metro park district of Tacoma	\$35,000
Seattle parks department	\$150,000
Armed forces and aerospace museum	\$295,000
City of Lynnwood	\$85,294
Meadowbrook farm interpretive center	\$72,149
Center for wooden boats	\$100,000
Bainbridge Island historical society	\$207,957
Quileute tribal council	\$150,000
Northwest railway museum	\$360,000
Port Gamble S'Klallam tribe	\$363,579
Concrete heritage museum association	\$12,750
Quincy Valley historical society and museum	\$23,300
Foss waterway development authority	\$250,000
Broadway center for the performing arts	\$225,000
Village theatre	\$65,581
White river valley museum	\$99,069
Cascade land conservancy	\$112,500
TOTAL	\$4,612,500
Appropriation:	
State Building Construction Account--State	\$4,612,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$16,000,000
	\$20,612,500
<u>NEW SECTION. Sec. 735. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Tacoma - Research Center: Building Preservation (06-1-002)	
Appropriation:	
State Building Construction Account--State	\$181,650
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$181,650
<u>NEW SECTION. Sec. 736. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Tacoma-State History Museum Building Preservation (06-1-001)	
Appropriation:	
State Building Construction Account--State	\$481,344
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$481,344
<u>NEW SECTION. Sec. 737. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>	
History and American Indian Education Classrooms (06-2-002)	
Appropriation:	
State Building Construction Account--State	\$156,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$156,000
<u>NEW SECTION. Sec. 738. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>	
Museum Preservation (06-1-001)	
The appropriation in this section is subject to the following conditions and limitations: \$114,000 is to be used for exterior preservation and sewer line repair of historic Campbell house and Carriage house. The balance of the request is for unforeseen emergencies that might endanger the museum structures or the valuable collections they contain, or affect staff and visitor health and safety.	
Appropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$35,000
Future Biennia (Projected Costs)	\$1,150,000
TOTAL	\$1,435,000
<u>NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Clark Center at WSU Vancouver (00-2-680)	
Reappropriation:	
State Building Construction Account--State	\$27,902
Gardner-Evans Higher Education Construction Account--State	\$14,860,252
Subtotal Reappropriation	\$14,888,154
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$4,885,646
	\$0
TOTAL	\$19,773,800
<u>NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Highline Community College: Higher Education Center/Childcare (00-2-678)	
The reappropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$320,035
Gardner-Evans Higher Education Construction Account--State	\$1,400,406
Subtotal Reappropriation	\$1,720,441
Prior Biennia (Expenditures)	\$19,726,559
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,447,000
<u>NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College Puyallup: Phase III Expansion (00-2-676)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$5,101,510
Prior Biennia (Expenditures)	\$20,233,464
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,334,974
<u>NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)	
Reappropriation:	
State Building Construction Account--State	\$8,875,459
Prior Biennia (Expenditures)	\$10,379,789
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,255,248
<u>NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Whatcom Community College: Classroom/Lab Building (00-2-677)	
Reappropriation:	
State Building Construction Account--State	\$219,893
Prior Biennia (Expenditures)	\$11,684,407
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,904,300
<u>NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Higher Education Center (00-2-954)	
Reappropriation:	
State Building Construction Account--State	

Prior Biennia (Expenditures)	\$777,312
Future Biennia (Projected Costs)	\$19,722,688
TOTAL	\$0
	\$20,500,000
<u>NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Science Building (01-2-688)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$957,375
Appropriation:	
State Building Construction Account--State	\$27,407,344
Prior Biennia (Expenditures)	\$1,539,034
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,903,753
<u>NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Science Building (01-2-687)	
Reappropriation:	
State Building Construction Account--State	\$1,324,163
Appropriation:	
State Building Construction Account--State	\$29,517,238
Prior Biennia (Expenditures)	\$1,154,837
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,996,238
<u>NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bates Technical College: LRC/Vocational (02-2-684)	
Reappropriation:	
State Building Construction Account--State	\$953,271
Appropriation:	
State Building Construction Account--State	\$15,169,058
Prior Biennia (Expenditures)	\$937,281
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,059,610
<u>NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellingham Technical College: Replacement (02-1-239)	
Reappropriation:	
State Building Construction Account--State	\$311,102
Prior Biennia (Expenditures)	\$4,046,798
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,357,900

NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Cascadia Community College/University of Washington Bothell: Phase 2B Off Ramp (02-2-999)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$1,742,500

Appropriation:

State Building Construction Account--State

\$7,800,000

Prior Biennia (Expenditures)

\$7,500

Future Biennia (Projected Costs)

\$0

TOTAL

\$9,550,000

NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Edmonds Community College: Instructional Lab Building - Construction (02-2-685)

Reappropriation:

State Building Construction Account--State

\$573,448

Appropriation:

State Building Construction Account--State

\$14,490,832

Prior Biennia (Expenditures)

\$2,423,612

Future Biennia (Projected Costs)

\$0

TOTAL

\$17,487,892

NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facility Repairs "A" (02-1-050)

Reappropriation:

Education Construction Account--State

\$1,425,677

Prior Biennia (Expenditures)

\$20,234,651

Future Biennia (Projected Costs)

\$0

TOTAL

\$21,660,328

NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lake Washington Technical College: Replacement (02-1-240)

Reappropriation:

State Building Construction Account--State

\$2,593,957

Prior Biennia (Expenditures)

\$4,321,343

Future Biennia (Projected Costs)

\$0

TOTAL

\$6,915,300

NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Peninsula College: Buildings D and E Renovation (02-1-310)

Reappropriation:

State Building Construction Account--State

\$259,718

Prior Biennia (Expenditures)

\$2,410,082

Future Biennia (Projected Costs)

\$0

TOTAL

\$2,669,800

NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Edison Hall Renovation (02-1-315)

Reappropriation:

State Building Construction Account--State	\$4,317,752
Prior Biennia (Expenditures)	\$1,491,448
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,809,200

NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Portables Replacement (02-1-215)

Reappropriation:

State Building Construction Account--State	\$6,209,830
Prior Biennia (Expenditures)	\$687,570
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,897,400

NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Shoreline Community College: Building 800 Renovation (02-1-319)

Reappropriation:

State Building Construction Account--State	\$403,444
Prior Biennia (Expenditures)	\$5,617,656
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,021,100

NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College: Office Space Replacement (02-1-213)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$355,690
Prior Biennia (Expenditures)	\$406,999
Future Biennia (Projected Costs)	\$0
TOTAL	\$762,689

NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Puget Sound Community College: Family Education Center/Child Center (02-1-238)

Reappropriation:

State Building Construction Account--State	\$458,285
Prior Biennia (Expenditures)	\$6,673,715
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,132,000

NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle Community College: Building "A" Replacement (02-1-217)

Reappropriation:

State Building Construction Account--State	\$75,588
Prior Biennia (Expenditures)	

	\$5,401,812
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,477,400
<u>NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Falls Community College: Library Renovation (02-1-331)	
Reappropriation:	
State Building Construction Account--State	\$231,625
Prior Biennia (Expenditures)	\$5,370,375
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,602,000
<u>NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Information Technology Vocational Center (02-2-683)	
Reappropriation:	
State Building Construction Account--State	\$3,825,132
Prior Biennia (Expenditures)	\$11,904,868
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,730,000
<u>NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$508,951
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$6,569,000
Prior Biennia (Expenditures)	\$100,349
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,178,300
<u>NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Job Creation and Infrastructure Projects (03-1-001)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.	
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2007.	
Reappropriation:	
Education Construction Account--State	\$1,310,520
Prior Biennia (Expenditures)	\$25,289,655
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,600,175
<u>NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bates-Clover Park Equipment Improvements (04-2-950)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	

Prior Biennia (Expenditures)	\$179,975
Future Biennia (Projected Costs)	\$2,820,025
TOTAL	\$0
	\$3,000,000
<u>NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: NWCET Expansion (04-2-402)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The purpose of the reappropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.	
(2) State funds will be matched with nonstate resources of at least \$500,000.	
(3) Allotment of funds shall be in accordance with RCW 43.88.150.	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$312,493
Prior Biennia (Expenditures)	\$187,507
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: "D" Building Renovation (04-1-308)	
Reappropriation:	
State Building Construction Account--State	\$11,418,700
Community/Technical College Capital Projects Account--State	\$973,646
Subtotal Reappropriation	\$12,392,346
Prior Biennia (Expenditures)	\$1,026,354
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,418,700
<u>NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: Science and Technology (04-2-690)	
Appropriation:	
State Building Construction Account--State	\$7,647,600
Prior Biennia (Expenditures)	\$90,000
Future Biennia (Projected Costs)	\$30,791,460
TOTAL	\$38,529,060
<u>NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)	
Reappropriation:	
State Building Construction Account--State	\$1,704,053
Gardner-Evans Higher Education Construction Account--State	\$14,357,000
Subtotal Reappropriation	\$16,061,053
Prior Biennia (Expenditures)	

	\$776,947
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$16,838,000
<u>NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,031,000
Prior Biennia (Expenditures)	\$159,900
Future Biennia (Projected Costs)	
TOTAL	\$32,636,100
	\$35,827,000
<u>NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Centralia Community College: Science Building (04-2-850)	
Appropriation:	
State Building Construction Account--State	\$3,247,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	
TOTAL	\$28,676,490
	\$32,073,490
<u>NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: East County Satellite (04-1-689)	
Reappropriation:	
State Building Construction Account--State	\$74,507
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$2,392,000
Prior Biennia (Expenditures)	\$225,493
Future Biennia (Projected Costs)	
TOTAL	\$27,777,125
	\$30,469,125
<u>NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Renovation - Applied Arts 5 (04-1-303)	
Reappropriation:	
State Building Construction Account--State	\$927,047
Prior Biennia (Expenditures)	\$2,945,366
Future Biennia (Projected Costs)	
TOTAL	\$0
	\$3,872,413
<u>NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Stout Hall (04-1-203)	
Reappropriation:	
State Building Construction Account--State	\$3,810,514
Prior Biennia (Expenditures)	\$239,375
Future Biennia (Projected Costs)	

	\$0
TOTAL	\$4,049,889
<u>NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Renovation T Building (04-1-307)	
Reappropriation:	
State Building Construction Account--State	\$531,710
Prior Biennia (Expenditures)	\$5,526,790
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,058,500
<u>NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)	
Reappropriation:	
State Building Construction Account--State	\$7,399,092
Prior Biennia (Expenditures)	\$1,427,938
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,827,030
<u>NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Pilchuck/Glacier (04-1-205)	
Reappropriation:	
State Building Construction Account--State	\$907,033
Appropriation:	
State Building Construction Account--State	\$17,633,300
Prior Biennia (Expenditures)	\$404,667
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,945,000
<u>NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Replacement - Monte Cristo Hall (04-1-305)	
Reappropriation:	
State Building Construction Account--State	\$6,926,247
Prior Biennia (Expenditures)	\$425,753
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,352,000
<u>NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Undergraduate Education Center (04-2-692)	
Appropriation:	
State Building Construction Account--State	\$7,363,700
Prior Biennia (Expenditures)	\$126,000
Future Biennia (Projected Costs)	\$27,407,540
TOTAL	\$34,897,240
<u>NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$40,824,753
Prior Biennia (Expenditures)	\$23,475,247
Future Biennia (Projected Costs)	\$0
TOTAL	\$64,300,000

NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Reappropriation:

State Building Construction Account--State	\$229,284
Gardner-Evans Higher Education Construction Account--State	\$19,471,749
Subtotal Reappropriation	\$19,701,033
Prior Biennia (Expenditures)	\$1,034,016
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,735,049

NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State	\$3,228,751
Prior Biennia (Expenditures)	\$8,770,749
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,999,500

NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Reappropriation:

State Building Construction Account--State	\$3,463,880
Prior Biennia (Expenditures)	\$956,920
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,420,800

NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.

(2) State funds must be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional Fine Arts Building (04-1-214)

Reappropriation:

State Building Construction Account--State	\$1,758,314
Gardner-Evans Higher Education Construction Account--State	\$1,589,727
Subtotal Reappropriation	\$3,348,041

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$20,333,976
Prior Biennia (Expenditures)	\$979,758
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,661,775

NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (Minor Improvements) (04-2-130)

Reappropriation:

State Building Construction Account--State	\$1,257,113
Community/Technical College Capital Projects Account--State	\$4,894,945
Subtotal Reappropriation	\$6,152,058
Prior Biennia (Expenditures)	\$8,827,159
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,979,217

NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Arts and Science Renovation (04-1-309)

Reappropriation:

State Building Construction Account--State	\$303,265
Prior Biennia (Expenditures)	\$6,482,435
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,785,700

NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Science and Technology Building Replacement (04-1-202)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$8,110,000 is provided as additional support for this project by the reappropriation in section 779 of this act.

Reappropriation:

State Building Construction Account--State	\$10,998,000
Community/Technical College Capital Projects Account--State	\$2,361,964
Subtotal Reappropriation	\$13,359,964
Prior Biennia (Expenditures)	\$638,036
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,998,000

NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$468,734
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Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$22,423,200
Prior Biennia (Expenditures)	\$748,066
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,640,000

NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Fort Steilacoom: Science and Technology (04-2-694)

Appropriation:

State Building Construction Account--State	\$1,986,447
Prior Biennia (Expenditures)	\$190,000
Future Biennia (Projected Costs)	\$30,106,553
TOTAL	\$32,283,000

NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Community Arts/Allied Health (04-2-691)

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,946,716
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$25,303,284
TOTAL	\$27,400,000

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Childcare Center (04-2-401)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.

(2) State funds must be matched with nonstate resources in the amount of \$2,250,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects
Account--State

\$497,338

Prior Biennia (Expenditures)

\$2,662

Future Biennia (Projected Costs)

\$0

TOTAL

\$500,000

NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Renton Technical College: Portable Replacement (04-1-215)

Reappropriation:

State Building Construction Account--State

\$404,905

Appropriation:

State Building Construction Account--State

\$2,976,235

Prior Biennia (Expenditures)

\$14,395

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,395,535

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Roof Repairs "A" (04-1-010)

Reappropriation:

State Building Construction Account--State

\$3,572,735

Prior Biennia (Expenditures)

\$3,692,942

Future Biennia (Projected Costs)

\$0

TOTAL

\$7,265,677

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Replacement North Plaza Building (04-1-275)

Reappropriation:

State Building Construction Account--State

\$4,976,200

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$4,976,200

NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Site Repairs "A" (04-1-090)

Reappropriation:

State Building Construction Account--State

\$2,692,856

Prior Biennia (Expenditures)

\$2,612,768

Future Biennia (Projected Costs)

\$0

TOTAL

\$5,305,624

NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State

	\$14,664
Appropriation:	
State Building Construction Account--State	\$2,693,000
Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	\$24,268,049
TOTAL	\$27,261,049
<u>NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u> South Puget Sound Community College: Science Complex (04-2-695)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,160,500
Prior Biennia (Expenditures)	\$93,200
Future Biennia (Projected Costs)	\$25,867,300
TOTAL	\$29,121,000
<u>NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u> South Seattle Community College: Instruction Technology Center (04-2-681)	
Reappropriation:	
State Building Construction Account--State	\$1,280,107
Prior Biennia (Expenditures)	\$17,580,893
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,861,000
<u>NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u> South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$2,545,470
Prior Biennia (Expenditures)	\$67,630
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,613,100
<u>NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u> Spokane Community College: Science Building Replacement (04-1-212)	
Reappropriation:	
State Building Construction Account--State	\$14,838,825
Prior Biennia (Expenditures)	\$882,775
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,721,600
<u>NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u> Tacoma Community College: Renovation - Building 7 (04-1-313)	
Reappropriation:	
State Building Construction Account--State	\$4,759,822
Prior Biennia (Expenditures)	

	\$228,178
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,988,000
<u>NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Replacement - Portable Buildings (04-1-206)	
Reappropriation:	
State Building Construction Account--State	\$2,401,778
Prior Biennia (Expenditures)	\$220,222
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,622,000
<u>NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Health Science Facility (04-1-211)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$6,763,672
Prior Biennia (Expenditures)	\$497,728
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,261,400
<u>NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$28,645,152
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,645,152
<u>NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Renovation - Sundquist (04-1-302)	
Reappropriation:	
State Building Construction Account--State	\$654,799
Prior Biennia (Expenditures)	\$3,197,901
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,852,700
<u>NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Health Sciences Center (05-2-851)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,857,624
Appropriation:	
State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$142,376

Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000
<u>NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Employability Colocation Study (05-4-850)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$18,167
Prior Biennia (Expenditures)	\$31,833
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000
<u>NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle: Training Facility (05-1-854)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the construction of a training facility and a separate academic/administrative facility to replace light wood frame structures.	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$710,002
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$9,272,283
Prior Biennia (Expenditures)	\$11,998
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,994,283
<u>NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Falls: Business and Social Science Building (05-1-853)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,754,854
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$18,512,385
Prior Biennia (Expenditures)	\$45,146
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,312,385
<u>NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,285,924
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$23,042,145
Prior Biennia (Expenditures)	\$332,076

Future Biennia (Projected Costs)	\$0
TOTAL	\$24,660,145
<u>NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: Flood Damage (06-1-331)	
Appropriation:	
State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$700,000
<u>NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Big Bend Community College: Performing Arts and Fine Arts (06-1-309)	
Appropriation:	
State Building Construction Account--State	\$3,698,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,698,000
<u>NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Gaiser Hall Renovation (06-1-302)	
Appropriation:	
State Building Construction Account--State	\$8,374,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,374,000
<u>NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: O'Connell Sports Center Improvements (06-2-403)	
Appropriation:	
State Building Construction Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000
<u>NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clover Park Technical College: Allied Health Care Facility (06-2-699)	
Appropriation:	
State Building Construction Account--State	\$160,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$25,085,285
TOTAL	\$25,245,285
<u>NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clover Park Technical College: Personal Care Services Facility (06-1-310)	
Appropriation:	

State Building Construction Account--State	\$6,499,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,499,000
<u>NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Diversity Initiatives Office (06-2-409)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Brier Hall Renovation (06-1-307)	
Appropriation:	
State Building Construction Account--State	\$5,133,020
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,133,020
<u>NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Paine Field Technical Center (06-2-408)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Facility Repairs (06-1-050)	
Appropriation:	
Community/Technical College Capital Projects Account--State	\$22,327,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$92,000,000
TOTAL	\$114,327,000
<u>NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Grays Harbor College: Ilwaco Education Center (06-2-401)	
Appropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$350,000
<u>NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Grays Harbor College: Vocational Education Renovation (06-1-303)	
Appropriation:	
State Building Construction Account--State	\$5,371,199
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,371,199
<u>NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: General Classroom Building (06-1-205)	
Appropriation:	
State Building Construction Account--State	\$137,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,629,327
TOTAL	\$26,766,327
<u>NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Water System Replacement (06-1-501)	
Appropriation:	
State Building Construction Account--State	\$1,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,951,000
<u>NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Physical Education Renovation (06-1-313)	
Appropriation:	
State Building Construction Account--State	\$477,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,437,000
TOTAL	\$3,914,000
<u>NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Skills Support Center Addition (06-2-405)	
Appropriation:	
State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000
<u>NEW SECTION. Sec. 827. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Highline Community College: Primary Power Branch Replacement (06-1-503)	
Appropriation:	
State Building Construction Account--State	

		\$1,717,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$1,717,000
	<u>NEW SECTION. Sec. 828. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Highline Community College: Marine Science and Technology (06-2-406)	
Appropriation:	State Building Construction Account--State	\$500,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$500,000
	<u>NEW SECTION. Sec. 829. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Lake Washington Technical College: Allied Health Building (06-2-697)	
Appropriation:	State Building Construction Account--State	\$197,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$29,379,000
	TOTAL	\$29,576,000
	<u>NEW SECTION. Sec. 830. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Lake Washington Technical College: Science Lab Renovation (06-1-308)	
Appropriation:	State Building Construction Account--State	\$1,758,237
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$1,758,237
	<u>NEW SECTION. Sec. 831. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Minor Works: Program (06-2-130)	
Appropriation:	State Building Construction Account--State	\$20,002,598
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$80,000,000
	TOTAL	\$100,002,598
	<u>NEW SECTION. Sec. 832. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Minor Works Preservation (RMI) (06-1-001)	
Appropriation:	Community/Technical College Capital Projects Account--State	\$14,000,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$67,000,000
	TOTAL	\$81,000,000

\$81,000,000

NEW SECTION. Sec. 833. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 834. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$22,802,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,802,000

NEW SECTION. Sec. 835. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Wellness Center Repairs (06-1-330)

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 836. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Bremer Student Center (06-2-411)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$600,000
<u>NEW SECTION. Sec. 837. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Olympic College: Humanities and Student Services (06-1-204)	
Appropriation:	
State Building Construction Account--State	\$3,499,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,615,000
TOTAL	\$43,114,000
<u>NEW SECTION. Sec. 838. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Library Renovation (06-1-305)	
Appropriation:	
State Building Construction Account--State	\$14,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000
<u>NEW SECTION. Sec. 839. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Phase II Cultural and Arts Center (06-2-412)	
Appropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 840. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College Fort Steilacoom: Cascade Building Renovation (06-1-326)	
Appropriation:	
State Building Construction Account--State	\$3,350,622
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,601,736
TOTAL	\$17,952,358
<u>NEW SECTION. Sec. 841. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Roof Repairs (06-1-010)	
Appropriation:	
Community/Technical College Capital Projects Account--State	\$8,840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$28,840,000
<u>NEW SECTION. Sec. 842. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Seattle Central Community College: Greenhouse/Educational Center (06-2-410)	
Appropriation:	
State Building Construction Account--State	

		\$250,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$0
	TOTAL	
		\$250,000
	<u>NEW SECTION. Sec. 843. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Seattle Central Community College: Maritime Academy Repairs (06-1-502)	
Appropriation:		
	State Building Construction Account--State	
		\$1,856,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$0
	TOTAL	
		\$1,856,000
	<u>NEW SECTION. Sec. 844. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Seattle Central Community College: Information Technology and Visual Communications (06-1-304)	
Appropriation:		
	State Building Construction Account--State	
		\$8,096,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$0
	TOTAL	
		\$8,096,000
	<u>NEW SECTION. Sec. 845. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Shoreline Community College: Annex Renovation (06-1-312)	
Appropriation:		
	State Building Construction Account--State	
		\$2,739,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$0
	TOTAL	
		\$2,739,000
	<u>NEW SECTION. Sec. 846. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Site Repairs (06-1-090)	
Appropriation:		
	Community/Technical College Capital Projects Account--State	
		\$3,837,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$20,000,000
	TOTAL	
		\$23,837,000
	<u>NEW SECTION. Sec. 847. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Skagit Valley College: Campus Fire Loop Replacement (06-1-504)	
Appropriation:		
	State Building Construction Account--State	
		\$1,634,000
	Prior Biennia (Expenditures)	
		\$0
	Future Biennia (Projected Costs)	
		\$0
	TOTAL	

		\$1,634,000
	<u>NEW SECTION. Sec. 848. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	South Puget Sound Community College: Learning Resource Center (06-2-698)	
Appropriation:		
	State Building Construction Account--State	
		\$197,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$38,650,300
	TOTAL	\$38,847,300
	<u>NEW SECTION. Sec. 849. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	South Seattle Community College: Automotive Collision Technology (06-1-306)	
Appropriation:		
	State Building Construction Account--State	
		\$1,972,300
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$1,972,300
	<u>NEW SECTION. Sec. 850. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)	
Appropriation:		
	State Building Construction Account--State	
		\$557,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$557,000
	<u>NEW SECTION. Sec. 851. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Spokane Falls Community College: Campus Classrooms (06-2-696)	
Appropriation:		
	State Building Construction Account--State	
		\$82,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$20,488,000
	TOTAL	\$20,570,000
	<u>NEW SECTION. Sec. 852. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Walla Walla Community College: Clarkston Health Science Facility (06-2-402)	
Appropriation:		
	State Building Construction Account--State	
		\$1,000,000
	Prior Biennia (Expenditures)	\$0
	Future Biennia (Projected Costs)	\$0
	TOTAL	\$1,000,000
	<u>NEW SECTION. Sec. 853. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
	Wenatchee Valley College: Brown Library Renovation (06-1-311)	
Appropriation:		
	State Building Construction Account--State	
		\$2,404,300
	Prior Biennia (Expenditures)	

	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$2,404,300
<u>NEW SECTION. Sec. 854. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Center for Workforce Education (06-2-407)	
Appropriation:	
State Building Construction Account--State	
	\$1,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,000,000
<u>NEW SECTION. Sec. 855. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Raymond Hall Renovation (06-1-325)	
Appropriation:	
State Building Construction Account--State	
	\$4,168,350
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,168,350
<u>NEW SECTION. Sec. 856. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
North Seattle Community College: Employment Resource Center (06-2-851)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The appropriation in this section is provided solely for predesign and design funding of a colocated one-stop office on the North Seattle Community College campus with the employment security department, the department of social and health services, and WorkSource partnering agencies. The facility will provide integrated services to offer direct opportunities for skill improvement and to enhance employment outcomes of Washington state citizens.	
(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates anticipated for the building, including identification of a revenue stream sufficient to pay future debt service costs on a certificate of participation.	
Appropriation:	
State Building Construction Account--State	
	\$520,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$520,000
<u>NEW SECTION. Sec. 857. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)	
Appropriation:	
State Building Construction Account--State	
	\$2,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$2,000,000
<u>NEW SECTION. Sec. 858. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Center for Fine Arts and Performing Arts (06-2-950)	
Appropriation:	
State Building Construction Account--State	

Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$1,000,000

(End of part)

PART 6
MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS
MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$19,503,912 during the 2005-2007 fiscal period; \$128,151,322 during the 2007-2009 fiscal period; \$200,451,220 during the 2009-2011 fiscal period; \$207,686,311 during the 2011-2013 fiscal period; and \$210,558,739 during the 2013-2015 period.

NEW SECTION. Sec. 902. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

NEW SECTION. Sec. 903. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 904. Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. (1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this

subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 906. (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 907. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2007: (a) A listing of reappropriations in the governor's 2007-2009 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 908. The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following additional guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and

ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The board's biennial budget guidelines and the prioritization process shall place a greater emphasis on early critical review of project proposals at the pre-design phase, rather than deferring critical review and prioritization to the design or construction phases of a project.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to the capital budget instructions issued by the office of financial management. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

- (a) Implement a specific legislatively authorized program or planning priority;
- (b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;
- (c) Provide additional capacity or adaptation of space for high demand instructional or research programs;
- (d) Provide additional instructional program capacity for under-served geographic regions or populations; and
- (e) Reflect institutional planning priorities and areas of emphasis.

(7) The board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

NEW SECTION. Sec. 909. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.

(b) Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a parking structure.

(c) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for the enology program.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land for a Hawks Prairie campus.

(p) The projects in (a), (f), (k), (m), (n), and (o) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

(7) Secretary of state: Enter into a financing contract on behalf of TVW for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to support the conversion of TVW from analog to digital equipment.

NEW SECTION. Sec. 910. It is in the public interest to provide more prison capacity in Washington state. During the 2005-2007 biennium, the department of corrections shall solicit proposals for an approximate 2,000 bed, medium/hybrid security prison in Franklin county. The department of corrections, in consultation with the department of general administration, will evaluate and choose from among the broadest possible set of options with regards to cost, quality, and timeliness. Upon the department of correction's approval of the selected proposal, which approval shall be made only with the concurrence of the department of general administration, the department of corrections shall enter into a financing contract or financing contracts for the prison pursuant to chapter 39.94 RCW and the certificate of participation program established by the state treasurer thereunder. The amount financed for the prison shall not exceed \$245,000,000, plus financing costs and required reserves.

NEW SECTION. Sec. 911. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2005-2007 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art.

NEW SECTION. Sec. 912. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically

refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2007-09 biennium and the following four biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 913. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2005, from the 2003-2005 biennial appropriations for each project.

NEW SECTION. Sec. 914. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 915. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 916. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 917. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 918. The military department shall file quarterly progress reports in addition to the annual project progress reporting requirement of RCW 43.88.160(3). These reports must contain local, state, and federal funding reconciliation and balance sheets for all appropriated readiness center projects and detail any federal intentions on future readiness centers and other facilities.

NEW SECTION. Sec. 919. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

NEW SECTION. Sec. 920. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

Sec. 921. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund

shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2005, and ending June 30, 2007, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.

Sec. 922. RCW 43.88.032 and 1997 c 96 s 5 are each amended to read as follows:

(1) Normal maintenance costs, except for funds appropriated for facility preservation of state institutions of higher education, shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

Sec. 923. RCW 28B.50.360 and 2004 c 277 s 910 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, ~~((and, during the 2003-05 biennium,))~~ engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes.

NEW SECTION. Sec. 924. In accordance with the recommendation of the joint legislative audit and review committee report "Performance Audit of Capital Budget Processes," the office of financial management shall develop a plan, in consultation with legislative fiscal committees, to address weaknesses identified in that report in the oversight of facility projects. The report shall address, but not be limited to:

- (1) Aligning resources to program workload;
- (2) Identifying and institutionalizing best practices;
- (3) Creating easily accessible and reliable information systems; and
- (4) Improving the review and evaluation of projects at the predesign stage prior to the authorization of design and construction.

The office of financial management shall report on its plan to the governor and the senate committee on ways and means and house of representatives capital budget committee no later than December 1, 2005.

Sec. 925. RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money

in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the 2005-2007 biennium, moneys in the account may be used for grants for projects identified in section 137 of this act.

NEW SECTION. Sec. 926. If chapter ... (Engrossed Substitute House Bill No. 1903), Laws of 2005 does not become law by June 30, 2005, section 925 of this act is null and void.

NEW SECTION. Sec. 927. To provide additional financial assistance and relief to irrigation districts and farmers during the current drought, loan principal and interest payments due to the department of ecology from previous biennia loans and loans in the 2005-2007 biennium for drought assistance or agricultural water supply projects may be deferred for the 2005-2007 biennium. Deferrals are intended only for loan recipients that involve a significant number of farmers who are temporarily leasing or not using their water rights for the benefit of the drought response. The deferrals shall apply to loans from the state drought preparedness account, the state emergency water projects revolving account, and state and local improvement revolving account (water supply facilities). Such loan repayments will resume consistent with the original loan agreement at the beginning of the 2007-2009 biennium.

NEW SECTION. Sec. 928. (1) The house of representatives capital budget committee, with staff support provided by the office of program research, shall research and develop recommendations and findings comparing the stewardship costs to properly manage public lands compared to private lands and the fiscal impacts on counties of purchasing additional public lands under chapter 79A.15 RCW. The capital budget committee shall work with the interagency committee for outdoor recreation, the department of fish and wildlife, the department of natural resources, and counties to obtain necessary information to complete the report.

(a) The private versus public stewardship comparison component of the report shall include, but not be limited to, weed control, diking and drainage, fencing, signage, and other land management activities.

(b) The county fiscal impact component of the report shall include, but not be limited to, a financial analysis determining the difference by county of assessing property taxes on lands acquired under chapter 79A.15 RCW based on one hundred percent of a property's true and fair value compared to assessing property as open space under chapter 84.34 RCW. The analysis shall also compare the fiscal impacts of using these different property tax rates by county for existing game lands held by the department of fish and wildlife and natural areas managed by the department of natural resources.

(2) The capital budget committee shall prepare the report by December 1, 2005.

SUPPLEMENTAL PROVISIONS

Sec. 929. 2003 1st sp.s. c 26 s 115 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State

(((\$261,200,000))

\$416,200,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$1,319,499,999

TOTAL

(((\$1,580,699,999))

\$1,735,699,999

Sec. 930. 2003 1st sp.s. c 26 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

((~~Drinking Water Assistance Account--State~~

\$11,200,000))

Drinking Water Assistance Repayment
Account--State

	<u>\$15,200,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$11,200,000))
	<u>\$15,200,000</u>

Sec. 931. 2004 c 277 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State	(((\$12,700,000))
	<u>\$8,500,000</u>

Drinking Water Assistance Repayment
Account--State

State Building Construction Account--State	<u>\$4,200,000</u>
Subtotal Appropriation	\$4,000,000
Prior Biennia (Expenditures)	\$16,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,400,000
	<u>\$49,100,000</u>

NEW SECTION. Sec. 932. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT Alteration of Building No. 2 - Camp Murray (05-1-001)

Appropriation:

General Fund--Federal	\$140,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,260,000
TOTAL	\$1,400,000

NEW SECTION. Sec. 933. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT Courseware Development Support Facility (05-2-002)

Appropriation:

General Fund--Federal	\$138,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,237,000
TOTAL	\$1,375,000

NEW SECTION. Sec. 934. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Jefferson County Public Utility District Grant (05-1-006)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local

	\$265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$265,000

Sec. 935. 2004 c 277 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$140,000

State Building Construction Account--State

~~(\$6,996,000)~~

\$7,723,000

Thurston County Capital Facilities Account--State

~~(\$937,000)~~

\$210,000

Community and Technical College Capital Projects
Account--State

\$1,513,000

Subtotal Appropriation

\$9,586,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

~~(\$0)~~

\$41,308,400

TOTAL

((\$9,586,000))

\$50,894,400

Sec. 936. 2004 c 277 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction
Account--State

\$68,450,000

State Building Construction Account--State

\$6,000,000

Subtotal Reappropriation

\$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State

\$4,800,000

State Building Construction Account--State

\$7,100,000

Subtotal Appropriation

\$11,900,000

Prior Biennia (Expenditures)

\$26,031,000

Future Biennia (Projected Costs)

\$0

TOTAL

((\$105,281,000))

\$112,381,000

Sec. 937. 2003 1st sp.s. c 26 s 240 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$500,000

Appropriation:

General Fund--Federal

\$30,730,700

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$250,000

State Building Construction Account--State

((\$12,000,000))

Subtotal Appropriation

\$13,420,000

((\$42,980,700))

Prior Biennia (Expenditures)

\$44,400,700

((\$2,500,000))

Future Biennia (Projected Costs)

\$4,000,000

\$0

TOTAL

((\$45,980,700))

\$48,900,700

Sec. 938. 2004 c 277 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving
Account--State

((\$81,054,333))

\$102,614,743

Water Pollution Control Revolving
Account--Federal

\$44,466,666

Subtotal Appropriation

((\$125,520,999))

\$147,081,409

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$462,000,000

TOTAL

((\$587,520,999))

\$609,081,409

NEW SECTION. Sec. 939. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,200,000 of the state taxable building construction account--state appropriation shall be deposited in the state drought preparedness account.

(2) The appropriations in this section are provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions that may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(3) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body that is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

Appropriation:

State Drought Preparedness Account--State

\$8,200,000

State Taxable Building Construction Account--State

\$8,200,000

Subtotal Appropriation

\$16,400,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$16,400,000

Sec. 940. 2003 1st sp.s. c 26 s 330 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:

State Building Construction Account--State	(((\$1,500,000))
	<u>\$1,910,000</u>
Prior Biennia (Expenditures)	(((\$4,569,365))
	<u>\$73,350</u>
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$6,069,365))
	<u>\$1,983,350</u>

Sec. 941. 2003 1st sp.s. c 26 s 403 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Spokane (04-2-009)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: The appropriations ((~~is~~)) are provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.

Appropriation:

State Building Construction Account--State	\$3,900,000
<u>State Wildlife Account</u>	<u>\$500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$3,900,000))
	<u>\$4,400,000</u>

Sec. 942. 2003 1st sp.s. c 26 s 421 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (04-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring commercial real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the

receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) Except as provided in subsections (12) and (13) of this section, the department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund, except as provided in subsection (13) of this section, and the appropriation in this section shall be reduced by an equivalent amount.

(10) Except as provided in subsection (13) of this section, the appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(11) The department of natural resources shall manage lands acquired as "Bone river natural area preserve" as a natural resources conservation area under chapter 79.71 RCW.

(12) The department shall execute trust land transfers, after the deduction of reasonable costs as provided in subsection (4) of this section, for Obstruction Pass and Point Lawrence as described in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(13) Up to \$4,500,000 of the appropriation from the state building construction account--state appropriation is provided solely for the transfer of trust land known as Harbour Pointe to the city of Mukilteo. Four acres of buildable land shall be dedicated for use of a recreational facility to serve only school-age children. Recreational space shall also be designated as ball fields for the purposes of serving the area youth.

Appropriation:

State Building Construction Account--State	\$55,000,000
Natural Resources Real Property Replacement Account--State	\$11,000,000
Subtotal Appropriation	\$66,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$250,000,000
TOTAL	\$316,000,000

Sec. 943. 2004 c 277 s 262 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a (~~(single shop and classroom)~~) training facility and a separate academic/administrative facility to replace (~~(eight)~~) light wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$722,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,342,480
TOTAL	\$8,064,480

Sec. 944. 2004 c 277 s 236 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (04-4-001)

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

(5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.

(6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State

((~~\$402,268,513~~))

\$295,218,513

State Building Construction Account--State

\$107,050,000

Subtotal Appropriation

\$402,268,513

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$1,858,456,614

TOTAL

\$2,260,725,127

Sec. 945. 2004 c 277 s 911 (uncodified) is amended to read as follows:

~~((During the 2003-05 biennium,)) The state parks and recreation commission shall ((study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170))~~ transfer Old Man House state park to the Suquamish tribe. Any transfer shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe to enforce the reversionary clause pursuant to RCW 79A.05.170.

Sec. 946. 2004 c 277 s 904 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The

office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

(4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct (~~an above ground parking garage~~) a math and science building.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and storm water mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 947. Sections 921 and 922 of this act expire June 30, 2007.

NEW SECTION. Sec. 948. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 949. The following acts or parts of acts are each repealed:

(1) 2003 1st sp.s. c 26 s 603 (uncodified); and

(2) 2004 c 277 s 302 (uncodified).

NEW SECTION. Sec. 950. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 951. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 921 and 922 of this act, which take effect June 30, 2005.

(End of Part)

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On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 43.88.032, 28B.50.360, and 43.155.050; amending 2003 1st sp.s. c 26 ss 115, 131, 240, 330, 403, and 421 (uncodified); amending 2004 c 277 ss 201, 110, 209, 221, 262, 236, 911, and 904 (uncodified); adding new sections to 2004 c 277 (uncodified); creating new sections; repealing 2003 1st sp.s. c 26 s 603 (uncodified); repealing 2004 c 277 s 302 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6094 and request of the House a conference thereon.

The President Pro Tempore declared the question before the Senate to be motion by Senator Fraser that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6094.

The motion by Senator Fraser carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6094 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6094 and the House amendment(s) there to: Senators Fraser, Regala and Hewitt.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 6, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, with the following amendments{s}:

On page 5, line 22, after "day" insert ", and the activity is in conformity with federal law and would not jeopardize the receipt of federal funds as determined by the department. The operator must be a licensed driver and at least eighteen years old" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952 and ask the House to recede therefrom.

Senators Kohl-Welles and Hewitt spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952 and ask the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 8, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5922, with the following amendments{s}:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 26.44.100 and 1998 c 314 s 8 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the alleged perpetrator of ~~(the allegations of child abuse ((and)) or neglect ((at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process))~~ at the initial point of contact with the alleged perpetrator, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted so that relevant evidence of offenses is not concealed or destroyed, child victims are not subjected to undue influence, and actions are not taken that would jeopardize the safety or protection of the child.

Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the alleged perpetrator of the report and the department's investigative findings. The notice shall also advise the alleged perpetrator that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) An alleged perpetrator named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

(5) The department shall provide training to all persons who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

NEW SECTION. **Sec. 2.** The legislature finds that whenever possible, children should remain in the home of their parents. It is only when the safety of the child is a concern that the child should be removed from the home.

The legislature finds that the safety of a child is put in jeopardy when a child is subject to chronic neglect. The legislature recognizes that chronic neglect may be more dangerous to a child than physical or sexual abuse, and must be treated as such by those charged with the protection of children in this state.

It is the intent of the legislature that the department of social and health services be permitted to intervene in cases of chronic neglect where the well-being of the child is at risk. One incident of neglect may not rise to the level requiring state intervention; however, a pattern of neglect has been shown to cause damage to the health and well-being of the child subject to the neglect.

It is the intent of the legislature that when chronic neglect has been found to exist in a family, the legal system reinforce the need for the parent to engage in services that will decrease the likelihood of future neglect. However, if the parents fail to comply with the necessary services, the state must intervene to protect the children who are at risk.

Sec. 3. RCW 13.34.138 and 2003 c 227 s 5 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The cooperation by the parents with the agency case plan;

(ii) The compliance of the parents with court orders related to the care and supervision of the child; and

(iii) The continued participation of the parents in remedial services.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in services or treatment for themselves or the child; or

(iii) The failure of the parents to successfully and substantially complete services or treatment for themselves or the child.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((3))~~ (4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 26.44.015 and 1999 c 176 s 28 are each amended to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, ~~((and))~~ or safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

Sec. 5. RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means ~~((the injury,))~~ sexual abuse, sexual exploitation, ~~((negligent treatment, or maltreatment))~~ or nonaccidental injury of a child by any person under circumstances which ~~((indicate that))~~ cause harm to the child's health, welfare, ~~((and))~~ or safety ~~((is harmed)),~~ excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child under circumstances which cause harm to or present a substantial threat of harm to the child's health, welfare, or safety. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or ~~((omission))~~ a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to ~~((constitute a clear and present danger))~~ cause harm to or present a substantial threat of harm to ~~((the))~~ a child's ~~((health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment))~~ physical, mental, or cognitive condition or development. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child do not constitute negligent treatment or maltreatment in and of themselves.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to or is at risk of negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians (a) to ameliorate the conditions that endangered the welfare of the child or that place the child at risk of future abuse or neglect, or (b) to address or treat the effects of mistreatment or neglect upon the child. If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-

home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(2) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain appropriate treatment or services, or are unable or unwilling to participate in or successfully complete the treatment or services identified by the department, the department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect.

(3) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect or safeguard the child from future abuse or neglect.

(4) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.

Sec. 7. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate ~~((complaints of any recent act or failure to act))~~ reports of child abuse or neglect as defined in chapter 26.44 RCW on the part of a parent, guardian, or legal custodian of the child, member of the household of such persons, agency as defined in chapter 74.15 RCW providing care to the child, or other caretaker ((that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm)) of the child who is serving in place of the parent, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such ((parents, legal custodians, or)) persons ((serving in loco parentis)), and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, guardians, legal custodians, or persons serving in ((loco parentis)) place of a parent. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

NEW SECTION. Sec. 8. The legislature recognizes that the fiscal and workload impact of this act may not be fully determined until after it is implemented and that such impact may further be affected by the funding or availability of community-based prevention and remedial services. For that reason, the department of social and health services shall report on the implementation of this act to the appropriate legislative committees and the governor by December 1, 2006. The report shall include information regarding any change over previous years in the number and type of child abuse and neglect referrals received and investigations conducted, any change in in-home and out-of-home dependency placements and/or filings, any increased service costs, barriers to implementation, and an assessment of the fiscal and workload impact on the department. Such information shall be reviewed by the legislature for possible amendment of this act or additional allocation of resources to the department for implementation purposes.

NEW SECTION. Sec. 9. This act takes effect January 1, 2006.

NEW SECTION. Sec. 10. This act may be known and cited as the Justice and Raiden Act."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922 and ask the House to recede therefrom.

Senators Eide and Stevens spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Eide that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922 and ask the House to recede therefrom.

The motion by Senator Eide carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Linville, Kristiansen & Ericks

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Shin, the Senate insisted on its position on Engrossed Substitute House Bill No. 1903 and granted the request of the House for a conference on Engrossed Substitute House Bill No. 1903 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1903 and the Senate amendment(s) thereto: Senators Brown, Fraser and Pflug.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House insists on its position regarding the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5370 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Linville, Kristiansen & Ericks
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Shin, the Senate insisted on its position on Second Substitute Senate Bill NO. 5370 and granted the request of the House for a conference on Substitute Senate Bill No. 5370 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Substitute Senate Bill No. 5370 and the House amendment(s) there to: Senators Brown, Shin and Pflug.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1008 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate recede from its position on House Bill No. 1008 and pass the bill without the Senate amendments.

The President Pro Tempore declared the question before the Senate to be motion by Senator Prentice that the Senate recede from its position on House Bill No. 1008 and pass the bill without the Senate amendments.

The motion by Senator Prentice carried and the Senate receded from its position on House Bill No. 1008 and pass the bill without the Senate amendments.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1008 without the Senate amendments.

ROLL CALL

The Secretary call the roll on the final passage of House Bill No. 1008 without the Senate amendments and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Brown and Finkbeiner - 2

HOUSE BILL NO. 1008, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senators McCaslin and Finkbeiner were excused.

On motion of Senator Eide, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5732 was returned to second reading for purpose of an amendment and passed as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to reconstitute the state board of education and to refocus its purpose; to abolish the academic achievement and accountability commission; to assign policy and rule-making authority for educator preparation and certification to the professional educator standards board and to clearly define its purpose; and to align the missions of the state board of education and the professional educator standards board to create a collaborative and effective governance system that can accelerate progress towards achieving the goals in RCW 28A.150.210.

PART 1 STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary

of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.305 RCW to read as follows:

The election of state board of education members by school directors and private school board members shall be conducted by the office of the superintendent of public instruction for the members of the state board who begin serving on January 1, 2006, and thereafter.

(1) The superintendent shall adopt rules for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the twenty-fifth of August, and notification of the election results no later than the fifteenth of December.

(2) State board member positions one and two shall be filled by residents of the eastern Washington region and positions three, four, and five shall be filled by residents of the western Washington region.

(3) A school director shall be eligible to vote only for a candidate for each position in the geographic region within which the school director resides.

(4) Initial terms of the individuals elected by the school directors shall be for terms of two to four years in length as follows: Two members, one from eastern Washington and one from western Washington, shall be elected to two-year terms; two members, one from eastern Washington and one from western Washington, shall be elected to four-year terms; and one member from western Washington shall be elected to a three-year term. The term of the private school member shall be two years. All terms shall expire on the second Monday of January of the applicable year.

(5) No person employed in any public or private school, college, university, or other educational institution or any educational service district superintendent's office or in the office of the superintendent of public instruction is eligible for membership on the state board of education. No member of a board of directors of a local school district or private school may continue to serve in that capacity after having been elected to the state board.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.305 RCW to read as follows:

By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

Sec. 104. RCW 28A.305.130 and 2002 c 205 s 3 are each amended to read as follows:

The purpose of the state board of education is to adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4) Until January 1, 2006:

(a) ~~((The state board of education shall))~~ Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter~~((:)); and~~

(b) ~~((The state board of education shall))~~ Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate.

The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

(6) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business.

(7) Form committees as necessary to effectively and efficiently conduct the work of the board.

(8) Seek advice from the public and interested parties regarding the work of the board.

(9) For purposes of statewide accountability, the board shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Include in the biennial report required under section 103 of this act, information on the progress that has been made in achieving goals adopted by the board.

(10) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

~~((7))~~ (11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

~~((8))~~ (12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((9))~~ (13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students ~~(and)~~.

(14) Evaluate course of study requirements and articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system.

~~((10))~~ (15) Carry out board powers and duties relating to the organization and reorganization of school districts ~~(under RCW 28A.315.010 through 28A.315.680 and 28A.315.900).~~

~~((11))~~ (16) Hear and decide appeals as otherwise provided by law.

~~((The state board of education is given the authority to))~~ (17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

(18) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW.

(19) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 105. RCW 28A.505.210 and 2001 c 3 s 3 are each amended to read as follows:

School districts shall have the authority to decide the best use of student achievement funds to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of chapter 3, Laws of 2001.

(1) Student achievement funds shall be allocated for the following uses:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators, including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school;

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed use of these funds to improve student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt a plan for the use of these funds for the upcoming school year. Annually, each school district shall provide to the citizens of their district a public accounting of the funds made available to the district during the previous school year under chapter 3, Laws of 2001, how the funds were used, and the progress the district has made in increasing student achievement, as measured by required state assessments and other assessments deemed appropriate by the district. Copies of this report shall be provided to the superintendent of public instruction ~~(and to the academic achievement and accountability commission).~~

Sec. 106. RCW 28A.655.070 and 2004 c 19 s 204 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the (~~academic achievement and accountability commission~~) state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the (~~academic achievement and accountability commission~~) state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

PART 2 WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD

Sec. 201. RCW 28A.410.210 and 2000 c 39 s 103 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

(7) Hear and determine educator certification appeals as provided by RCW 28A.410.100;

(8) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

(9) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

(10) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

(11) Serve as an advisory body to the superintendent of public instruction ((and as the sole advisory body to the state board of education)) on issues related to educator recruitment, hiring, ((preparation, certification including high quality alternative routes to certification,)) mentoring and support, professional growth, retention, ((governance, prospective teacher pedagogy assessment, prospective principal assessment,)) educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

((2)) (12) Submit ((annual reports and recommendations, beginning December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction concerning duties and activities within the board's advisory capacity. The Washington professional educator standards board shall submit a separate report by December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction providing recommendations for at least two high quality alternative routes to teacher certification. In its deliberations, the board shall consider at least one route that permits persons with substantial subject matter expertise to achieve residency certification through an on-the-job training program provided by a school district)), by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210; ((and

((3)) (13) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240; and

(14) Conduct meetings under the provisions of chapter 42.30 RCW.

Sec. 202. RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of twenty members to be appointed by the governor to four-year terms and the superintendent of public instruction((, who shall be an ex-officio, nonvoting member)).

(b) As the four-year terms of the first appointees expire or vacancies to the board occur for the first time, the governor shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for four years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall annually appoint the chair of the board from among the teachers and principals on the board. No board member may serve as chair for more than two consecutive years.

(2) Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.

(3) Public school teachers appointed to the board must:

(a) Have at least three years of teaching experience in a Washington public school;

- (b) Be currently certificated and actively employed in a teaching position; and
- (c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.
- (4) Private school teachers appointed to the board must:
 - (a) Have at least three years of teaching experience in a Washington approved private school; and
 - (b) Be currently certificated and actively employed in a teaching position in an approved private school.
- (5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).
- (6) School administrators appointed to the board must:
 - (a) Have at least three years of administrative experience in a Washington public school district;
 - (b) Be currently certificated and actively employed in a school administrator position; and
 - (c) Include two public school principals, one Washington approved private school principal, and one superintendent.
- (7) Educational staff associates appointed to the board must:
 - (a) Have at least three years of educational staff associate experience in a Washington public school district; and
 - (b) Be currently certificated and actively employed in an educational staff associate position.
- (8) Public school classified employees appointed to the board must:
 - (a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and
 - (b) Be currently employed in a position that requires the employee to assist in the instruction of students.
- (9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.
- (10) All appointments to the board made by the governor shall be subject to confirmation by the senate.
- (11) The governor shall appoint the members of the initial board no later than June 1, 2000.
- (12) In appointing board members, the governor shall consider the diversity of the population of the state.
- (13) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.
- (14) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.
- (15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.
- (16) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

Sec. 203. RCW 28A.410.010 and 2001 c 263 s 1 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall establish, publish, and enforce rules ~~((and regulations))~~ determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

In establishing rules pertaining to the qualifications of instructors of American sign language the ~~((state))~~ board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

The superintendent of public instruction shall act as the administrator of any such rules ~~((and regulations))~~ and have the power to issue any certificates or permits and revoke the same in accordance with board rules ~~((and regulations))~~.

Sec. 204. RCW 28A.410.040 and 1992 c 141 s 101 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW ~~((28A.395.130 (1) and (2)))~~ 28A.410.210. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood

education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

Sec. 205. RCW 28A.410.050 and 1992 c 141 s 102 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring certification after August 31, 1992.

Sec. 206. RCW 28A.410.060 and 1990 c 33 s 407 are each amended to read as follows:

The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the ~~((state board of education))~~ Washington professional educator standards board by rule ~~((or regulation))~~ shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, and professional in-service training programs in accord with rules ~~((and regulations))~~ of the ~~((state board of education))~~ Washington professional educator standards board herein authorized.

Sec. 207. RCW 28A.410.100 and 1992 c 159 s 6 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the ~~((state board of education))~~ Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the ~~((state board of education))~~ Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 208. RCW 28A.410.120 and 1990 c 33 s 411 are each amended to read as follows:

Notwithstanding any other provision of this title, the ~~((state board of education))~~ Washington professional educator standards board or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent.

Sec. 209. RCW 28A.415.023 and 1997 c 90 s 1 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW ~~((28A.320.205))~~ 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the ~~((state board of education))~~ Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification; or

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

Sec. 210. RCW 28A.415.060 and 1991 c 155 s 1 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the ~~((state board of education))~~ Washington professional educator standards board.

Sec. 211. RCW 28A.415.205 and 1991 c 238 s 75 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the ~~((state board of education))~~ Washington professional educator standards board. The ~~((state board of education))~~ Washington professional educator standards board shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges, the department of employment security, and the work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

- (a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;
- (b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;
- (c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and
- (d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the ~~((state board of education))~~ Washington professional educator standards board, and local school districts in working toward the goals of the program.

Sec. 212. RCW 28A.150.060 and 1990 c 33 s 102 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.195.010, 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, shall include those persons who hold certificates as authorized by rule ~~((or regulation))~~ of the ~~((state board of education))~~ Washington professional educator standards board or the superintendent of public instruction.

Sec. 213. RCW 28A.170.080 and 1990 c 33 s 157 are each amended to read as follows:

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under ~~((state board of education))~~ Washington professional educator standards board rules adopted pursuant to RCW ~~((28A.305.130))~~ 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

Sec. 214. RCW 28A.205.010 and 1999 c 348 s 2 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the ~~((state board of education))~~ Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of

actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 215. RCW 28A.205.050 and 1995 c 335 s 201 are each amended to read as follows:

In accordance with chapter 34.05 RCW, the administrative procedure act, the ~~((state board of education))~~ Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter.

Sec. 216. RCW 28A.405.210 and 1996 c 201 s 1 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the ~~((state board of education))~~ Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 217. RCW 28B.10.140 and 2004 c 60 s 1 are each amended to read as follows:

The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the ~~((state board of education))~~ Washington professional educator standards board are required, for any grade, level, department, or position of the public schools of the state.

Sec. 218. RCW 18.118.010 and 1990 c 33 s 553 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of the real estate profession and other business professions which may seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on July 26, 1987: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 26, 1987, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or ~~((state board of education))~~ Washington professional educator standards board under RCW ~~((28A.305.130))~~ 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 26, 1987; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession for the

first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 219. RCW 18.120.010 and 1990 c 33 s 554 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of health professions not licensed or regulated prior to July 24, 1983, and those licensed or regulated health professions which seek to substantially increase their scope of practice: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 24, 1983, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or ((state board of education)) Washington professional educator standards board under RCW ((28A.305.130)) 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; and (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 24, 1983. The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall, after July 24, 1983, be imposed upon any health profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria. A health profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a health profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the health profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 220. RCW 28A.410.032 and 1996 c 135 s 4 are each amended to read as follows:

Teachers of visually impaired students shall be qualified according to rules adopted by the ((state board of education)) professional educator standards board.

PART 3
TRANSFER OF POWERS AND DUTIES

NEW SECTION. Sec. 301. (1) The state board of education as constituted prior to the effective date of this section is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education as specified in this act. All references to the director or the state board of education as constituted prior to the effective date of this section in the Revised Code of Washington shall be construed to mean the director or the state board of education as specified in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board of education as constituted prior to the effective date of this section shall be delivered to the custody of the state board of education as specified in this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board of education as constituted prior to the effective date of this section shall be made available to the state board of education as specified in this act. All funds, credits, or other assets held by the state board of education as constituted prior to the effective date of this section shall be assigned to the state board of education as specified in this act.

(b) Any appropriations made to the state board of education as constituted prior to the effective date of this section shall, on the effective date of this section, be transferred and credited to the state board of education as specified in this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state board of education as constituted prior to the effective date of this section are transferred to the jurisdiction of the state board of education as specified in this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board of education as specified in this act to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state board of education as constituted prior to the effective date of this section shall be continued and acted upon by the state board of education as specified in this act. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education as specified in this act.

(5) The transfer of the powers, duties, functions, and personnel of the state board of education as constituted prior to the effective date of this section shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 302. (1) The academic achievement and accountability commission is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education. All references to the director or the academic achievement and accountability commission in the Revised Code of Washington shall be construed to mean the director or the state board of education.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the academic achievement and accountability commission shall be delivered to the custody of the state board of education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the academic achievement and accountability commission shall be made available to the state board of education. All funds, credits, or other assets held by the academic achievement and accountability commission shall be assigned to the state board of education.

(b) Any appropriations made to the academic achievement and accountability commission shall, on the effective date of this section, be transferred and credited to the state board of education.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the academic achievement and accountability commission shall be continued and acted upon by the state board of education. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education.

(4) The transfer of the powers, duties, and functions of the academic achievement and accountability commission shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

PART 4 MISCELLANEOUS

NEW SECTION. Sec. 401. The following acts or parts of acts as now existing or hereafter amended, are each repealed:

- (1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s 28A.04.010;
- (2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;
- (3) RCW 28A.305.030 (Elections in new congressional districts--Call and conduct of--Member terms--Transitional measures to reduce number of members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;
- (4) RCW 28A.305.040 (Declarations of candidacy--Qualifications of candidates--Members restricted from service on local boards--Forfeiture of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4, 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s 28A.04.040;
- (5) RCW 28A.305.050 (Qualifications of voters--Ballots--Voting instructions--Candidates' biographical data) and 1990 c 33 s 261, 1988 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;
- (6) RCW 28A.305.060 (Election procedure--Certificate) and 1990 c 33 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283 s 25, & 1969 ex.s. c 223 s 28A.04.060;
- (7) RCW 28A.305.070 (Action to contest election--Grounds--Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;
- (8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33 s 263, & 1969 ex.s. c 223 s 28A.04.070;
- (9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969 ex.s. c 223 s 28A.04.080;
- (10) RCW 28A.305.100 (Superintendent as ex officio member and chief executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s 28A.04.090;
- (11) RCW 28A.305.110 (Executive director--Secretary of board) and 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s 28A.04.100;
- (12) RCW 28A.305.120 (Meetings--Compensation and travel expenses of members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106 s 13, & 1969 ex.s. c 223 s 28A.04.110; and
- (13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

- (1) RCW 28A.655.020 (Academic achievement and accountability commission) and 1999 c 388 s 101;
- (2) RCW 28A.655.030 (Essential academic learning requirements and assessments--Duties of the academic achievement and accountability commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102; and
- (3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and 1999 c 388 s 502.

Sec. 403. RCW 28A.300.020 and 1996 c 25 s 2 are each amended to read as follows:

The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. However, the superintendent shall employ without undue delay the executive director of the state board of education and other state board of education office assistants and clerical help, appointed by the state board under RCW ((28A.305.110)) 28A.305.130, whose positions are allotted and funded in accordance with moneys appropriated exclusively for the operation of the state board of education. The rate of compensation and termination of any such executive director, state board office assistants, and clerical help shall be subject to the prior consent of the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent or at the pleasure of the superintendent and the state board of education as provided in this section. Expenditures by the superintendent of public instruction for direct and indirect support of the state board of education are valid operational expenditures by and in behalf of the office of the superintendent of public instruction.

Sec. 404. RCW 28A.310.110 and 1990 c 33 s 272 are each amended to read as follows:

Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to chapter 29A.68 RCW ((28A.305.070)).

Sec. 405. RCW 28A.315.085 and 1999 c 315 s 206 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW 28A.315.155, and such reimbursement for state board members to be in accordance with ((RCW 28A.305.120)) section 101 of this act.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

NEW SECTION. Sec. 406. The professional educator standards board shall conduct a comprehensive analysis of the strengths and weaknesses of Washington's educator and administrator certification and preparation systems, and by December 1, 2005, transmit its findings and any recommendations to the legislative committees on education, the superintendent of public instruction, the state board of education, and the governor. The board shall use the analysis to develop a planning document to guide the assumption of policy and rule-making authority responsibilities for educator and administrator preparation and certification, consistent with the board's purpose.

NEW SECTION. Sec. 407. A joint subcommittee of the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives, in collaboration with the state board of education, school directors, administrators, principals, the superintendent of public instruction, parents, teachers, and other interested parties, shall review the statutory duties of the state board of education held before the effective date of this section, except the duties for educator certification that have been transferred to the professional educator standards board. Recommendations shall be reported to the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives by December 15, 2005.

NEW SECTION. Sec. 408. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 409. Sections 101, 103, 105, 106, 201 through 220, 301, 401, and 403 through 405 of this act take effect January 1, 2006.

NEW SECTION. Sec. 410. Sections 104, 302, 402, and 406 through 408 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

NEW SECTION. Sec. 411. Section 102 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010, 28A.410.032, 28A.300.020, 28A.310.110, and 28A.315.085; adding new sections to chapter 28A.305 RCW; creating new sections; repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030, and 28A.655.900; providing effective dates; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732.

Senators McAuliffe and Schmidt spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5732 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5732, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Carrell, Deccio, Esser, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Stevens and Swecker - 13

Excused: Senators Brown, Finkbeiner and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, with the following amendments{s}:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.56.005 and 2004 c 226 s 2 are each amended to read as follows:

(1) The legislature declares that ~~((the increasing reliance on))~~ water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported as cargo and fuel by vessels on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is ~~((in the early stages of development))~~ at best only partially effective. Preventing spills is more protective of the environment and more cost-effective when all the response and damage costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to ~~((adopt))~~ achieve a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, Pennsylvania, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water, and average removal rates are only fourteen percent;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; ~~((and))~~

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil; and

(e) In section 5002 of the federal oil pollution act of 1990, the United States congress found that many people believed that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and, further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Congress also found that a mechanism should be established that fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent ~~((oversight board))~~ oil spill advisory council to review on an ongoing basis the adequacy of oil spill prevention, preparedness, and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

NEW SECTION. Sec. 2. A new section is added to chapter 90.56 RCW to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) One representative of marine labor;

(viii) Two representatives of marine trade interests;

(ix) One representative of major oil facilities;

(x) One representative of public ports; and

(xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with councilmembers in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section shall be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 3. A new section is added to chapter 90.56 RCW to read as follows:

(1) The duties of the council include:

(a) Selection and hiring of professional staff and expert consultants to support the work of the council;

(b) Early consultation with government decision makers in relation to the state's oil spill prevention, preparedness, and response programs, analyses, rule making, and related oil spill activities;

(c) Providing independent advice, expertise, research, monitoring, and assessment for review of and necessary improvements to the state's oil spill prevention, preparedness, and response programs, analyses, rule making, and other decisions, including those of the Northwest area committee, as well as the adequacy of funding for these programs;

(d) Monitoring and providing information to the public as well as state and federal agencies regarding state of the art oil spill prevention, preparedness, and response programs;

(e) Actively seeking public comments on and proposals for specific measures to improve the state's oil spill prevention, preparedness, and response program, including measures to improve the effectiveness of the Northwest area committee;

(f) Evaluating incident response reports and making recommendations to the department regarding improvements;

(g) Consulting with the department on lessons learned and agency progress on necessary actions in response to lessons learned;

(h) Promoting opportunities for the public to become involved in oil spill response activities and provide assistance to community groups with an interest in oil spill prevention and response, and coordinating with the department on the development and implementation of a citizens' involvement plan;

(i) Serving as an advisory body to the department on matters relating to international, national, and regional issues concerning oil spill prevention, preparedness, and response, and providing a mechanism for stakeholder and public consideration of federal actions relating to oil spill preparedness, prevention, and response in or near the waters of the state with recommended changes or improvements in federal policies on these matters;

(j) Accepting moneys from appropriations, gifts, grants, or donations for the purposes of this section; and

(k) Any other activities necessary to maintain the state's vigilance in preventing oil spills.

(2) The council shall establish a work plan for accomplishing the duties identified in subsection (1) of this section.

(3) The council is not intended to address issues related to spills involving hazardous substances.

(4) By September 15, 2006, the council shall recommend to the governor and appropriate committees of the legislature, proposals for the long-term funding of the council's activities and for the long-term sustainable funding for oil spill preparedness, prevention, and response activities.

(5) By September 1st of each year, the council shall make recommendations for the continuing improvement of the state's oil spill prevention, preparedness, and response activities through a report to the governor, the director, and the appropriate committees of the senate and house of representatives.

Sec. 4. RCW 90.56.060 and 2004 c 226 s 4 are each amended to read as follows:

(1) The department shall prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, ~~(and)~~ hazardous substance manufacturers, and with the oil spill advisory council.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to this chapter and chapter 88.46 RCW and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of spills of oil and hazardous substances;

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills;

(f) Establish an incident command system for responding to oil and hazardous substances spills; and

(g) Establish a process for immediately notifying affected tribes of any oil spill.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1st of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.56.260 to test the sufficiency of oil spill contingency plans approved under RCW 90.56.210.

(4) The department shall evaluate the functions of advisory committees created by the department regarding oil spill prevention, preparedness, and response programs, and shall revise or eliminate those functions which are no longer necessary."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5432.

Senators Spanel and Morton spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5432.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5432 by voice vote.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5432, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5432, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Delvin - 1

Excused: Senators Brown, Deccio and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House insists in its position on the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5620 and asks Senate to concur therein.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620.

Senator Kline spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5620 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5620, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5620, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Doumit and Hargrove - 2

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5620, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5782 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5782.
Senators Shin and Pflug spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5782.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5782 by voice vote.

MOTION

On motion of Senator Regala, Senators Doumit, Fraser and Poulsen were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5782, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5782, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Benton, Hewitt, Honeyford, Johnson, Mulliken, Oke, Schoesler, Stevens and Zarelli - 9

Excused: Senators Fraser, McCaslin and Poulsen - 3

SECOND SUBSTITUTE SENATE BILL NO. 5782, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Hargrove and Brown were excused.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE SENATE BILL NO. 6025 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede thereon.

Senators Shin and Pflug spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Shin that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede thereon.

The motion by Senator Shin carried and the Senate insisted on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and asked the House to recede thereon by voice vote.

MOTION

On motion of Senator Stevens, Senator Pflug was excused.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1606 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 1606 and ask the House to concur thereon.

Senators Keiser spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Keiser that the Senate insist on its position on the House amendment(s) to Substitute House Bill No. 1606 and ask the House to concur hereon.

The motion by Senator Keiser carried and the Senate insisted on its position on the House amendment(s) to Substitute House Bill No. 1606 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

April 11, 2005

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5663, with the following amendments{s}:
On page 2, beginning on line 34, after "acres" strike all material through "acreage" on line 35
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5663.
Senator Rasmussen spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5663.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5663 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5663, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5663, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Shin - 1

Excused: Senators Fraser, McCaslin, Pflug and Poulsen - 4

SECOND SUBSTITUTE SENATE BILL NO. 5663, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1058 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on Substitute House Bill No. 1058.

The President Pro Tempore declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on Substitute House Bill No. 1058.

The motion by Senator Hargrove carried and the Senate receded from its position on Substitute House Bill No. 1058.

MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute House Bill No. 1058 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Hinkle, Moeller, Kenney and Darneille)

Revising provisions relating to mental health treatment for minors.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, despite explicit statements in statute that the consent of a minor child is not required for a parent-initiated admission to inpatient or outpatient mental health treatment, treatment providers consistently refuse to accept a minor aged thirteen or over if the minor does not also consent to treatment. The legislature intends that the parent-initiated treatment provisions, with their accompanying due process provisions for the minor, be made fully available to parents.

Sec. 2. RCW 71.34.042 and 1998 c 296 s 14 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

NEW SECTION. Sec. 3. A new section is added to chapter 71.34 RCW to read as follows:

A minor child shall have no cause of action against an evaluation and treatment facility, inpatient facility, or provider of outpatient mental health treatment for admitting or accepting the minor in good faith for evaluation or treatment under RCW 71.34.052 or 71.34.054 based solely upon the fact that the minor did not consent to evaluation or treatment if the minor's parent has consented to the evaluation or treatment.

Sec. 4. RCW 71.34.052 and 1998 c 296 s 17 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to an evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person as defined in RCW 71.05.020(24) examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.025, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" (~~does not include a social worker, unless the social worker is certified under RCW 18.19.110 and appropriately trained and qualified by education and experience, as defined by the department, in psychiatric social work~~) means "professional person" as defined in RCW 71.05.020.

Sec. 5. RCW 71.34.270 and 1985 c 354 s 27 are each amended to read as follows:

No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person under this chapter, nor any county designated mental health professional, nor professional person, nor evaluation and treatment facility, shall be civilly or criminally liable for performing (~~his or her duties under~~) actions authorized in this chapter with regard to the decision of whether to admit, release, or detain a person for evaluation and treatment: **PROVIDED,** That such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 6. (1) The code reviser shall recodify, as necessary, the following sections of chapter 71.34 RCW in the following order, using the indicated subchapter headings:

General

71.34.010
71.34.020
71.34.140
71.34.032
71.34.250
71.34.280
71.34.260
71.34.240
71.34.230
71.34.210
71.34.200
71.34.225
71.34.220
71.34.160
71.34.190
71.34.170
71.34.290
71.34.056
71.34.800
71.34.805
71.34.810
71.34.015
71.34.027
71.34.130
71.34.270

Minor-Initiated Treatment

71.34.042
71.34.044
71.34.046
71.34.030

Parent-Initiated Treatment

71.34.052
71.34.025
71.34.162
71.34.164
71.34.035
71.34.054

Involuntary Commitment

71.34.040
71.34.050
71.34.060
71.34.070
71.34.080
71.34.090
71.34.100
71.34.120
71.34.110
71.34.150
71.34.180
Technical
71.34.900
71.34.901

(2) The code reviser shall correct all statutory references to sections recodified by this section.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 1058.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 71.34.042, 71.34.052, and 71.34.270; adding new sections to chapter 71.34 RCW; creating a new section; and recodifying RCW 71.34.010, 71.34.020, 71.34.140, 71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230, 71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190, 71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810, 71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044, 71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164, 71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070, 71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150, 71.34.180, 71.34.900, and 71.34.901."

MOTIONS

On motion of Senators Regala, Senator Fairley and Shin were excused.

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1058 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1058, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senator Thibaudeau - 1

Absent: Senators Jacobsen and Kline - 2

Excused: Senators Fairley, McCaslin, Pflug and Poulsen - 4

SUBSTITUTE HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House refuses to recede from the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5499 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Haigh, Hunt & Nixon.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Kastama, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5499 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5499 and the House amendment(s) there to: Senators Berkey, Kastama and Roach.

MOTION

On motion of Senator Kastama, the appointments to the conference committee were confirmed.
Senator Roach spoke in favor of the motion.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House refuses to recede from the Senate amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5743 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Haigh, Hunt & Nixon.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Kastama, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5743 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5743 and the House amendment(s) there to: Senators Berkey, Kastama and Roach.

MOTION

On motion of Senator Kastama, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1758 and asks Senate to recede therefrom.
and the same is/are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on Second Substitute House Bill No. 1758.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on Second Substitute House Bill No. 1758.

The motion by Senator Kastama carried and the Senate receded from its position on Second Substitute House Bill No. 1758 by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended and Second Substitute House Bill No. 1758 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1758, by House Committee on Appropriations (originally sponsored by Representatives Kessler, Nixon, Haigh, Chandler, Clements, Schindler, Hunt, Hunter, Hinkle, Takko, B. Sullivan, Miloscia, Buck and Shabro)

Revising public disclosure law.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.270 and 1987 c 403 s 4 are each amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(~~(5)~~) (9) or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 2. RCW 42.17.300 and 1995 c 397 s 14 and 1995 c 341 s 2 are each reenacted and amended to read as follows:

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

(1) Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and annually every year thereafter.

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications.

Sec. 4. RCW 42.17.348 and 1992 c 139 s 9 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining the provisions of the public records subdivision of this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule an advisory model rule for state and local agencies, as defined in RCW 42.17.020, addressing the following subjects:

(a) Providing fullest assistance to requestors;

(b) Fulfilling large requests in the most efficient manner;

(c) Fulfilling requests for electronic records; and

(d) Any other issues pertaining to public disclosure as determined by the attorney general.

(3) The attorney general, in his or her discretion, may from time to time revise the model rule.

Sec. 5. RCW 42.17.340 and 1992 c 139 s 8 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has

refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not less than five dollars and not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

(5) For actions under this section against counties, the venue provisions of RCW 36.01.050 apply.

(6) Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Second Substitute House Bill No. 1758.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.17.270, 42.17.348, and 42.17.340; reenacting and amending RCW 42.17.300; and adding a new section to chapter 42.17 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Second Substitute House Bill No. 1758 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Johnson, Roach and Sheldon spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senator Pridemore was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1758, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1758, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Poulsen - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1758, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:21 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, April 22, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDRED SECOND DAY, APRIL 21, 2005

2005 REGULAR SESSION

ONE-HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 22, 2005

The Senate was called to order at 9:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fairley, Mulliken and Poulsen.

The Sergeant at Arms Color Guard consisting of Pages Zoe Hamilton and Jonathan Strannigan, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

April 21, 2005

SGA 9329 STEVE HILL, appointed May 2, 2005, for the term ending at the governor's pleasure, as Administrator of the Washington State Health Care Authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

April 15, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate

P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Columbia Basin Community College Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Columbia Basin Community College is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 15, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Seattle Community Colleges, Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Seattle Community Colleges, Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 15, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University Audit Report.
If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Central Washington University Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 19, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Treasurer, Certification of Debt Limitation. This report is mandated under Chapter 39.42 RCW.
If you have any questions about the report, please call 360-902-9000.

Sincerely,
Michael Murphy, State Treasurer

The Washington State Treasurer, Certification of Debt Limitation is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESHB 1044 by House Committee on Appropriations (originally sponsored by Representative Sommers)

AN ACT Relating to pension funding methodology; amending RCW 41.45.060, 41.45.010, and 41.45.010; reenacting and amending RCW 41.45.060; adding a new section to chapter 41.45 RCW; decodifying RCW 41.45.054; providing effective dates; providing an expiration date; and declaring an emergency.

2SHB 1240 by House Committee on Finance (originally sponsored by Representatives Kessler and DeBolt)

AN ACT Relating to real estate excise tax fees and electronic processing of affidavits; amending RCW 82.45.180; adding new sections to chapter 82.45 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

SHB 2304 by House Committee on Appropriations (originally sponsored by Representatives Sommers, McCoy and Williams)

AN ACT Relating to debts owed to the department of social and health services for medical assistance and recovery of those debts; amending RCW 65.04.050, 6.13.080, 43.20B.030, and 43.20B.080; adding a new section to chapter 43.20B RCW; and adding a new section to chapter 64.04 RCW.

MOTION

On motion of Senator Eide, the measures listed on the Introduction and First Reading report; Engrossed Substitute House Bill No. 1044, Second Substitute House Bill No. 1240 and Substitute House Bill No. 2304 were held at the desk.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9278, Mark Sidran, as Chair of the Utilities & Transportation Commission, be confirmed.

Senators Rockefeller, Johnson, Esser, Kohl-Welles, McCaslin, Kline, Roach, Thibaudeau, Deccio and Regala spoke in favor of the motion.

MOTIONS

On motion of Senator Regala, Senators Fairley and Poulsen were excused.

On motion of Senator Hewitt, Senators Mulliken and Pflug were excused.

APPOINTMENT OF MARK SIDRAN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9278, Mark Sidran as Chair of the Utilities & Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9278, Mark Sidran as Chair of the Utilities & Transportation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Fairley, Mulliken and Poulsen - 3

Gubernatorial Appointment No. 9278, Mark Sidran, having received the constitutional majority was declared confirmed as Chair of the Utilities & Transportation Commission.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Reappointment No. 9296, Philip Jones, as a member of the Utilities & Transportation Commission, be confirmed.

Senators Rockefeller and Esser spoke in favor of the motion.

REAPPOINTMENT OF PHILIP JONES

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9296, Philip Jones as a member of the Utilities & Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9296, Philip Jones as a member of the Utilities & Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Brown, Fairley, Mulliken and Poulsen - 4

Gubernatorial Reappointment No. 9296, Philip Jones, having received the constitutional majority was declared confirmed as a member of the Utilities & Transportation Commission.

PERSONAL PRIVILEGE

Senator Fraser: "My point of personal privilege is that I would like to wish a happy birthday to somebody who is very special in my life, very special in the life of my legislative assistant, Brenda Fitzsimmons, somebody who is very special in the life of the Senate and somebody whose very special in the life of constituents in the Twenty-second district. That person, whose having happy birthday today, is Ellie Dornan who is my session aide. She's been my session aide for all thirteen years I've been here in the Senate. She is, amazingly, turning eighty years old today. The Senate has been an important part of her life. Before working in my office, she worked for Senator Bill Gissberg from Snohomish, for Senator Jimmy Keefe from Spokane. So my constituents, when they call the office and talk to her – and most people do – she handles all the inquiries and commentaries with great patience, with great depth of understanding and with great cheer. She's famous for her great cheer. Whenever we want to have great conversation we tell Ellie stories. So I'm not going to tell you any here on the floor today, in spite of popular demand, but if you come by our office today there are refreshments. You can wish Ellie happy birthday. You can have a treat. You can sign her card and maybe you can hear an Ellie story. So, happy birthday, Ellie."

PERSONAL PRIVILEGE

Senator Eide: "I want to talk about Ellie too. I have a special spot in my heart for this women and I wanted to recognize her. This women is light of foot and quick of wit and someone that I love to see everyday, look forward to seeing her. I just hope I can be like her when I grow up, but a lovely woman she is. She has a absolute special spot in my heart. Ellie, happy birthday, my dear."

PERSONAL PRIVILEGE

Senator Swecker: "Well, Ellie and I have a history that pre-dates the legislature. She was the officer in charge of the office when I was an intern in cooperative education at Evergreen. I remember every letter that I wrote, I think, she'd type it up and then it'd get red marked with red pencil and it would come back to me. And for a year and a half I never sent a piece of correspondence out of that office without having an opportunity to correct my English. Because of that I'm a fairly good writer today and Ellie was the one that help make all that happen so I truly appreciate her, contribution to me and her contribution in my professional life. Thank you Ellie."

PERSONAL PRIVILEGE

Senator Haugen: "I also want to congratulate Ellie. I think everyone of us should have an Ellie in our office. I mean she has really been somebody that I have really admired. I think one of the things we need to make sure is that she trains our LAs how to handle people. She has a way of sort of telling those difficult constituents what alternatives they might have other than harassing us. In fact, I really think they ought to make her in charge of giving a class to our LAs so that she could teach them in such a way that they could do it in a very diplomatic way and send the message that I think a lot of us would like to send. I heard one tale about one time when somebody called and was complaining about the Post Office she said, 'Well sir, I think you could just go 'tp' the Post Office.' There was little that we could do but he maybe he could feel better about that. But she's an extraordinary person. She brightens everyone's day who happens to wander her way and you know I just really do think we are really blessed that she's a part of this process. Happy birthday, Ellie, look forward to next year."

PERSONAL PRIVILEGE

Senator McAuliffe: "I stand to wish Ellie a very happy birthday. She brings fun and life to the fourth floor and she makes sure that things are properly taking care of. So she does bathroom patrol, and refrigerator control, and she captures people who do things they shouldn't do. She makes sure that they know that, next time, they shouldn't be doing that. But we really love having you Ellie. It's been great. I know you're going to have a great cruise. I hope you take your birthday present that I gave you with you. It'll be very important."

PERSONAL PRIVILEGE

Senator Spanel: "Well, I too want to add my happy birthdays to Ellie and welcome to the Leg Building. I almost feel jealous that I'm not on the fourth floor. I'm down on the third floor and that, but the stories are great. I won't tell any that I heard but they're great. So maybe when people come up for, whether it's the morning event or the afternoon event or the evening event in your office, you'll tell, some more stories will be told. Happy birthday."

PERSONAL PRIVILEGE

Senator Fairley: "Well, I got here just in time to wish Ellie a happy birthday. I got to tell a story on her. She's so funny. She comes and she says 'You know what I did, Darlene. I saw somebody parked in the disabled stall and they ran in. They weren't disabled, so I put big garbage can right behind their tire. Boy.' She says, 'I do that all the time.' Then she tells me what she thinks about them and, oh my goodness, I've never used language like that, Ellie. You are one feisty eighty-year old lady. Happy birthday."

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore recognized Mrs. Ellie Dornan, Session Aide to Senator Fraser, who was seated in the gallery.

MOTION

At 9:40 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 11:17 a.m. by President Owen.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 21, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
JERALITA COSTA, appointed April 1, 2005, for the term ending April 15, 2009, as Chair of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide, moved that Gubernatorial Appointment No. 9332, Jeralita Costa, as Chair of the Indeterminate Sentence Review Board, be confirmed.

Senators Eide, Hargrove and Deccio spoke in favor of the motion.

APPOINTMENT OF JERALITA COSTA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9332, Jeralita Costa as Chair of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9332, Jeralita Costa as Chair of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Carrell, Doumit, Finkbeiner and Prentice - 4

Excused: Senator Brown - 1

Gubernatorial Appointment No. 9332, Jeralita Costa, having received the constitutional majority was declared confirmed as Chair of the Indeterminate Sentence Review Board.

MOTION

On motion of Senator Regala, Senators Brown, Doumit and Prentice were excused.

On motion of Senator Esser, Senators Carrell and Finkbeiner were excused.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House grants the requests of Senate for a conference on SENATE BILL NO. 6094. The Speaker has appointed the following members as Conferees:

Representatives Dunshee, Jarrett & Ormsby.

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House refuses to recede from the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Cody, Bailey and Morrell
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Keiser, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1291 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1291 and the Senate amendment(s) thereto: Senators Keiser, Thibaudeau and Deccio.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1058,
ENGROSSED HOUSE BILL NO. 1187,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SECOND SUBSTITUTE HOUSE BILL NO. 1758,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to SUBSTITUTE SENATE BILL NO. 5602 and ask the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Pettigrew, Linville & Holmquist
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate refused to grant the request of the House for a conference on Substitute Senate Bill No. 5602 and asked the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Zarelli: "Mr. President, I believe yesterday I was assigned to be involved on a conference concerning the operating budget. My inquiry is: Do the rules provide that if there's going to be meetings held concerning that item in which we're assigned as conferees that notice should be given to all members as well as the public. I believe there are meetings being held, I'm just not sure where there at at this time."

PARLIAMENTARY INQUIRY

Senator Eide: "Is it to my understanding that the rules do allow us to have an informal conference?"

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the rules do not allow for you to have an informal conference. Members certainly can get together to meet informally, if they want to. In answer to the inquiry by Senator Zarelli: If you're having an official conference committee meeting, yes, the public is to be notified as are all the members of the conference committee."

PARLIAMENTARY INQUIRY

Senator Zarelli: "Thank you Mr. President. I'd like to follow up on that to clarify. Then, if we're assigned to a conference and then any group or a portion of those members that are assigned to that conference from both bodies gathers, is there a quorum requirement that then notice would have be given to all conferees as well as the public?"

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, the President would just basically reiterate that, if there's an official meeting of the committee, then notice must be given but nothing prohibits members from meeting informally if they choose to do so."

PARLIAMENTARY INQUIRY

Senator Zarelli: "Thank you Mr. President. I'm not real stupid but I'm just trying best to understand this. So, if all the conferees that were assigned gather together absent one of those conferees, then that's just a casual meeting? It's not an actual conference?"

REPLY BY THE PRESIDENT

President Owen: "Senator, it's up to the members to characterize the meetings."

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266 and ask the Senate for a conference thereon. The Speaker has appointed the following members as Conferees:

Representatives Morrell, Campbell & Curtis
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

Senator Kline moved that the Senate grant the request of the House for a conference on Engrossed Substitute House Bill No. 2266 and the Senate amendment(s) thereto.

Senator Johnson moved that the Senate insist on its position on the House amendment(s) to Engrossed Substitute House Bill No. 2266.

REMARKS BY THE PRESIDENT

President Owen: "This motion is of higher rank, Senator Kline."
Senator Johnson spoke in favor of the motion.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2266 was deferred and the bill held its place on the day's calendar.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1270 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate recede from its position on House Bill No. 1270 and pass the bill without the Senate amendments.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position on House Bill No. 1270.

The motion by Senator Fraser carried and the Senate receded from its position on House Bill No. 1270 by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 1270 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270, without the Senate amendments and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

HOUSE BILL NO. 1270 without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 2266 which had been deferred earlier in the day.

Senators Kastama and Kline spoke against the motion by Senator Johnson that the Senate insist on its position on the House amendment(s) to Engrossed Substitute House Bill No. 2266.

Senator Parlette spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate insist on its position on Engrossed Substitute House Bill No. 2266.

MOTION

A division was demanded.

The motion by Senator Johnson failed and the Senate did not insist on its position by a rising voice vote.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate grant the request of the House for a conference on Engrossed Substitute House Bill No. 2266 and the Senate amendment(s) thereto.

The motion by Senator Kline carried by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2266 to the Senate amendment(s) there to: Senators Kline, Kastama and Johnson.

MOTION

On motion of Senator Kline, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

MOTION

On motion of Senator Eide, the rules were suspended and the measures previously held at the desk; House Bill No. 1019, House Bill No. 1066, Engrossed House Bill No. 1241, House Bill No. 1485, Substitute House Bill No. 2289 and Engrossed Substitute House Bill No. 2309 were placed on the second reading calendar.

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. Real quick. Some of you may know, may not know that Mark Triplett is retiring at the end of this session. In fact right now, he's on the way back home to celebrate his ten-year old son's birthday and he's not around here today but I think I just wanted to say that here in Olympia we make some friends, we make a lot of friends and some of them, I think I have a handful, of what I call, true friends that I don't mind spending time with once we leave here. Well, you guys never invite me to your house, so... I'm certainly going to miss Mark around here. I know he'll be back now and then but he's going to be working the national scene. He had a hard job being the liquor and tobacco lobbyist around this area, this Olympia. I tell you, he's done some good work. We got the OTB [off-track betting, Ed.] out and the Sunday sales – something him and I worked on for many years. But I just want to say how much respect I have for him while he's been here and I hope to see in the future. I thought that I'd just pay a little compliment for him, since we're not going to see him much around here anymore."

PERSONAL PRIVILEGE

Senator Oke: "I'd like to add to those remarks. Mark and I have had a battle for a number of years. Mark, happy birthday and Godspeed and hurry up and move on to your new pasture."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8647

By Senator Benton

WHEREAS, The United States Military, Army, Air Force, Navy, Coast Guard, and Marine Corps, have been called to serve the nation in the Middle East following the terrorist attacks of September 11, 2001; and

WHEREAS, In the course of service, the men and women of the United States Military have fought bravely for a cause greater than themselves, sacrificing life and health, and the comforts of home and loved ones; and

WHEREAS, Military families have endured significant losses; children have sacrificed the gentle embrace of a parent, husbands and wives have sacrificed time with each other, and mothers and fathers have sent their sons and daughters to war; and

WHEREAS, Soldiers, Sailors, Airmen, and Marines have been called upon to serve this nation in the mountains of Afghanistan, deserts of Iraq, and along the rivers, streams, and in the oceans' waters and the skies above; they have answered this call proudly and carried out their duties admirably; and

WHEREAS, The cause of democracy and international security has sustained the mission of the nation and the servicemen and women who serve it, their commitment to freedom has weathered the storms of death and has been weighed on the scales of righteousness and found to be just; and

WHEREAS, Regard for one's own interest has been laid down for the will of the nation and the benefit of others, American soldiers continue the struggle for a free, secure, and independent Middle East; and

WHEREAS, Elections in Afghanistan and Iraq are great victories for democracy and peace, they signal the beginning of a new era whose birth was born of the pains endured by the citizens of Afghanistan and Iraq and by American soldiers and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington eagerly await the return of our nation's bravest heroes, the sons and daughters, men and women serving in the United States Military; and

BE IT FURTHER RESOLVED, That it is with great respect and admiration that we honor the men and women of the United States Military; we pray for their safe return; and for their service, sacrifice, and courage we say, thank-you; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to General Lowenberg, Washington State National Guard; General Michael W. Hagee, Commandant United States Marine Corps; The Honorable Francis J. Harvey, Secretary of the United States Army; The Honorable Gordon R. England, Secretary of the Navy; Admiral Thomas H. Collins Commandant, United States Coast Guard; and The Honorable Peter Teets, Secretary of the Air Force.

Senators Benton, Kline, Franklin, Swecker, Rasmussen, Sheldon, Schmidt, Prentice, Parlette and Benson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8647.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the U. S. Army, U.S. Air Force, U.S. Navy, U.S. Coast Guard and U.S. Marine Corps who were seated in the gallery.

MOTION

At 12:23 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by the President Pro Tempore.

MOTION

At 1:33 p.m., on motion of Senator Regala, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 2:33 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6130 by Senators Parlette, Keiser, Deccio, Hargrove, Benson, Mulliken and Prentice

AN ACT Relating to the public employees' benefits board; and amending RCW 41.05.006 and 41.05.065.

Referred to Committee on Ways & Means.

E2SHB 1441 by House Committee on Appropriations (originally sponsored by Representatives Clibborn, Morrell, Campbell, Cody, Tom, Moeller, Schual-Berke, Wallace, Grant, Williams, Lovick, Ormsby, Chase, Kessler, Kagi, Hunt, Appleton, Darneille, Upthegrove, Sells, Roberts, Conway, Miloscia, Fromhold, P. Sullivan, Santos, Takko, Green, Wood, Simpson, Hasegawa and Dickerson)

AN ACT Relating to health insurance coverage for children; amending RCW 74.09.415; adding a new section to chapter 74.09 RCW; providing an effective date; and declaring an emergency.

ESHB 2314 by House Committee on Finance (originally sponsored by Representative McIntire)

AN ACT Relating to revenue and taxation; amending RCW 82.04.060, 82.12.0251, 82.12.0255, 82.12.035, 82.08.010, 82.14.020, 82.14.020, 82.08.150, 69.50.520, 82.04.2908, 82.04.4463, 82.29A.130, 82.71.020, 82.04.4452, 84.52.068, 43.84.092, 43.84.092, 69.50.520, 70.146.030, and 83.100.---; amending 2004 c 153 s 502 (uncodified); amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050, 82.04.190, 82.12.010, 82.12.020, and 82.12.040; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 28A.505 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

AN ACT Relating to revenue and taxation.

MOTION

On motion of Senator Eide, Senate Bill No. 6130 was referred to the committee as designated and Engrossed Second Substitute House Bill No. 1441, Engrossed Substitute House Bill No. 2314, Engrossed Substitute House Bill No. 1044 Second Substitute House Bill No. 1240 and Substitute House Bill No. 2304 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 5038,
SENATE BILL NO. 5039,
ENGROSSED SENATE BILL NO. 5049,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5064,
SUBSTITUTE SENATE BILL NO. 5085,
ENGROSSED SENATE BILL NO. 5094,
SUBSTITUTE SENATE BILL NO. 5101,

ENGROSSED SENATE BILL NO. 5110,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5111,
SUBSTITUTE SENATE BILL NO. 5112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5140,
SUBSTITUTE SENATE BILL NO. 5145,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5158,
SUBSTITUTE SENATE BILL NO. 5169,
SUBSTITUTE SENATE BILL NO. 5182,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
SENATE BILL NO. 5196,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,
SUBSTITUTE SENATE BILL NO. 5631,
SUBSTITUTE SENATE BILL NO. 5664,
SUBSTITUTE SENATE BILL NO. 5692,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5699,
SENATE BILL NO. 5707,
SUBSTITUTE SENATE BILL NO. 5708,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5719,
SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 5752,
SUBSTITUTE SENATE BILL NO. 5767,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5806,
SUBSTITUTE SENATE BILL NO. 5828,
SUBSTITUTE SENATE BILL NO. 5841,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5872,
SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5899,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5415,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5620,

SECOND SUBSTITUTE SENATE BILL NO. 5663

ENGROSSED SUBSTITUTE SENATE BILL NO. 5732,

SECOND SUBSTITUTE SENATE BILL NO. 5782.

MESSAGE FROM THE HOUSE

April 19, 2005

MR. PRESIDENT:

The House receded from its committee amendment to SUBSTITUTE SENATE BILL NO. 5850 and passed the bill.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5850.

Senators Spanel and Parlette spoke in favor of the motion.

MOTIONS

On motion of Senator Esser, Senators Deccio and Mulliken were excused.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5850.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5850 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5850, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 5; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Jacobsen, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Benton, Hewitt, Honeyford and Zarelli - 4

Absent: Senators Brown, Fraser, Johnson, Kastama and Kline - 5

Excused: Senators Deccio and Mulliken - 2

SUBSTITUTE SENATE BILL NO. 5850, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5610, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.005 and 1999 sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a statewide (~~(plan)~~) strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans. The legislature also finds that a statewide salmon recovery (~~(plan)~~) strategy must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring (~~(process)~~) system should be developed and implemented.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

Sec. 2. RCW 77.85.010 and 2002 c 210 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the salmon recovery office.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

~~((9))~~ (9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((10))~~ (10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((12))~~ (12) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((13))~~ (13) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 3. RCW 77.85.020 and 1998 c 246 s 4 are each amended to read as follows:

~~((Beginning in))~~ (1) By December ((2000)) 1, 2006, the governor shall submit a ((biennial state of the salmon)) report to the legislature ((during the first week of December)) regarding the implementation of the state's salmon recovery strategy. The report may include the following:

~~((A))~~ (a) A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;

~~((B))~~ (b) A summary of habitat projects including but not limited to:

~~((i))~~ (i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

~~((ii))~~ (ii) A summary of salmon restoration efforts undertaken in the past two years;

~~((iii))~~ (iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

~~((iv))~~ (iv) A summary of efforts taken to protect salmon habitat;

~~((v))~~ (v) A summary of collaborative efforts undertaken with adjoining states or Canada;

~~((vi))~~ (vi) A summary of harvest and hatchery management activities affecting salmon recovery;

~~((vii))~~ (vii) A summary of information regarding impediments to successful salmon recovery efforts;

~~((viii))~~ (viii) A summary of the number and types of violations of existing laws pertaining to: ~~((i))~~ (i) Water quality; and ~~((ii))~~ (ii) salmon. The summary shall include information about the types of sanctions imposed for these violations;

~~((ix))~~ (ix) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and

~~((x))~~ (x) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:

~~((i))~~ (i) The need to expand or improve nonregulatory programs and activities; ~~((and~~

~~((ii))~~ (ii) The need to expand or improve state and local laws and regulations; and

(iii) Recommendations for state funding assistance to recovery activities and projects.

(2) The report shall summarize the monitoring data coordinated by the monitoring forum. The summary must include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

Sec. 4. RCW 77.85.030 and 2000 c 107 s 93 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of regional salmon recovery plans ~~((for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies))~~ as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150. The governor's salmon recovery office ~~((may also:~~

~~((shall~~ shall assist regional recovery organizations in submitting plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's ((endangered species act)) salmon recovery plans; and

((b)) (c) Provide ((the biennial state of the salmon report to the legislature)) periodic reports pursuant to RCW 77.85.020.

(2) This section expires June 30, ~~((2006))~~ 2007.

Sec. 5. RCW 77.85.040 and 2000 c 107 s 94 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office ~~((shall))~~ may request review of regional salmon recovery plans by the science review panel. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050(~~(,)~~) or 77.85.060(~~(, and 75.46.080))~~) or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

~~((5) The independent science panel, in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.~~

~~(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.~~

~~(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 77.85.020.)~~

Sec. 6. RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat. ~~((The technical review team may provide the lead entity with organizational models that may be used in establishing the committees.))~~

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((technical review team))~~ board in accordance with procedures adopted by the board.

Sec. 7. RCW 77.85.090 and 2000 c 107 s 99 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan.

Sec. 8. RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; ~~((and))~~

(iv) Will preserve high quality salmonid habitat; and

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; ~~((and))~~

(iii) Will be implemented by a sponsor with a successful record of project implementation; and

(iv) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

~~(4) ((For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.~~

~~(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 77.85.060, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.~~

~~(6))~~ The board shall establish criteria for determining when block grants may be made to a lead entity ~~((or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 77.85.050.))~~. The board may provide block grants to the lead entity to ~~((assist in carrying out lead entity functions under this chapter.))~~ implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

~~((7))~~ (5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

~~((8))~~ (6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

~~((9))~~ (7) The board may condition a grant or loan to include the requirement that property may only be transferred to a federal agency if the agency that will acquire the property agrees to comply with all terms of the grant or loan to which the

project sponsor was obligated. Property acquired or improved by a project sponsor may be conveyed to a federal agency, but only if the agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated.

Sec. 9. RCW 77.85.150 and 1999 sp.s. c 13 s 9 are each amended to read as follows:

(1) ~~((By September 1, 1999,))~~ The governor, with the assistance of the salmon recovery office, shall ~~((submit a statewide salmon recovery strategy to the appropriate federal agencies administering the federal endangered species act))~~ maintain and revise a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in ~~((developing))~~ maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal ~~((mechanism))~~ means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) Beginning on September 1, 2000, the strategy shall be updated through an active public involvement process, including early and meaningful opportunity for public comment. In obtaining public comment, the salmon recovery office shall hold public meetings throughout the state and shall encourage regional and local recovery planning efforts to similarly ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 77.85.070 (Technical advisory groups) and 2000 c 107 s 97 & 1998 c 246 s 10; and

(2) RCW 77.85.210 (Monitoring activities--Monitoring oversight committee--Legislative steering committee--Report to the legislature--Monitoring strategy and action plan) and 2001 c 298 s 3."

Correct the title.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5610 and ask the House to recede therefrom.

Senators Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5610 and ask the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5610 and asked the House to recede therefrom by voice vote.

MOTIONS

On motion of Senator Hewitt, Senator Finkbeiner was excused.

On motion of Senator Regala, Senators Fraser, Kastama and Kline were excused.

MESSAGE FROM THE HOUSE

April 18, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2124 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate recede from its position on Substitute House Bill No. 2124.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate recede from its position on Substitute House Bill No. 2124.

The motion by Senator Haugen carried and the Senate receded from its position on Substitute House Bill No. 2124 by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended and Substitute House Bill No. 2124 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2124, by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Simpson, Hudgins, Uptegrove, Sells, Wallace, Dickerson, B. Sullivan, Moeller, Kenney and Hasegawa)

Increasing state participation in public transportation service and planning.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the state needs to reestablish itself as a leader in public transportation.

The legislature also finds that increased demands on transportation resources require increased coordination among public transportation service providers.

The legislature also finds that the efficiency of transportation corridors would be enhanced by a more proactive and integrated approach to public transportation service delivery and planning.

The legislature also finds that the state department of transportation is in the unique position of being able to improve connectivity between service territories of transit agencies and modes of transportation.

The legislature also finds that the state should be a center of excellence in public transportation planning and research and providing technical assistance to transit agencies serving urban, suburban, and rural areas.

Therefore, it is the intent of the legislature that the state department of transportation be a leader in public transportation. The department shall play a guiding role in coordinating decentralized public transportation services, increasing connectivity between them, advocating for public transportation as a means to increase corridor efficiency, and increasing the integration of public transportation and the highway system.

NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) The secretary shall establish an office of transit mobility. The purpose of the office is to facilitate the integration of decentralized public transportation services with the state transportation system. The goals of the office of transit mobility are: (a) To facilitate connection and coordination of transit services and planning; and (b) maximizing opportunities to use public transportation to improve the efficiency of transportation corridors.

(2) The duties of the office include, but are not limited to, the following:

(a) Developing a statewide strategic plan that creates common goals for transit agencies and reduces competing plans for cross-jurisdictional service;

(b) Developing a park and ride lot program;

(c) Encouraging long-range transit planning;

(d) Providing public transportation expertise to improve linkages between regional transportation planning organizations and transit agencies;

(e) Strengthening policies for inclusion of transit and transportation demand management strategies in route development, corridor plan standards, and budget proposals;

(f) Recommending best practices to integrate transit and demand management strategies with regional and local land use plans in order to reduce traffic and improve mobility and access;

(g) Producing recommendations for the public transportation section of the Washington transportation plan; and

(h) Participating in all aspects of corridor planning, including freight planning, ferry system planning, and passenger rail planning.

(3) In forming the office, the secretary shall use existing resources to the greatest extent possible.

(4) The office of transit mobility shall establish measurable performance objectives for evaluating the success of its initiatives and progress toward accomplishing the overall goals of the office.

(5) The office of transit mobility must report quarterly to the secretary, and annually to the transportation committees of the legislature, on the progress of the office in meeting the goals and duties provided in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

Local and regional transportation agencies shall adopt common transportation goals. The office of transit mobility shall review local and regional transportation plans, including plans required under RCW 35.58.2795, 36.70A.070(6), 36.70A.210, and 47.80.023, to provide for the efficient integration of multimodal and multijurisdictional transportation planning.

Sec. 4. RCW 47.66.030 and 1996 c 49 s 3 are each amended to read as follows:

~~(1)((a)) The ((transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, statewide competitive)) department shall establish a regional mobility grant program. The purpose of the grant program is to aid local governments in funding projects such as intercounty connectivity service, park and ride lots, rush hour transit service, and capital projects that improve the connectivity and efficiency of our transportation system. The department shall identify cost-effective projects that reduce delay for people and goods and improve connectivity between counties and regional population centers. The department shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each year.~~

~~((b)) (2) The ((board)) department may establish ((subcommittees as well as technical)) an advisory committee((s)) to carry out the mandates of this chapter.~~

~~((2) Expenses of the board, including administrative expenses for managing the program, shall be paid in accordance with RCW 47.26.140.)~~

~~(3) The department must report annually to the transportation committees of the legislature on the status of any grants projects funded by the program created under this section.~~

Sec. 5. RCW 47.66.040 and 1995 c 269 s 2606 are each amended to read as follows:

~~(1) The ((transportation improvement board)) department shall select ((programs and)) projects based on a competitive process ((consistent with the mandates governing each account or source of funds)). The competition shall be consistent with the following criteria:~~

~~(a) Local, regional, and state transportation plans;~~

~~(b) Local transit development plans; and~~

~~(c) Local comprehensive land use plans.~~

~~(2) The following criteria shall be considered by the ((board)) department in selecting programs and projects:~~

~~(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and~~

~~(b) Enhancing the efficiency of regional corridors in moving people among jurisdictions and modes of transportation, energy efficiency issues, reducing delay for people and goods, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds ((including funds administered by this board)), and safety and security issues.~~

~~(3) The ((board)) department shall determine the appropriate level of local match required for each ((program and)) project based on the source of funds.~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.66 RCW to read as follows:

Beginning in 2005, and every other year thereafter, the department shall examine the division's existing grant programs, and the methods used to allocate grant funds, to determine the program's effectiveness, and whether the methods used to allocate funds result in an equitable distribution of the grants. The department shall submit a report of the findings to the transportation committees of the legislature.

NEW SECTION. Sec. 7. If Senate Bill No. 6103 is not enacted by June 30, 2005, this act is null and void."

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of sections 1 through 6

On page 4, after line 29 of the amendment, insert the following:

"NEW SECTION. Sec. 1. The joint legislative audit and review committee shall perform an evaluation of the public transportation and rail division, and the urban planning office within the department of transportation. The evaluation must

include an examination of the existing transit and other multimodal planning coordination efforts of local, regional, and state governments. The evaluation must also review the resources, such as studies and data, currently available to local, regional, and state government. Based on the evaluation the committee must make recommendations regarding the best methods to: (1) Facilitate connection and coordination of transit services and planning at the local, regional, and state level; and (2) maximize opportunities to use public transportation to improve the efficiency of transportation corridors.

By December 1, 2006, the joint legislative audit and review committee shall prepare a report to the transportation committees of the legislature detailing the evaluation findings and recommendations."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 1 of the title amendment, after "insert" strike all material through "sections" on line 4 and insert "and creating a new section"

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 3 to the striking amendment to Substitute House Bill No. 2124.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

Senator Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Swecker to Substitute House Bill No. 2124.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.66.030 and 47.66.040; adding new sections to chapter 47.01 RCW; adding a new section to chapter 47.66 RCW; and creating new sections."

MOTION

On motion of Senator Pflug, Senator Mulliken was excused.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2124, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Jacobsen spoke in favor of passage of the bill.

Senator Esser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2124, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2124, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 1; Excused, 5.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 29

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Hewitt, Honeyford, Morton, Parlette, Pflug, Roach, Schoesler and Zarelli - 14

Absent: Senator Johnson - 1

Excused: Senators Deccio, Finkbeiner, Kastama, Kline and Mulliken - 5

SUBSTITUTE HOUSE BILL NO. 2124, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,
ENGROSSED HOUSE BILL NO. 1068,
ENGROSSED HOUSE BILL NO. 1074,
HOUSE BILL NO. 1128,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1218,
ENGROSSED HOUSE BILL NO. 1222,
SUBSTITUTE HOUSE BILL NO. 1236,
HOUSE BILL NO. 1247,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1266,
SUBSTITUTE HOUSE BILL NO. 1280,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290,
SUBSTITUTE HOUSE BILL NO. 1304,
HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1379,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
SUBSTITUTE HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1496,
SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1652,
SUBSTITUTE HOUSE BILL NO. 1699,
SUBSTITUTE HOUSE BILL NO. 1711,
HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1754,
HOUSE BILL NO. 1771,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1313,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1330,

SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1386,
SUBSTITUTE HOUSE BILL NO. 1393,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1408,
SUBSTITUTE HOUSE BILL NO. 1426,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1486,
SUBSTITUTE HOUSE BILL NO. 1512,
HOUSE BILL NO. 1533,
ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1636,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1687,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688,
SUBSTITUTE HOUSE BILL NO. 1689,
HOUSE BILL NO. 1690,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1847,
SUBSTITUTE HOUSE BILL NO. 1856,
HOUSE BILL NO. 1864,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1951
SUBSTITUTE HOUSE BILL NO. 1995,
HOUSE BILL NO. 1999,
SUBSTITUTE HOUSE BILL NO. 2085,
HOUSE BILL NO. 2101,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
SUBSTITUTE HOUSE BILL NO. 2173,
HOUSE BILL NO. 2189,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,
ENGROSSED HOUSE BILL NO. 1068,
ENGROSSED HOUSE BILL NO. 1074,
HOUSE BILL NO. 1128,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1218,
ENGROSSED HOUSE BILL NO. 1222,
SUBSTITUTE HOUSE BILL NO. 1236,
HOUSE BILL NO. 1247,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1266,
SUBSTITUTE HOUSE BILL NO. 1280,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1290,
SUBSTITUTE HOUSE BILL NO. 1304,

HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1379,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1397,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
SUBSTITUTE HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1496,
SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1652,
SUBSTITUTE HOUSE BILL NO. 1699,
SUBSTITUTE HOUSE BILL NO. 1711,
HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1754,
HOUSE BILL NO. 1771

The President signed:

HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1313,
HOUSE BILL NO. 1315,
HOUSE BILL NO. 1330,
SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1381,
HOUSE BILL NO. 1386,
SUBSTITUTE HOUSE BILL NO. 1393,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1408,
SUBSTITUTE HOUSE BILL NO. 1426,
HOUSE BILL NO. 1469,
SUBSTITUTE HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1486,
SUBSTITUTE HOUSE BILL NO. 1512,
HOUSE BILL NO. 1533,
ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1636,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1687,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1688,
SUBSTITUTE HOUSE BILL NO. 1689,
HOUSE BILL NO. 1690,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1847,
SUBSTITUTE HOUSE BILL NO. 1856,
HOUSE BILL NO. 1864,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1888,
SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1995,
HOUSE BILL NO. 1999,
SUBSTITUTE HOUSE BILL NO. 2085,
HOUSE BILL NO. 2101,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
SUBSTITUTE HOUSE BILL NO. 2173,
HOUSE BILL NO. 2189.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced City Council members from the Dalseong-gun District, City of Deagu, South Korea, guests of Senator Shin, who were seated in the gallery.

MOTION

At 3:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President. The Senate was called to order at 4:15 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Brown, moved that Gubernatorial Reappointment No. 9088, Tom Karier, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, be confirmed.
Senators Brown and Spanel spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Honeyford and Brandland were excused.

REAPPOINTMENT OF TOM KARIER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9088, Tom Karier as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9088, Tom Karier as a member of the Pacific Northwest Electric Power and Conservation Planning Council and the appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 13; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Delvin, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Kline, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Regala, Roach, Rockefeller, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 33

Absent: Senators Carrell, Doumit, Eide, Haugen, Johnson, Keiser, Kohl-Welles, McAuliffe, Pflug, Pridemore, Rasmussen, Sheldon and Thibaudeau - 13

Excused: Senators Brandland, Deccio and Mulliken - 3

Gubernatorial Reappointment No. 9088, Tom Karier, having received the constitutional majority was declared confirmed as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9018, J A Bricker, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senators Rockefeller, McCaslin, Poulsen and Haugen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Keiser and Eide were excused.

APPOINTMENT OF J A BRICKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9018, J A Bricker as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9018, J A Bricker as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Johnson, Pflug, Pridemore and Rasmussen - 4

Excused: Senators Brandland, Eide, Keiser and Mulliken - 4

Gubernatorial Appointment No. 9018, J A Bricker, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9075, David Harrison, as Chair of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Kohl-Welles, Rasmussen and Pridemore were excused.

APPOINTMENT OF DAVID HARRISON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9075, David Harrison as Chair of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9075, David Harrison as Chair of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Absent: Senator Pflug - 1

Excused: Senators Brandland, Keiser, Kohl-Welles, Pridemore and Rasmussen - 5

Gubernatorial Appointment No. 9075, David Harrison, having received the constitutional majority was declared confirmed as Chair of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1081,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed
HOUSE BILL NO. 1081.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1708 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 1708.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 1708.

The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 1708 by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Substitute House Bill No. 1708 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1708, by House Committee on Education (originally sponsored by Representatives Lovick, Quall, Dickerson, Cox, Haigh, Kenney, McDermott, O'Brien, Sells, B. Sullivan, Appleton, Simpson, Kagi, Darneille, Morrell, Green, P. Sullivan, Ormsby, McCoy, Chase and Moeller)

Regarding dropout prevention.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:
Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.175 RCW to read as follows:

The superintendent of public instruction shall review and evaluate promising programs and practices for dropout prevention. The superintendent may consult with education administrators and providers, parents, students, and researchers as appropriate, and shall include in the review dropout prevention programs using nonpunitive approaches to school discipline. The superintendent shall report to the legislature by December 1, 2005, and recommend:

(1) The most promising comprehensive dropout prevention programs and practices that encompass school-wide or district-wide restructuring of the delivery of educational services;

(2) The most promising targeted dropout prevention programs and practices designed to provide social and other services in coordination with educational services to students who are at risk of dropping out due to the presence of family, personal, economic, or cultural circumstances; and

(3) Policy and other changes to enhance the ability of career and technical education and skills center programs to further contribute to dropout prevention efforts.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the administrative office of the courts, shall convene a work group to evaluate the following:

(a) Review the implementation of the Becca bill and other school attendance measures to determine their consistent application across the state and their conformance with state law;

(b) The definition of excused and unexcused absences;

(c) Creating incentives for school districts to improve student attendance; and

(d) Related data collection requirements on graduation, dropouts, student transfer, and other issues related to student attendance.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

(a) The office of the superintendent of public instruction;

(b) The state board of education;

(c) Teachers;

(d) School administrators;

(e) School counselors;

(f) Truancy officers and truancy board members;

(g) The administrator for the courts;

(h) Court judges;

(i) Prosecuting attorneys;

(j) The office of attorney general;

(k) Institutions of higher education;

(l) Members of the legislature; and

(m) Other interested education organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group under this section to the governor, the state board of education, and the legislature no later than January 10, 2006.

Sec. 3. RCW 28A.175.010 and 1991 c 235 s 4 are each amended to read as follows:

Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students (~~(eligible for graduation)~~) who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) ~~((The number of students who enter from other schools;~~

~~(f))~~ ~~((The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and~~

~~((g)))~~ ~~((f))~~ The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades ~~((nine))~~ seven through twelve.

(3) Dropout rates for student populations in each of the grades ~~((nine))~~ seven through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

(4) The causes or reasons, or both, attributed to students for having dropped out of school in grades ~~((nine))~~ seven through twelve.

(5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section.

NEW SECTION. Sec. 4. The legislature finds that the dropout rate of the state's Native American students is the highest in the state. Approximately one-half of all Native American high school students drop out before graduating with a diploma. The legislature also finds that culturally relevant educational opportunities are important contributors to other efforts to increase the rates of high school graduation for Native American students. The legislature further finds that the higher education participation rate for Native American students is the lowest in the state, and that more can be done to encourage Native American students to pursue higher educational opportunities. The legislature intends to authorize accredited public tribal colleges to participate in the running start program for the purposes of reducing the dropout rate of Native American students and encouraging greater participation rates in higher education.

Sec. 5. RCW 28A.600.300 and 2002 c 80 s 1 are each amended to read as follows:

For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; ~~(and)~~

(2) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

(3) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Substitute House Bill No. 1708.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 28A.175.010 and 28A.600.300; adding a new section to chapter 28A.175 RCW; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1708, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1708, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Benton, Brown and Poulsen - 3

Excused: Senators Pridemore and Rasmussen - 2

SUBSTITUTE HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE REPORT

Substitute House Bill No. 1791

April 21, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute House Bill No. 1791, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

And the bill do pass as recommended by the conference committee.

Signed by Senators Prentice, Regala and Zarelli; Representatives Dunshee, Chase and Jarrett.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71A.20 RCW to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study of the division of developmental disabilities residential habilitation centers at Lakeland Village and Rainier school that would not impact current residential habilitation center operations must be deposited into the account. Income may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property. "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility. "Proceeds" include the net receipts from the use of all or a portion of the properties. Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(2) The department shall report on its efforts and strategies to provide income to the developmental disabilities community trust account from the excess property identified in subsection (1) of this section from the lease of the property, sale of timber, or other activity short of sale of the property. The department shall report by June 30, 2006.

(3) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account.

Sec. 2. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the

federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 3. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88

RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 43.84.092 and 2004 c 242 s 60 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the

county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 72.01.140 and 1981 c 238 s 1 are each amended to read as follows:

The secretary shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced.

~~((This section shall not apply to the Rainier school for which cognizance of farming operations has been transferred to Washington State University by RCW 72.01.142.))~~

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 28B.30.820 (Dairy/forage and agricultural research facility--Transfer of property and facilities for) and 1981 c 238 s 3; and

(2) RCW 72.01.142 (Transfer of dairy operation from Rainier school) and 1981 c 238 s 2.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 3 of this act which takes effect July 1, 2005, and section 4 of this act which takes effect July 1, 2006.

NEW SECTION. Sec. 8. (1) Section 2 of this act expires July 1, 2005.

(2) Section 3 of this act expires July 1, 2006."

Correct the title.

MOTION

Senator Regala moved the Report of the Conference Committee on Substitute House Bill No. 1791 be adopted.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Report of the Conference Committee on Substitute House Bill No. 1791 be adopted.

The motion by Senator Regala carried and the Report of the Conference Committee was adopted by voice vote.

MOTION

On motion of Senator Mulliken, Senators Benton and Schoesler were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1791, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1791, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Brown and Poulsen - 2

Excused: Senators Benton and Schoesler - 2

SUBSTITUTE HOUSE BILL NO. 1791, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE REPORT
Engrossed Second Substitute Senate Bill No. 5763
April 20, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Second Substitute Senate Bill No. 5763, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL PROVISIONS**

NEW SECTION. Sec. 101. The legislature finds that persons with mental disorders, chemical dependency disorders, or co-occurring mental and substance abuse disorders are disproportionately more likely to be confined in a correctional institution, become homeless, become involved with child protective services or involved in a dependency proceeding, or lose those state and federal benefits to which they may be entitled as a result of their disorders. The legislature finds that prior state policy of addressing mental health and chemical dependency in isolation from each other has not been cost-effective and has often resulted in longer-term, more costly treatment that may be less effective over time. The legislature finds that a substantial number of persons have co-occurring mental and substance abuse disorders and that identification and integrated treatment of co-occurring disorders is critical to successful outcomes and recovery. Consequently, the legislature intends, to the extent of available funding, to:

- (1) Establish a process for determining which persons with mental disorders and substance abuse disorders have co-occurring disorders;
- (2) Reduce the gap between available chemical dependency treatment and the documented need for treatment;
- (3) Improve treatment outcomes by shifting treatment, where possible, to evidence-based, research-based, and consensus-based treatment practices and by removing barriers to the use of those practices;
- (4) Expand the authority for and use of therapeutic courts including drug courts, mental health courts, and therapeutic courts for dependency proceedings;
- (5) Improve access to treatment for persons who are not enrolled in medicaid by improving and creating consistency in the application processes, and by minimizing the numbers of eligible confined persons who leave confinement without medical assistance;
- (6) Improve access to inpatient treatment by creating expanded services facilities for persons needing intensive treatment in a secure setting who do not need inpatient care, but are unable to access treatment under current licensing restrictions in other settings;
- (7) Establish secure detoxification centers for persons involuntarily detained as gravely disabled or presenting a likelihood of serious harm due to chemical dependency and authorize combined crisis responders for both mental disorders and chemical dependency disorders on a pilot basis and study the outcomes;
- (8) Slow or stop the loss of inpatient and intensive residential beds and children's long-term inpatient placements and refine the balance of state hospital and community inpatient and residential beds;
- (9) Improve cross-system collaboration including collaboration with first responders and hospital emergency rooms, schools, primary care, developmental disabilities, law enforcement and corrections, and federally funded and licensed programs;
- (10) Following the receipt of outcomes from the pilot programs in Part II of this act, if directed by future legislative enactment, implement a single, comprehensive, involuntary treatment act with a unified set of standards, rights, obligations, and procedures for adults and children with mental disorders, chemical dependency disorders, and co-occurring disorders; and
- (11) Amend existing state law to address organizational and structural barriers to effective use of state funds for treating persons with mental and substance abuse disorders, minimize internal inconsistencies, clarify policy and requirements, and maximize the opportunity for effective and cost-effective outcomes.

NEW SECTION. Sec. 102. (1) The department of social and health services shall explore and report to the appropriate committees of the legislature by December 1, 2005, on the feasibility, costs, benefits, and time frame to access federal medicaid funds for mental health and substance abuse treatment under the following provisions:

(a) The optional clinic provisions;
(b) Children's mental health treatment or co-occurring disorders treatment under the early periodic screening, diagnosis, and treatment provisions.

(2) The department shall provide the appropriate committees of the legislature with a clear and concise explanation of the reasons for reducing state hospital capacity and the differences in costs and benefits of treatment in state and community hospital treatment.

(3) The department may not reduce the capacity of either state hospital until at least an equal number of skilled nursing, residential, expanded services facility, or supported housing placements are available in the community to the persons displaced by the capacity reduction.

Mental Health Treatment

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and regional support networks who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under section 601 of this act.

Sec. 104. RCW 71.05.020 and 2000 c 94 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

~~(6) ("County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;~~

~~(7))~~ (7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((8))~~ (7) "Department" means the department of social and health services;

~~((9))~~ (8) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapter 70.96A RCW and sections 202 through 216 of this act;

(9) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(10) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(11) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((10))~~ (12) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

~~((11))~~ (13) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

~~((12))~~ (14) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((13))~~ (15) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((14))~~ (16) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((15))~~ (17) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct;

~~((16))~~ (18) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

~~((17))~~ (19) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for ~~((an individual))~~ a person with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;
- (f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

- (g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((18))~~ (20) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((19))~~ (21) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by ~~((an individual))~~ a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by ~~((an individual))~~ a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by ~~((an individual))~~ a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The ~~((individual))~~ person has threatened the physical safety of another and has a history of one or more violent acts;

~~((20))~~ (22) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on ~~((an individual's))~~ a person's cognitive or volitional functions;

~~((21))~~ (23) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((22))~~ (24) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((23))~~ (25) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital~~((, or sanitarium))~~, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((24))~~ (26) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((25))~~ (27) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((26))~~ (28) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((27))~~ (29) "Public agency" means any evaluation and treatment facility or institution, or hospital~~(, or sanitarium)~~ which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill~~((1))~~, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((28))~~ (30) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(31) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((29))~~ (32) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((30))~~ (33) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((31))~~ (34) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((32))~~ (35) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(36) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 105. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs ~~((under RCW 71.24.045))~~, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring

transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(11) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(12) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or ~~((individuals))~~ persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((11))~~ (13) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((12))~~ (14) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (23), and ~~((18))~~ (24) of this section.

~~((13))~~ (15) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(16) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ in contract in a defined area.

~~((14))~~ (17) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(18) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((15))~~ (19) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(20) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(21) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to ~~((county-))~~ designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (22) "Secretary" means the secretary of social and health services.

~~((17))~~ (23) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((18))~~ (24) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (25) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (26) "Treatment records include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others."

(27) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 106. RCW 10.77.010 and 2004 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

~~(4) ("County designated mental health professional" has the same meaning as provided in RCW 71.05.020.~~

~~(5))~~ A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((6))~~ (5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

- (g) The type of residence immediately anticipated for the person and possible future types of residences.

(17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(18) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((19))~~ (20) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((20))~~ (21) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((21))~~ (22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 107. RCW 71.05.360 and 1997 c 112 s 30 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.97 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.370 (as recodified by this act) or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert information, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

NEW SECTION. Sec. 108. RCW 71.05.370 is recodified as a new section in chapter 71.05 RCW to be codified in proximity to RCW 71.05.215.

Sec. 109. RCW 71.05.390 and 2004 c 166 s 6, 2004 c 157 s 5, and 2004 c 33 s 2 are each reenacted and amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the ~~((patient))~~ person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

(a) Employed by the facility;

(b) Who has medical responsibility for the patient's care;

(c) Who is a ~~((county))~~ designated mental health professional;

- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing (~~(outpatient)~~) services to the operator of a (~~(care)~~) facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation under RCW 71.05.150, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

~~((a))~~ (i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

~~((b))~~ (ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

~~((c))~~ (iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

~~((d))~~ (iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

~~((e))~~ (v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) ~~((To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.))~~ Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(18) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial (~~(or)~~), in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 110. RCW 71.05.420 and 1990 c 3 s 113 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390 (~~(through 71.05.410)~~), the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 111. RCW 71.05.620 and 1989 c 205 s 12 are each amended to read as follows:

~~((1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:~~

- ~~(a) The name of the individual, agency, or organization to which the disclosure is to be made;~~
- ~~(b) The name of the individual whose treatment record is being disclosed;~~
- ~~(c) The purpose or need for the disclosure;~~
- ~~(d) The specific type of information to be disclosed;~~
- ~~(e) The time period during which the consent is effective;~~
- ~~(f) The date on which the consent is signed; and~~
- ~~(g) The signature of the individual or person legally authorized to give consent for the individual.~~

~~(2))~~ The files and records of court proceedings under this chapter and chapters ((71.05)) 70.96A, 71.34, and 70.-- (sections 202 through 216 of this act) RCW shall be closed but shall be accessible to any ~~((individual))~~ person who is the subject of a petition and to the ~~((individual's))~~ person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

Sec. 112. RCW 71.05.630 and 2000 c 75 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential(~~(--Treatment records))~~ and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of ~~((an individual))~~ a person may be released without informed written consent in the following circumstances:

(a) To ~~((an individual))~~ a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the ~~((individual))~~ person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to ~~((individuals))~~ persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of ~~((individuals))~~ persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the ~~((individual))~~ person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive ~~((an individual))~~ a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the ~~((individual))~~ person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of ~~((an individual))~~ a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.225, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When ~~((an individual))~~ a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the ~~((individual's))~~ person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the ~~((individual's))~~ person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental ~~((illness))~~ disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for ~~((alcoholism or drug))~~ chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 113. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the ~~((individual))~~ person.

(2) Following discharge, the ~~((individual))~~ person shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all ~~((individuals))~~ persons shall be informed by resource management services of their rights as provided in RCW ~~((71.05.610))~~ 71.05.390 and 71.05.620 through 71.05.690.

Sec. 114. RCW 71.05.660 and 1989 c 205 s 16 are each amended to read as follows:

Nothing in this chapter ~~((205, Laws of 1989))~~ or chapter 70.96A, 71.05, 71.34, or 70.-- (sections 202 through 216 of this act) RCW shall be construed to interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 115. A new section is added to chapter 71.05 RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 70.96A RCW.

PART II PILOT PROGRAMS

NEW SECTION. Sec. 201. Sections 202 through 216 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(23) "Judicial commitment" means a commitment by a court under this chapter.

(24) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(25) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(26) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(28) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(29) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(31) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(32) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(33) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(36) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(37) "Secretary" means the secretary of the department or the secretary's designee.

(38) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(39) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(40) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a

person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(41) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 203. (1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to section 220 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

NEW SECTION. Sec. 204. To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

NEW SECTION. Sec. 205. In addition to the provisions of this chapter, a designated crisis responder has all the powers and duties of a designated mental health professional as well as the powers and duties of a designated chemical dependency specialist under RCW 70.96A.120.

NEW SECTION. Sec. 206. (1)(a) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(b)(i)(A) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents as a result of a mental disorder, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to

appear within twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; or

(B) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that a person presents as a result of a chemical dependency, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a secure detoxification facility or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period.

(ii) The order issued under this subsection (1)(b) shall state the address of the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider to which the person is to report; whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis; and that if the person named in the order fails to appear at the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider at or before the date and time stated in the order, the person may be involuntarily taken into custody for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. The person shall be permitted to remain in his or her home or other place of his or her choosing before the time of evaluation and shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person ordered to appear does appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider may admit the person as required by subsection (3) of this section or may provide treatment on an outpatient basis. If the person ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider shall immediately notify the designated crisis responder who may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. Should the designated crisis responder notify a peace officer authorizing the officer to take a person into custody under this subsection, the designated crisis responder shall file with the court a copy of the authorization and a notice of detention. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) If a designated crisis responder receives information alleging that a person, as the result of:

(a) A mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in this chapter; or

(b) Chemical dependency, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in a secure detoxification facility for not more than seventy-two hours as described in this chapter.

(3) If the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in

accordance with this chapter. The facility shall notify in writing the court and the designated crisis responder of the date and time of the initial detention of each person involuntarily detained so that a probable cause hearing will be held no later than seventy-two hours after detention.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause the person to be taken into custody and immediately delivered to an evaluation and treatment facility, secure detoxification facility, other certified chemical dependency treatment provider only pursuant to subsections (1)(d) and (2) of this section.

(5) Nothing in this chapter limits the power of a peace officer to take a person into custody and immediately deliver the person to the emergency department of a local hospital or to a detoxification facility.

NEW SECTION. Sec. 207. (1) A person or public or private entity employing a person is not civilly or criminally liable for performing duties under this chapter if the duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

NEW SECTION. Sec. 208. If the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider admits the person, it may detain the person for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance. The computation of the seventy-two hour period excludes Saturdays, Sundays, and holidays.

NEW SECTION. Sec. 209. Whenever any person is detained for evaluation and treatment for a mental disorder under section 206 of this act, chapter 71.05 RCW applies.

NEW SECTION. Sec. 210. (1) A person detained for seventy-two hour evaluation and treatment under section 206 of this act or RCW 70.96A.120 may be detained for not more than fourteen additional days of involuntary chemical dependency treatment if there are beds available at the secure detoxification facility and the following conditions are met:

(a) The professional person in charge of the agency or facility or the person's designee providing evaluation and treatment services in a secure detoxification facility has assessed the person's condition and finds that the condition is caused by chemical dependency and either results in a likelihood of serious harm or in the detained person being gravely disabled, and the professional person or his or her designee is prepared to testify those conditions are met;

(b) The person has been advised of the need for voluntary treatment and the professional person in charge of the agency or facility or his or her designee has evidence that he or she has not in good faith volunteered for treatment; and

(c) The professional person in charge of the agency or facility or the person's designee has filed a petition for fourteen-day involuntary detention with the superior court, district court, or other court permitted by court rule. The petition must be signed by the chemical dependency professional who has examined the person.

(2) The petition under subsection (1)(c) of this section shall be accompanied by a certificate of a licensed physician who has examined the person, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(3) The petition shall state facts that support the finding that the person, as a result of chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that there are no less restrictive alternatives to detention in the best interest of the person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate.

(4) A copy of the petition shall be served on the detained person, his or her attorney, and his or her guardian or conservator, if any, before the probable cause hearing.

(5)(a) The court shall inform the person whose commitment is sought of his or her right to contest the petition, be represented by counsel at every stage of any proceedings relating to his or her commitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall appoint a reasonably available licensed physician designated by the person.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that the person, as the result of chemical dependency, presents a likelihood of serious harm or is gravely disabled and, after considering

less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of such person or others, the court shall order that the person be detained for involuntary chemical dependency treatment not to exceed fourteen days in a secure detoxification facility.

NEW SECTION. Sec. 211. If a person is detained for additional treatment beyond fourteen days under section 210 of this act, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.

NEW SECTION. Sec. 212. The prosecuting attorney of the county in which an action under this chapter is taken must represent the petitioner in judicial proceedings under this chapter for the involuntary chemical dependency treatment of a person, including any judicial proceeding where the person sought to be treated for chemical dependency challenges the action.

NEW SECTION. Sec. 213. (1) Every person involuntarily detained or committed under this chapter as a result of a mental disorder is entitled to all the rights set forth in this chapter and in chapter 71.05 RCW, and retains all rights not denied him or her under this chapter or chapter 71.05 RCW.

(2) Every person involuntarily detained or committed under this chapter as a result of a chemical dependency is entitled to all the rights set forth in this chapter and chapter 70.96A RCW, and retains all rights not denied him or her under this chapter or chapter 70.96A RCW.

NEW SECTION. Sec. 214. (1) When a designated crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the designated crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated crisis responder of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated crisis responder detains a person under this chapter, the designated crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated crisis responder to provide offender supervision.

NEW SECTION. Sec. 215. The secretary may adopt rules to implement this chapter.

NEW SECTION. Sec. 216. The provisions of RCW 71.05.550 apply to this chapter.

NEW SECTION. Sec. 217. (1) The Washington state institute for public policy shall evaluate the pilot programs and make a preliminary report to appropriate committees of the legislature by December 1, 2007, and a final report by September 30, 2008.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

Sec. 218. RCW 71.05.550 and 1973 1st ex.s. c 142 s 60 are each amended to read as follows:

The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter and chapter 70.-- RCW (sections 202 through 216 of this act), and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all

increased costs, if any, to the counties resulting from their administration of the provisions of chapter 142, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 219. Sections 202 through 216 of this act expire July 1, 2008.

NEW SECTION. Sec. 220. A new section is added to chapter 70.96A RCW to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to section 203 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under section 601 of this act;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires June 30, 2008.

PART III TREATMENT GAP

NEW SECTION. Sec. 301. A new section is added to chapter 70.96A RCW to read as follows:

(1) The division of alcohol and substance abuse shall increase its capacity to serve adults who meet chemical dependency treatment criteria and who are enrolled in medicaid as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(2) The division of alcohol and substance abuse shall increase its capacity to serve minors who have passed their twelfth birthday and who are not yet eighteen, who are under two hundred percent of the federal poverty level as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(3) For purposes of this section, "calculated need" means the percentage of the population under two hundred percent of the federal poverty level in need of chemical dependency services as determined in the 2003 Washington state needs assessment study.

NEW SECTION. Sec. 302. A new section is added to chapter 70.96A RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to

section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, are subject to contractual penalties established under section 601 of this act.

NEW SECTION. Sec. 303. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, as those terms are defined in section 603 of this act, and shall expand capacity in underserved regions of the state.

NEW SECTION. Sec. 304. A new section is added to chapter 70.96A RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 305. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at each division of children and family services office to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site chemical dependency screening and assessment, facilitating progress reports to department social workers, in-service training of department social workers and staff on substance abuse issues, referring clients from the department to treatment providers, and providing consultation on cases to department social workers.

(3) The department of social and health services shall provide training in and ensure that each case-carrying social worker is trained in uniform screening for mental health and chemical dependency.

PART IV RESOURCES

NEW SECTION. Sec. 401. Sections 402 through 425 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 402. The legislature finds that there are persons with mental disorders, including organic or traumatic brain disorders, and combinations of mental disorders with other medical conditions or behavior histories that result in behavioral and security issues that make these persons ineligible for, or unsuccessful in, existing types of licensed facilities, including adult residential rehabilitation centers, boarding homes, adult family homes, group homes, and skilled nursing facilities. The legislature also finds that many of these persons have been treated on repeated occasions in inappropriate acute care facilities and released without an appropriate placement or have been treated or detained for extended periods in inappropriate settings including state hospitals and correctional facilities. The legislature further finds that some of these persons present complex safety and treatment issues that require security measures that cannot be instituted under most facility licenses or supported housing programs. These include the ability to detain persons under involuntary treatment orders or administer court ordered medications.

Consequently, the legislature intends, to the extent of available funds, to establish a new type of facility licensed by the department of social and health services as an enhanced services facility with standards that will provide a safe, secure treatment environment for a limited population of persons who are not appropriately served in other facilities or programs. The legislature also finds that enhanced services facilities may need to specialize in order to effectively care for a particular segment of the identified population.

An enhanced services facility may only serve individuals that meet the criteria specified in section 405 of this act.

NEW SECTION. Sec. 403. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 or 70.96A RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.-- (sections 202 through 216 of this act) RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A or 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(29) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 404. A facility shall honor an advance directive that was validly executed pursuant to chapter 70.122 RCW and a mental health advance directive that was validly executed pursuant to chapter 71.32 RCW.

NEW SECTION. Sec. 405. A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (3) of this section:

(1) The person requires: (a) Daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or (b) assistance with three or more activities of daily living; and

(2) The person has: (a) A mental disorder, chemical dependency disorder, or both; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services;

(3) The person has two or more of the following:

(a) Self-endangering behaviors that are frequent or difficult to manage;

(b) Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;

(c) Intrusive behaviors that put residents or staff at risk;

(d) Complex medication needs and those needs include psychotropic medications;

(e) A history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;

(f) A history of frequent or protracted mental health hospitalizations;

(g) A history of offenses against a person or felony offenses that created substantial damage to property.

NEW SECTION. Sec. 406. (1)(a) Every person who is a resident of an enhanced services facility shall be entitled to all the rights set forth in this chapter, and chapters 71.05 and 70.96A RCW, and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, or chapter 71.05 or 70.96A RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) At the time of his or her treatment planning meeting, every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section. The department shall by rule develop a statement and process for informing residents of their rights in a manner that is likely to be understood by the resident.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, or 71.05 RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(6) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act), or the performance of electroconvulsant therapy, or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(h) To discuss and actively participate in treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue; and

(k) To complain about rights violations or conditions and request the assistance of a mental health ombudsman or representative of Washington protection and advocacy. The facility may not prohibit or interfere with a resident's decision to consult with an advocate of his or her choice.

(7) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(8) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

(9) A person has a right to refuse placement, except where subject to commitment, in an enhanced services facility. No person shall be denied other department services solely on the grounds that he or she has made such a refusal.

(10) A person has a right to appeal the decision of the department that he or she is eligible for placement at an enhanced services facility, and shall be given notice of the right to appeal in a format that is accessible to the person with instructions regarding what to do if the person wants to appeal.

NEW SECTION. Sec. 407. A person who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication. Antipsychotic medication may be administered over the person's objections only pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act).

NEW SECTION. Sec. 408. (1)(a) The department shall not license an enhanced services facility that serves any residents under sixty-five years of age for a capacity to exceed sixteen residents.

(b) The department may contract for services for the operation of enhanced services facilities only to the extent that funds are specifically provided for that purpose.

(2) The facility shall provide an appropriate level of security for the characteristics, behaviors, and legal status of the residents.

(3) An enhanced services facility may hold only one license but, to the extent permitted under state and federal law and medicaid requirements, a facility may be located in the same building as another licensed facility, provided that:

(a) The enhanced services facility is in a location that is totally separate and discrete from the other licensed facility; and

(b) The two facilities maintain separate staffing, unless an exception to this is permitted by the department in rule.

(4) Nursing homes under chapter 18.51 RCW, boarding homes under chapter 18.20 RCW, or adult family homes under chapter 70.128 RCW, that become licensed as facilities under this chapter shall be deemed to meet the applicable state and local rules, regulations, permits, and code requirements. All other facilities are required to meet all applicable state and local rules, regulations, permits, and code requirements.

NEW SECTION. Sec. 409. (1) The enhanced services facility shall complete a comprehensive assessment for each resident within fourteen days of admission, and the assessments shall be repeated upon a significant change in the resident's condition or, at a minimum, every one hundred eighty days if there is no significant change in condition.

(2) The enhanced services facility shall develop an individualized treatment plan for each resident based on the comprehensive assessment and any other information in the person's record. The plan shall be updated as necessary, and shall include a plan for appropriate transfer or discharge and reintegration into the community. Where the person is under the supervision of the department of corrections, the facility shall collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The plan shall maximize the opportunities for independence, recovery, employment, the resident's participation in treatment decisions, and collaboration with peer-supported services, and provide for care and treatment in the least restrictive manner appropriate to the individual resident, and, where relevant, to any court orders with which the resident must comply.

NEW SECTION. Sec. 410. (1) An enhanced services facility must have sufficient numbers of staff with the appropriate credentials and training to provide residents with the appropriate care and treatment:

- (a) Mental health treatment;
- (b) Medication services;
- (c) Assistance with the activities of daily living;
- (d) Medical or habilitative treatment;
- (e) Dietary services;
- (f) Security; and
- (g) Chemical dependency treatment.

(2) Where an enhanced services facility specializes in medically fragile persons with mental disorders, the on-site staff must include at least one licensed nurse twenty-four hours per day. The nurse must be a registered nurse for at least sixteen hours per day. If the nurse is not a registered nurse, a registered nurse or a doctor must be on-call during the remaining eight hours.

(3) Any employee or other individual who will have unsupervised access to vulnerable adults must successfully pass a background inquiry check.

NEW SECTION. Sec. 411. This chapter does not apply to the following residential facilities:

- (1) Nursing homes licensed under chapter 18.51 RCW;
- (2) Boarding homes licensed under chapter 18.20 RCW;
- (3) Adult family homes licensed under chapter 70.128 RCW;
- (4) Facilities approved and certified under chapter 71A.22 RCW;
- (5) Residential treatment facilities licensed under chapter 71.12 RCW; and
- (6) Hospitals licensed under chapter 70.41 RCW.

NEW SECTION. Sec. 412. (1) The department shall establish licensing rules for enhanced services facilities to serve the populations defined in this chapter.

(2) No person or public or private agency may operate or maintain an enhanced services facility without a license, which must be renewed annually.

(3) A licensee shall have the following readily accessible and available for review by the department, residents, families of residents, and the public:

(a) Its license to operate and a copy of the department's most recent inspection report and any recent complaint investigation reports issued by the department;

(b) Its written policies and procedures for all treatment, care, and services provided directly or indirectly by the facility; and

(c) The department's toll-free complaint number, which shall also be posted in a clearly visible place and manner.

(4) Enhanced services facilities shall maintain a grievance procedure that meets the requirements of rules established by the department.

(5) No facility shall discriminate or retaliate in any manner against a resident or employee because the resident, employee, or any other person made a complaint or provided information to the department, the long-term care ombudsman, Washington protection and advocacy system, or a mental health ombudsperson.

(6) Each enhanced services facility will post in a prominent place in a common area a notice by the Washington protection and advocacy system providing contact information.

NEW SECTION. Sec. 413. (1) In any case in which the department finds that a licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee failed or refused to comply with the requirements of this chapter or the rules established under them, the department may take any or all of the following actions:

- (a) Suspend, revoke, or refuse to issue or renew a license;
- (b) Order stop placement; or
- (c) Assess civil monetary penalties.

(2) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, in any case in which it finds that the licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:

- (a) Operated a facility without a license or under a revoked or suspended license;
- (b) Knowingly or with reason to know made a false statement of a material fact in the license application or any data attached thereto, or in any matter under investigation by the department;
- (c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the facility;
- (d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter;
- (e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of the rules adopted under it; or
- (f) Failed to pay any civil monetary penalty assessed by the department under this chapter within ten days after the assessment becomes final.

(3)(a) Civil penalties collected under this chapter shall be deposited into a special fund administered by the department.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day the facility is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per day. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(4) The department may use the civil penalty monetary fund for the protection of the health or property of residents of facilities found to be deficient including:

- (a) Payment for the cost of relocation of residents to other facilities;
- (b) Payment to maintain operation of a facility pending correction of deficiencies or closure; and
- (c) Reimbursement of a resident for personal funds or property loss.

(5)(a) The department may issue a stop placement order on a facility, effective upon oral or written notice, when the department determines:

- (i) The facility no longer substantially meets the requirements of this chapter; and
- (ii) The deficiency or deficiencies in the facility:
 - (A) Jeopardizes the health and safety of the residents; or
 - (B) Seriously limits the facility's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the department may approve a readmission to the facility from a hospital, residential treatment facility, or crisis intervention facility when the department determines the readmission would be in the best interest of the individual seeking readmission.

(6) If the department determines that an emergency exists and resident health and safety is immediately jeopardized as a result of a facility's failure or refusal to comply with this chapter, the department may summarily suspend the facility's license and order the immediate closure of the facility, or the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of the residents is immediately jeopardized as a result of a facility's failure or refusal to comply with requirements of this chapter, the department may appoint temporary management to:

- (a) Oversee the operation of the facility; and
- (b) Ensure the health and safety of the facility's residents while:
 - (i) Orderly closure of the facility occurs; or
 - (ii) The deficiencies necessitating temporary management are corrected.

NEW SECTION. Sec. 414. (1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested.

(2) All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or summary license suspension shall be effective immediately upon notice, pending any hearing.

(3) Subject to the requirements of subsection (2) of this section, all hearings under this chapter and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 415. Operation of a facility without a license in violation of this chapter and discrimination against medicaid recipients is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an enhanced services facility without a license in violation of this chapter is not

reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 416. A person operating or maintaining a facility without a license under this chapter is guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

NEW SECTION. Sec. 417. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of a facility without a license issued under this chapter.

NEW SECTION. Sec. 418. (1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and treatment.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

NEW SECTION. Sec. 419. The facility shall only admit individuals:

- (1) Who are over the age of eighteen;
- (2) Who meet the resident eligibility requirements described in section 405 of this act; and
- (3) Whose needs the facility can safely and appropriately meet through qualified and trained staff, services, equipment, security, and building design.

NEW SECTION. Sec. 420. If the facility does not employ a qualified professional able to furnish needed services, the facility must have a written contract with a qualified professional or agency outside the facility to furnish the needed services.

NEW SECTION. Sec. 421. At least sixty days before the effective date of any change of ownership, or change of management of a facility, the current operating entity must provide written notification about the proposed change separately and in writing, to the department, each resident of the facility, or the resident's guardian or representative.

NEW SECTION. Sec. 422. The facility shall:

- (1) Maintain adequate resident records to enable the provision of necessary treatment, care, and services and to respond appropriately in emergency situations;
- (2) Comply with all state and federal requirements related to documentation, confidentiality, and information sharing, including chapters 10.77, 70.02, 70.24, 70.96A, and 71.05 RCW; and
- (3) Where possible, obtain signed releases of information designating the department, the facility, and the department of corrections where the person is under its supervision, as recipients of health care information.

NEW SECTION. Sec. 423. (1) Standards for fire protection and the enforcement thereof, with respect to all facilities licensed under this chapter, are the responsibility of the chief of the Washington state patrol, through the director of fire protection, who must adopt recognized standards as applicable to facilities for the protection of life against the cause and spread of fire and fire hazards. If the facility to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, the director of fire protection must submit to the department a written report approving the facility with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall conduct an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Inspections of facilities by local authorities must be consistent with the requirements adopted by the chief of the Washington state patrol, through the director of fire protection. Findings of a serious nature must be coordinated with the department and the chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for residents. The chief of the Washington state patrol, through the director of fire protection, has exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 424. No facility providing care and treatment for individuals placed in a facility, or agency licensing or placing residents in a facility, acting in the course of its duties, shall be civilly or criminally liable for performing its duties under this chapter, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 425. (1) The secretary shall adopt rules to implement this chapter.

(2) Such rules shall at the minimum: (a) Promote safe treatment and necessary care of individuals residing in the facility and provide for safe and clean conditions; (b) establish licensee qualifications, licensing and enforcement, and license fees sufficient to cover the cost of licensing and enforcement.

PART V FORENSIC AND CORRECTIONA

Drug and Mental Health Courts

NEW SECTION. Sec. 501. A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, mentally ill felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any county that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

NEW SECTION. Sec. 502. A new section is added to chapter 2.28 RCW to read as follows:

Any county that has established a drug court and a mental health court under this chapter may combine the functions of both courts into a single therapeutic court.

NEW SECTION. Sec. 503. A new section is added to chapter 26.12 RCW to read as follows:

(1) Every county that authorizes the tax provided in section 804 of this act shall, and every county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources. A county with a drug court for criminal cases or with a mental health court may include a therapeutic court for dependency proceedings as a component of its existing program.

(2) For the purposes of this section, "therapeutic court" means a court that has special calendars or dockets designed for the intense judicial supervision, coordination, and oversight of treatment provided to parents and families who have substance abuse or mental health problems and who are involved in the dependency and is designed to achieve a reduction in:

(a) Child abuse and neglect;

(b) Out-of-home placement of children;

(c) Termination of parental rights; and

(d) Substance abuse or mental health symptoms among parents or guardians and their children.

(3) To the extent possible, the therapeutic court shall provide services for parents and families co-located with the court or as near to the court as practicable.

(4) The department of social and health services shall furnish services to the therapeutic court unless a court contracts with providers outside of the department.

(5) Any jurisdiction that receives a state appropriation to fund a therapeutic court must first exhaust all federal funding available for the development and operation of the therapeutic court and associated services.

(6) Moneys allocated by the state for a therapeutic court must be used to supplement, not supplant, other federal, state, local, and private funding for court operations and associated services under this section.

(7) Any county that establishes a therapeutic court or receives funds for an existing court under this section shall:

(a) Establish minimum requirements for the participation in the program; and

(b) Develop an evaluation component of the court, including tracking the success rates in graduating from treatment, reunifying parents with their children, and the costs and benefits of the court.

Sec. 504. RCW 2.28.170 and 2002 c 290 s 13 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding (~~((received from the office of national drug control policy))~~) that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Regional Jails

NEW SECTION. **Sec. 505.** (1) The joint legislative audit and review committee shall investigate and assess whether there are existing facilities in the state that could be converted to use as a regional jail for offenders who have mental or chemical dependency disorders, or both, that need specialized housing and treatment arrangements.

(2) The joint legislative audit and review committee shall consider the feasibility of using at least the following facilities or types of facilities:

(a) State-owned or operated facilities; and

(b) Closed or abandoned nursing homes.

(3) The analysis shall include an assessment of when such facilities could be available for use as a regional jail and the potential costs, costs avoided, and benefits of at least the following considerations:

(a) Any impact on existing offenders or residents;

(b) The conversion of the facilities;

(c) Infrastructure tied to the facilities;

(d) Whether the facility is, or can be, sized proportionately to the available pool of offenders;

(e) Changes in criminal justice costs, including transport, access to legal assistance, and access to courts;

(f) Reductions in jail populations; and

- (g) Changes in treatment costs for these offenders.
- (4) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature not later than December 15, 2005.

Competency and Criminal Insanity

NEW SECTION. Sec. 506. By January 1, 2006, the department of social and health services shall:

- (1) Reduce the waiting times for competency evaluation and restoration to the maximum extent possible using funds appropriated for this purpose; and
- (2) Report to the legislature with an analysis of several alternative strategies for addressing increases in forensic population and minimizing waiting periods for competency evaluation and restoration. The report shall discuss, at a minimum, the costs and advantages of, and barriers to co-locating professional persons in jails, performing restoration treatment in less restrictive alternatives than the state hospitals, and the use of regional jail facilities to accomplish competency evaluation and restoration.

ESSB 6358 Implementation Issues

Sec. 507. RCW 71.05.157 and 2004 c 166 s 16 are each amended to read as follows:

- (1) When a ((~~county~~)) designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the ((~~county~~)) designated mental health professional shall evaluate the person within seventy-two hours of release.
- (2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the ((~~county~~)) designated mental health professional and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.
- (3) When a ((~~county~~)) designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the ((~~county~~)) designated mental health professional detains a person under this chapter, the ((~~county~~)) designated mental health professional shall notify the person's treatment provider and the department of corrections.
- (4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.
- (5) Nothing in this section creates a duty on any treatment provider or ((~~county~~)) designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 508. A new section is added to chapter 70.96A RCW to read as follows:

- (1) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to court ordered mental health or chemical dependency treatment, whether civil or criminal, and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to court ordered mental health or chemical dependency treatment, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.
- (2) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to supervision of any kind by the department of corrections and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to supervision of any kind by the department of corrections, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.
- (3) For all persons who are subject to both court ordered mental health or chemical dependency treatment and supervision by the department of corrections, the treatment provider shall request an authorization to release records and notify the person that, unless expressly excluded by the court order the law requires treatment providers to share information with the department of corrections and the person's mental health treatment provider.
- (4) If the treatment provider has reason to believe that a person is subject to supervision by the department of corrections but the person's record does not indicate that he or she is, the treatment provider may call any department of corrections office and provide the person's name and birth date. If the person is subject to supervision, the treatment provider

shall request, and the department of corrections shall provide, the name and contact information for the person's community corrections officer.

PART VI BEST PRACTICES AND COLLABORATION

NEW SECTION. Sec. 601. (1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the regional support networks, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

NEW SECTION. Sec. 602. The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under section 601 of this act.

NEW SECTION. Sec. 603. A new section is added to chapter 71.24 RCW to read as follows:

(1) By June 30, 2006, the department shall develop and implement a matrix or set of matrices for providing services based on the following principles:

(a) Maximizing evidence-based practices where these practices exist; where no evidence-based practice exists, the use of research-based practices, including but not limited to, the adaptation of evidence-based practices to new situations; where no evidence-based or research-based practices exist the use of consensus-based practices; and, to the extent that funds are available, the use of promising practices;

(b) Maximizing the person's independence, recovery, and employment by consideration of the person's strengths and supports in the community;

(c) Maximizing the person's participation in treatment decisions including, where possible, the person's awareness of, and technical assistance in preparing, mental health advance directives; and

(d) Collaboration with consumer-based support programs.

(2) The matrix or set of matrices shall include both adults and children and persons with co-occurring mental and substance abuse disorders and shall build on the service intensity quadrant models that have been developed in this state.

(3)(a) The matrix or set of matrices shall be developed in collaboration with experts in evidence-based practices for mental disorders, chemical dependency disorders, and co-occurring mental and chemical dependency disorders at the University of Washington, and in consultation with representatives of the regional support networks, community mental health providers, county chemical dependency coordinators, chemical dependency providers, consumers, family advocates, and community inpatient providers.

(b) The matrix or set of matrices shall, to the extent possible, adopt or utilize materials already prepared by the department or by other states.

(4)(a) The department shall require, by contract with the regional support networks, that providers maximize the use of evidence-based, research-based, and consensus-based practices and document the percentage of clients enrolled in evidence-based, research-based, and consensus-based programs by program type.

(b) The department shall establish a schedule by which regional support networks and providers must adopt the matrix or set of matrices and a schedule of penalties for failure to adopt and implement the matrices. The department may act against the regional support networks or providers or both to enforce the provisions of this section and shall provide the appropriate committees of the legislature with the schedules adopted under this subsection by June 30, 2006.

(5) The following definitions apply to this section:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(c) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(d) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

NEW SECTION. Sec. 604. A new section is added to chapter 71.02 RCW to read as follows:

(1) The department of social and health services shall collaborate with community providers of mental health services, early learning and child care providers, child serving agencies, and child-placing agencies to identify and utilize federal, state, and local services and providers for children in out-of-home care and other populations of vulnerable children who are in need of an evaluation and treatment for mental health services and do not qualify for medicaid or treatment services through the regional support networks.

(2) If no appropriate mental health services are available through federal, state, or local services and providers for a child described in subsection (1) of this section, the regional support network must provide a child, at a minimum, with a mental health evaluation consistent with chapter 71.24 RCW.

(3) The department, in collaboration with the office of the superintendent of public instruction, local providers, local school districts, and the regional support networks, shall identify and review existing programs and services as well as the unmet need for programs and services serving birth to five and school-aged children who exhibit early signs of behavioral or mental health disorders and who are not otherwise eligible for services through the regional support networks. The review of programs and services shall include, but not be limited to, the utilization and effectiveness of early intervention or prevention services and the primary intervention programs.

The department of social and health services shall provide a briefing on the collaboration's findings and recommendations to the appropriate committee of the legislature by December 31, 2005.

NEW SECTION. Sec. 605. The Washington state institute for public policy shall study the net short-run and long-run fiscal savings to state and local governments of implementing evidence-based treatment of chemical dependency disorders, mental disorders, and co-occurring mental and substance abuse disorders. The institute shall use the results from its 2004 report entitled "Benefits and Costs of Prevention and Early Intervention Programs for Youth" and its work on effective adult corrections programs to project total fiscal impacts under alternative implementation scenarios. In addition to fiscal outcomes, the institute shall estimate the long-run effects that an evidence-based strategy could have on statewide education, crime, child abuse and neglect, substance abuse, and economic outcomes. The institute shall provide an interim report to the appropriate committees of the legislature by January 1, 2006, and a final report by June 30, 2006.

PART VII REPEALERS AND CROSS-REFERENCE CORRECTIONS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed on the effective date of section 107 of this act:

(1) RCW 71.05.060 (Rights of persons complained against) and 1973 1st ex.s. c 142 s 11;

(2) RCW 71.05.070 (Prayer treatment) and 1973 1st ex.s. c 142 s 12;

(3) RCW 71.05.090 (Choice of physicians) and 1973 2nd ex.s. c 24 s 3 & 1973 1st ex.s. c 142 s 14;

(4) RCW 71.05.200 (Notice and statement of rights--Probable cause hearing) and 1998 c 297 s 11, 1997 c 112 s 14, 1989 c 120 s 5, 1974 ex.s. c 145 s 13, & 1973 1st ex.s. c 142 s 25;

(5) RCW 71.05.250 (Probable cause hearing--Detained person's rights--Waiver of privilege--Limitation--Records as evidence) and 1989 c 120 s 7, 1987 c 439 s 6, 1974 ex.s. c 145 s 17, & 1973 1st ex.s. c 142 s 30;

(6) RCW 71.05.450 (Competency--Effect--Statement of Washington law) and 1994 sp.s. c 7 s 440 & 1973 1st ex.s. c 142 s 50;

(7) RCW 71.05.460 (Right to counsel) and 1997 c 112 s 33 & 1973 1st ex.s. c 142 s 51;

(8) RCW 71.05.470 (Right to examination) and 1997 c 112 s 34 & 1973 1st ex.s. c 142 s 52;

(9) RCW 71.05.480 (Petitioning for release--Writ of habeas corpus) and 1974 ex.s. c 145 s 29 & 1973 1st ex.s. c 142 s 53; and

(10) RCW 71.05.490 (Rights of persons committed before January 1, 1974) and 1997 c 112 s 35 & 1973 1st ex.s. c 142 s 54.

NEW SECTION. Sec. 702. The following acts or parts of acts are each repealed on the effective date of section 109 of this act:

(1) RCW 71.05.155 (Request to mental health professional by law enforcement agency for investigation under RCW 71.05.150--Advisory report of results) and 1997 c 112 s 9 & 1979 ex.s. c 215 s 10;

(2) RCW 71.05.395 (Application of uniform health care information act, chapter 70.02 RCW) and 1993 c 448 s 8;

(3) RCW 71.05.400 (Release of information to patient's next of kin, attorney, guardian, conservator--Notification of patient's death) and 1993 c 448 s 7, 1974 ex.s. c 115 s 1, 1973 2nd ex.s. c 24 s 6, & 1973 1st ex.s. c 142 s 45;

(4) RCW 71.05.410 (Notice of disappearance of patient) and 1997 c 112 s 32, 1973 2nd ex.s. c 24 s 7, & 1973 1st ex.s. c 142 s 46; and

(5) RCW 71.05.430 (Statistical data) and 1973 1st ex.s. c 142 s 48.

NEW SECTION. Sec. 703. RCW 71.05.610 (Treatment records--Definitions) and 1989 c 205 s 11 are each repealed on the effective date of sections 104 through 106 of this act.

NEW SECTION. Sec. 704. The following acts or parts of acts are each repealed:

(1) RCW 71.05.650 (Treatment records--Notation of and access to released data) and 1989 c 205 s 15; and

(2) RCW 71.05.670 (Treatment records--Violations--Civil action) and 1999 c 13 s 10.

Sec. 705. RCW 5.60.060 and 2001 c 286 s 2 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A, ~~70.--(sections 202 through 216 of this act)~~, 71.05, or 71.09 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A, ~~70.--(sections 202 through 216 of this act)~~, 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or ~~((71.05.250))~~ 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

Sec. 706. RCW 18.83.110 and 1989 c 271 s 303 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and ~~((71.05.250))~~ 71.05.360 (8) and (9).

Sec. 707. RCW 18.225.105 and 2003 c 204 s 1 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.250))~~ 71.05.360 (8) and (9); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 708. RCW 71.05.235 and 2000 c 74 s 6 are each amended to read as follows:

(1) If an individual is referred to a ~~((county))~~ designated mental health professional under RCW 10.77.090(1)(d)(iii)(A), the ~~((county))~~ designated mental health professional shall examine the individual within forty-eight hours. If the ~~((county))~~ designated mental health professional determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the ~~((county))~~ designated mental health professional not later than the next judicial day. At the hearing the superior court shall review the determination of the ~~((county))~~ designated mental health professional and determine whether an order should be entered requiring the person to be evaluated at an

evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.090(1)(d)(iii)(B), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under chapter 71.05 RCW. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.090(1)(d)(iii)(B), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a ((county)) designated mental health professional or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW ((71.05.250)) 71.05.360 (8) and (9).

Sec. 709. RCW 71.05.310 and 1987 c 439 s 9 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW ((71.05.250)) 71.05.360 (8) and (9).

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

Sec. 710. RCW 71.05.425 and 2000 c 94 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW ((71.05.410)) 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 711. RCW 71.05.445 and 2004 c 166 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is

limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW (~~71.05.670 and~~) 71.05.440.

(8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 712. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW ((71.05.610)) 71.05.620 through 71.05.690.

Sec. 713. RCW 71.05.680 and 1999 c 13 s 11 are each amended to read as follows:

Any person who requests or obtains confidential information pursuant to RCW ((71.05.610)) 71.05.620 through 71.05.690 under false pretenses shall be guilty of a gross misdemeanor.

Sec. 714. RCW 71.05.690 and 1999 c 13 s 12 are each amended to read as follows:

The department shall adopt rules to implement RCW ((71.05.610)) 71.05.620 through 71.05.680.

Sec. 715. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, ~~((71.05.400, 71.05.410,))~~ 71.05.420, ~~((71.05.430,))~~ and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes ~~((identified in section 5 of this act))~~;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

PART VIII MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. RCW 71.05.035 is recodified as a new section in chapter 71A.12 RCW.

NEW SECTION. Sec. 802. A new section is added to chapter 43.20A RCW to read as follows:

Beginning July 1, 2007, the secretary shall require, in the contracts the department negotiates pursuant to chapters 71.24 and 70.96A RCW, that any vendor rate increases provided for mental health and chemical dependency treatment providers or programs who are parties to the contract or subcontractors of any party to the contract shall be prioritized to those providers and programs that maximize the use of evidence-based and research-based practices, as those terms are defined in section 603 of this act, unless otherwise designated by the legislature.

NEW SECTION. Sec. 803. A new section is added to chapter 71.24 RCW to read as follows:

The department shall require each regional support network to provide for a separately funded mental health ombudsman office in each regional support network that is independent of the regional support network. The ombudsman office shall maximize the use of consumer advocates.

NEW SECTION. Sec. 804. A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of new or expanded therapeutic court programs. Moneys collected under this section shall not be used to supplant existing funding for these purposes.

NEW SECTION. Sec. 805. A new section is added to chapter 71.24 RCW to read as follows:

The department may establish new regional support network boundaries in any part of the state where more than one network chooses not to respond to, or is unable to substantially meet the requirements of, the request for qualifications under 2005 c . . . (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 4 or where a regional support network is subject to reprocurement under 2005 c . . . (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 6. The department may establish no fewer than eight and no more than fourteen regional support networks under this chapter. No entity shall be responsible for more than three regional support networks.

NEW SECTION. Sec. 806. 2005 c ... (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 5 is hereby repealed.

NEW SECTION. Sec. 807. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 808. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 809. Captions, part headings, and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 810. If specific funding for the purposes of sections 203, 217, 220, 301, 303, 305, 505, 601, and 605 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2005, each section not referenced is null and void.

NEW SECTION. Sec. 811. (1) The code reviser shall alphabetize and renumber the definitions, and correct any internal references affected by this act.

(2) The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 812. (1) The secretary of the department of social and health services may adopt rules as necessary to implement the provisions of this act.

(2) The secretary of corrections may adopt rules as necessary to implement the provisions of this act.

NEW SECTION. Sec. 813. (1) Except for section 503 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

(2) Section 503 of this act takes effect July 1, 2006."

On page 1, line 2 of the title, after "2005;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.24.025, 10.77.010, 71.05.360, 71.05.420, 71.05.620, 71.05.630, 71.05.640, 71.05.660, 71.05.550, 2.28.170, 71.05.157, 5.60.060, 18.83.110, 18.225.105, 71.05.235, 71.05.310, 71.05.425, 71.05.445, 71.05.640, 71.05.680, and 71.05.690; reenacting and amending RCW 71.05.390 and 71.24.035; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 13.34 RCW; adding new sections to chapter 2.28 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding a new section to chapter 71.02 RCW; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 71.05.370 and 71.05.035; repealing RCW 71.05.060, 71.05.070, 71.05.090, 71.05.200, 71.05.250, 71.05.450, 71.05.460, 71.05.470, 71.05.480, 71.05.490, 71.05.155, 71.05.395, 71.05.400, 71.05.410, 71.05.430, 71.05.610, 71.05.650, and 71.05.670; repealing 2005 c ... (E2SHB 1290) s 5; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Haugen and Regala; Representatives Cody and Green.

MOTION

Senator Hargrove moved the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5763 be adopted.

Senators Hargrove and Brandland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5763 be adopted.

The motion by Senator Hargrove carried and the Report of the Conference Committee was adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5763, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5763, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Carrell, Deccio, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senator Benton - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "I know that some of you have been looking at me rather strange today, looking at this tie. It's purple. It's got a Husky on it. I think you deserve an explanation. I actually thought today was ugly tie day, so my apologies."

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5902,
SUBSTITUTE SENATE BILL NO. 5914,
SUBSTITUTE SENATE BILL NO. 5939,
SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5951,
ENGROSSED SENATE BILL NO. 5962,
SENATE BILL NO. 5979,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5983,
SUBSTITUTE SENATE BILL NO. 5992,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
SUBSTITUTE SENATE BILL NO. 5999,
SUBSTITUTE SENATE BILL NO. 6014,
SUBSTITUTE SENATE BILL NO. 6022,
SENATE BILL NO. 6033,
SUBSTITUTE SENATE BILL NO. 6037,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6050,
SENATE BILL NO. 6097,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5254,
SUBSTITUTE SENATE BILL NO. 5256,
SUBSTITUTE SENATE BILL NO. 5266,
SENATE BILL NO. 5274,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5308,
SENATE BILL NO. 5311,
SENATE BILL NO. 5321,
ENGROSSED SENATE BILL NO. 5355,
ENGROSSED SENATE BILL NO. 5381,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5396,
ENGROSSED SENATE BILL NO. 5418,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441,
SUBSTITUTE SENATE BILL NO. 5449,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,
SUBSTITUTE SENATE BILL NO. 5492,
SENATE BILL NO. 5522,
SUBSTITUTE SENATE BILL NO. 5558,
SENATE BILL NO. 5565,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5577,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 1798,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
HOUSE BILL NO. 1837,
ENGROSSED HOUSE BILL NO. 1848,
SUBSTITUTE HOUSE BILL NO. 1895,
SUBSTITUTE HOUSE BILL NO. 1934,
SUBSTITUTE HOUSE BILL NO. 1938,
SECOND SUBSTITUTE HOUSE BILL NO. 1970,
SUBSTITUTE HOUSE BILL NO. 1987,
ENGROSSED HOUSE BILL NO. 1998,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015,
SUBSTITUTE HOUSE BILL NO. 2073,
SUBSTITUTE HOUSE BILL NO. 2081,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,
SUBSTITUTE HOUSE BILL NO. 2156,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163,
SUBSTITUTE HOUSE BILL NO. 2169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
ENGROSSED HOUSE BILL NO. 2185,
SECOND SUBSTITUTE HOUSE BILL NO. 2212,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,
ENGROSSED HOUSE BILL NO. 1187,
SECOND SUBSTITUTE HOUSE BILL NO. 1188,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SECOND SUBSTITUTE HOUSE BILL NO. 1758,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 1798,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
HOUSE BILL NO. 1837,
ENGROSSED HOUSE BILL NO. 1848,
SUBSTITUTE HOUSE BILL NO. 1895,
SUBSTITUTE HOUSE BILL NO. 1934,
SUBSTITUTE HOUSE BILL NO. 1938,
SECOND SUBSTITUTE HOUSE BILL NO. 1970,
SUBSTITUTE HOUSE BILL NO. 1987,
ENGROSSED HOUSE BILL NO. 1998,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015,
SUBSTITUTE HOUSE BILL NO. 2073,
SUBSTITUTE HOUSE BILL NO. 2081,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,
SUBSTITUTE HOUSE BILL NO. 2156,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163,
SUBSTITUTE HOUSE BILL NO. 2169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
ENGROSSED HOUSE BILL NO. 2185,
SECOND SUBSTITUTE HOUSE BILL NO. 2212,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410.

The President signed:

HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,
ENGROSSED HOUSE BILL NO. 1187,
SECOND SUBSTITUTE HOUSE BILL NO. 1188,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
SECOND SUBSTITUTE HOUSE BILL NO. 1758.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5287, by Senator Prentice

An Act relating to house-banked social card game provisions.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5287 was substituted for Senate Bill No. 5287 and the substitute bill was placed on the second reading and read the second time.

Senator Zarelli moved that the following striking amendment by Senators Prentice and Zarelli be adopted:
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter ((as now exists or as hereafter amended)), and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that:

(a) The commission shall neither issue nor renew any license to engage in a house-banked card game except in a location specified in a license to conduct a house-banked card game approved pursuant to subsection (4) of this section, or that, as of March 10, 2005:

(i) Is approved by the commission, is in effect, and is not subsequently a license at issue in an application for relocation submitted pursuant to subsection (4) of this section; or

(ii) Has been submitted to and has not subsequently been denied by the commission;

(b) A licensee authorized to engage in house-banked card games pursuant to a license described in (a) of this subsection may continue to engage only in gambling activity authorized under the license unless, on the renewal date of the license, the city, town, city-county, or county with jurisdiction over the location identified in the license has in effect an ordinance, resolution, or other legislative act adopted pursuant to (c) of this subsection prohibiting such gambling activity; and

(c) A city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit((, but may not change the scope of license,)) any or all of the gambling activities for which the license was issued.

(2) Nothing in this section authorizes any city, town, city-county, or county to adopt or enforce any ordinance, resolution, or other legislative act changing or purporting to change any provision within the scope of a license issued under this chapter.

(3) For purposes of this section, an ordinance, resolution, or other legislative act that:

(a) Prohibits all house-banked card games within the applicable jurisdiction on and after the effective date of the legislative act, or on and after any other date specified in the legislative act, shall be deemed to be an act adopted in compliance with subsection (1)(c) of this section;

(b) Allows any house-banked card games to continue to operate within the applicable jurisdiction for an indefinite period after the effective date of the legislative act, or after another date, if any, specified in the legislative act, shall be deemed to be an act not in compliance with subsection (1)(c) of this section, and is null and void.

(4) The commission may issue or renew a license to engage in a house-banked card game in a location specified in an application submitted pursuant to rules adopted by the commission to relocate a licensed premise, if:

(a)(i) The licensed premise proposed to be relocated was, as of March 10, 2005, in a location where a house-banked card game was licensed to be conducted; (ii) the application for approval to be relocated is submitted to the commission on or before July 1, 2010; and (iii) the location to which the applicant requests to be relocated is within the geographic boundaries of the same jurisdiction in which the licensee is authorized by the commission to operate on the date the application is submitted;

(b) The city, town, city-county, or county in which the licensee described in (a) of this subsection is licensed by the commission to operate adopts an ordinance or resolution unequivocally approving and supporting the licensee's request to relocate: (i) By at least a sixty percent majority vote of the members of the jurisdiction's legislative body; and (ii) within ninety days of the date the application described in (a) of this subsection is submitted; and

(c) The commission approves the application to relocate with at least a sixty percent majority vote of the voting members of the commission.

(5) The commission shall not approve an application submitted pursuant to subsection (4) of this section if the licensee: (a) Has previously applied to relocate the premise; or (b) does not meet any existing standard required to obtain or retain a license to engage in a house-banked card game.

(6) An application to relocate a licensed premise under subsection (4) of this section shall not be approved, and if previously approved, the license to engage in a house-banked card game at such location shall be revoked and not subsequently

issued or renewed in any location, if the licensee who submitted the application under subsection (4) of this section, or any director, officer, or other substantial interest holder of the licensed gambling activity, pleads guilty to or is found guilty of any crime constituting, or if prosecuted under the laws of Washington would constitute, a class A, B, or C felony under RCW 9A.20.021 or 9A.20.040 or Title 9 RCW, arising out of any act or acts that occurred at any time the licensee held a license issued by the commission.

Sec. 2. RCW 9.46.070 and 2002 c 119 s 1 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules (~~and regulations~~) adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules (~~and regulations~~) adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules (~~and regulations~~) adopted pursuant thereto(~~(- PROVIDED, That)~~). However, except as provided in RCW 9.46.295, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued(~~(- PROVIDED FURTHER, That)~~). The commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin(~~(- AND PROVIDED FURTHER, That)~~). The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules (~~and regulations~~) adopted pursuant thereto permitting said person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules (~~and regulations~~) adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules (~~and regulations~~) adopted pursuant thereto(~~(- PROVIDED, That)~~). However, except as provided in RCW 9.46.295, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued(~~(- PROVIDED FURTHER, That)~~). The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by this chapter;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national

criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

(20) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Zarelli and Prentice spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice and Zarelli to Substitute Senate Bill No. 5287.

The motion by Senator Zarelli carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "games;" strike the remainder of the title and insert "amending RCW 9.46.295 and 9.46.070; and declaring an emergency."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5287.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 33

Voting nay: Senators Benson, Brandland, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler and Stevens - 16

ENGROSSED SUBSTITUTE SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:13 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 6:45 p.m.

EVENING SESSION

The Senate was called to order at 6:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Franklin, moved that Gubernatorial Reappointment No. 9254, Merritt Long, as a member of the Liquor Control Board, be confirmed.

Senator Franklin spoke in favor of the motion.

REAPPOINTMENT OF MERRITT LONG

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9254, Merritt Long as a member of the Liquor Control Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9254, Merritt Long as a member of the Liquor Control Board and the appointment was confirmed by the following vote: Yeas, 25; Nays, 0; Absent, 24; Excused, 0.

Voting yea: Senators Berkey, Brandland, Carrell, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hewitt, Kastama, Keiser, Kline, Morton, Oke, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 25

Absent: Senators Benson, Benton, Brown, Deccio, Delvin, Fairley, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Parlette, Prentice, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin and Stevens - 24

Gubernatorial Reappointment No. 9254, Merritt Long, having received the constitutional majority was declared confirmed as a member of the Liquor Control Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin, moved that Gubernatorial Appointment No. 9260, Helen McGovern, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senators Franklin and Regala spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Benton, Deccio, Delvin, Honeyford, McCaslin, Mulliken, Parlette, Roach, Schoesler and Stevens was excused.

APPOINTMENT OF HELEN MCGOVERN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9260, Helen McGovern as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9260, Helen McGovern as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 9; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 36

Absent: Senators Brown, Hargrove, Haugen, Johnson, Keiser, McAuliffe, Poulsen, Rockefeller and Sheldon - 9

Excused: Senators Deccio, Delvin, McCaslin and Schoesler - 4

Gubernatorial Appointment No. 9260, Helen McGovern, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9287, David Danner, as a member of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senators Fraser and Esser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

APPOINTMENT OF DAVID DANNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9287, David Danner as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9287, David Danner as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Johnson and Keiser - 2

Excused: Senators Deccio, Delvin, Hargrove, McAuliffe, McCaslin and Poulsen - 6

Gubernatorial Appointment No. 9287, David Danner, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Pridemore, moved that Gubernatorial Reappointment No. 9285, Michael Worthy, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Pridemore spoke in favor of the motion.

REAPPOINTMENT OF MICHAEL WORTHY

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9285, Michael Worthy as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9285, Michael Worthy as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Keiser - 1

Excused: Senators Deccio, Hargrove, Johnson, McAuliffe, McCaslin and Poulsen - 6

Gubernatorial Reappointment No. 9285, Michael Worthy, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Reappointment No. 9236, Gary Christenson, as a member of the Horse Racing Commission, be confirmed.

Senators Fraser and Rasmussen spoke in favor of the motion.

REAPPOINTMENT OF GARY CHRISTENSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9236, Gary Christenson as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9236, Gary Christenson as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Finkbeiner, Kastama and Keiser - 3

Excused: Senators Hargrove, Johnson, McCaslin and Poulsen - 4

Gubernatorial Reappointment No. 9236, Gary Christenson, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9010, Rick S. Bender, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Keiser was excused.

REAPPOINTMENT OF RICK BENDER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9010, Rick S. Bender as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9010, Rick S. Bender as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 36; Nays, 6; Absent, 2; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Kline, Kohl-Welles, McAuliffe, Oke, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 36

Voting nay: Senators Finkbeiner, Honeyford, Morton, Mulliken, Parlette and Schoesler - 6

Absent: Senators Deccio and Kastama - 2

Excused: Senators Hargrove, Johnson, Keiser, McCaslin and Poulsen - 5

Gubernatorial Reappointment No. 9010, Rick S. Bender, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

ESHB 2221 by House Committee on Finance (originally sponsored by Representatives Takko, Orcutt, Grant, Kristiansen, Williams, Strow, Blake, Bailey, Kenney, Haler and Linville)

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

ESHB 2299 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Jarrett)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 28B.14H.050, 39.53.120, 43.99K.030, and 67.40.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

AN ACT Relating to state general obligation bonds and related accounts.

MOTION

On motion of Senator Eide, the rules were suspended and all measures listed on the Second Supplemental Introduction and First Reading report were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 5615,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1002,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1034,
SUBSTITUTE HOUSE BILL NO. 1054,
SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1110,
SUBSTITUTE HOUSE BILL NO. 1116,
HOUSE BILL NO. 1124,
HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1137,
SUBSTITUTE HOUSE BILL NO. 1147,
SUBSTITUTE HOUSE BILL NO. 1158,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1181,
SUBSTITUTE HOUSE BILL NO. 1189,
SECOND SUBSTITUTE HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1299,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1002,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1034,

SUBSTITUTE HOUSE BILL NO. 1054,
SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1110,
SUBSTITUTE HOUSE BILL NO. 1116,
HOUSE BILL NO. 1124,
HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1137,
SUBSTITUTE HOUSE BILL NO. 1147,
SUBSTITUTE HOUSE BILL NO. 1158,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1181,
SUBSTITUTE HOUSE BILL NO. 1189,
SECOND SUBSTITUTE HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1299.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1893 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 1893.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 1893.

The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 1893 by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Substitute House Bill No. 1893 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1893, by House Committee on Education (originally sponsored by Representatives McDermott, Kenney and Dickerson)

Providing for certification of teachers of the deaf and hard of hearing. Revised for 1st Substitute: Providing for a certification endorsement for teachers of the deaf and hard of hearing.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Schmidt be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the quality of education for children who are deaf or hard of hearing and the expectations for those children's achievement should be equivalent to those for children throughout the state. The legislature also finds that deaf and hard of hearing children can benefit greatly if they are taught by an educator who is trained to understand the learning and communication issues the children face. Educators who received teacher training in a program for the deaf and hard of hearing are sensitive to the needs of deaf and hard of hearing students and are able to provide appropriate strategies to assist students in reacting to and interacting with their environment. The legislature intends to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish a certification endorsement for teachers of the deaf and hard of hearing.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for teacher certification shall develop certification endorsement requirements for teachers of deaf and hard of hearing students. The endorsement shall be focused on the specific skills and knowledge necessary to serve the education and communication needs of deaf and hard of hearing students. In establishing rules for the endorsement of teachers who will be working almost exclusively with students who are deaf or hard of hearing, the agency shall consider applicants to have met state endorsement requirements if they possess a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf."

Senators McAuliffe and Mulliken spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Schmidt to Substitute House Bill No. 1893.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "hearing;" strike the remainder of the title and insert "adding a new section to chapter 28A.410 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1893, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1893, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Brown, Doumit, Honeyford, Kastama and Pridemore - 5

Excused: Senators Hargrove, Johnson and McCaslin - 3

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

There being no objection, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2005

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1565 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate recede from its position on Second Substitute House Bill No. 1565.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate recede from its position on Second Substitute House Bill No. 1565.

The motion by Senator Haugen carried and the Senate receded from its position on Second Substitute House Bill No. 1565 by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended and Second Substitute House Bill No. 1565 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Transportation (originally sponsored by Representatives Jarrett, Moeller, Tom, Simpson, Appleton, Linville, Sommers, Lantz and Dunshee)

Addressing transportation concurrency strategies.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) The transportation element required by RCW 36.70A.070 may include, in addition to improvements or strategies to accommodate the impacts of development authorized under RCW 36.70A.070(6)(b), multimodal transportation improvements or strategies that are made concurrent with the development. These transportation improvements or strategies may include, but are not limited to, measures implementing or evaluating:

(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

(2) Nothing in this section or RCW 36.70A.070(6)(b) shall be construed as prohibiting a county or city planning under RCW 36.70A.040 from exercising existing authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of this chapter.

(3) Nothing in this section is intended to affect or otherwise modify the authority of jurisdictions planning under RCW 36.70A.040.

Sec. 4. RCW 47.80.030 and 1998 c 171 s 9 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

- (iii) Significant impacts are expected to be felt in more than one county;
- (iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;
- (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and
- (vi) Provides for system continuity;
- (c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;
- (d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;
- (e) Assesses regional development patterns, capital investment and other measures necessary to:
- (i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and
- (ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;
- (f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

NEW SECTION. Sec. 5. (1)(a) The department of transportation shall administer a study to examine multimodal transportation improvements and strategies to comply with the concurrency requirements of RCW 36.70A.070(6), subject to the availability of amounts appropriated for this specific purpose. The study shall be completed by one or more regional transportation planning organizations established under chapter 47.80 RCW electing to participate in the study.

(b) The department of community, trade, and economic development shall provide technical assistance with the study to the department of transportation and participating regional transportation planning organizations.

(2) The department of transportation shall, in consultation with members from each of the two largest caucuses of the senate, appointed by the president of the senate, and members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, approve the scope of the study established by this section.

(3) The study shall, at a minimum, include:

(a) An assessment and comprehensive summary of studies or reports examining concurrency requirements and practices in Washington;

(b) An examination of existing or proposed multimodal transportation improvements or strategies employed by a city in a county with a population of one million or more residents;

(c) An examination of transit services and how these services promote multimodal transportation improvements or strategies for jurisdictions planning under RCW 36.70A.070(6)(b);

(d) Recommendations for statutory and administrative rule changes that will further the promotion of effective multimodal transportation improvements and strategies that are consistent with the provisions of RCW 36.70A.070 and 36.70A.020(3);

(e) Recommendations for improving the coordination of concurrency practices in jurisdictions subject to RCW 36.70A.215;

(f) Recommendations on a methodology that jurisdictions may use to evaluate the effectiveness of multimodal concurrency strategies in jurisdictions subject to the provisions of RCW 36.70A.070 and 36.70A.020(3);

(g) An identification of effective multimodal transportation improvements and strategies employed by jurisdictions subject to RCW 36.70A.215;

(h) Recommendations for model multimodal transportation improvements and strategies that may be employed by counties and cities; and

(i) An examination of multimodal infrastructure needs, such as bus pull outs and pedestrian crosswalks and overpasses, and how these needs can be better identified in the plans required by RCW 36.70A.070(6).

(4) The department of transportation shall, in coordination with participating regional transportation planning organizations completing the study established by this section, submit a report of findings and recommendations to the appropriate committees of the legislature by December 31, 2006."

Senator Haugen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Swecker to Second Substitute House Bill No. 1565.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "amending RCW 47.80.030; adding a new section to chapter 36.70A RCW; and creating a new section."

MOTION

On motion of Senator Haugen, the rules were suspended, Second Substitute House Bill No. 1565, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1565, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1565, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Hargrove, Johnson and McCaslin - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1565, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Thibaudeau, Senator Fairley was excused.

On motion of Senator Morton, Senator Oke was excused.

MOTION

There being no objection, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SENATE BILL NO. 5513, was returned to second reading for purpose of an amendment, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the interest of the state to restructure the roles and responsibilities of the state's transportation agencies in order to improve efficiency and accountability. The legislature also finds that continued citizen oversight of the state's transportation system remains an important priority. To achieve these purposes, the

legislature intends to provide direct accountability of the department of transportation to the governor, in his or her role as chief executive officer of state government, by making the secretary of transportation a cabinet-level official. Additionally, it is essential to clearly delineate between the separate and distinct roles and responsibilities of the executive and legislative branches of government. The role of executive is to oversee the implementation of transportation programs, while the legislature reserves to itself the role of policymaking. Finally, consolidating public outreach and auditing of the state's transportation agencies under a single citizen-governed entity, the transportation commission, will provide the public with information about the performance of the transportation system and an avenue for direct participation in its oversight.

Departmental Governance

Sec. 2. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission))~~ governor with the advice and consent of the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the transportation commission without a vote. ~~((The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it.))~~ The secretary shall serve ~~((until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.))~~ at the pleasure of the governor.

Sec. 4. RCW 47.01.061 and 1987 c 364 s 2 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 5. RCW 47.01.071 and 1981 c 59 s 2 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state (~~and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session~~);

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

~~(2) ((To establish the policy of the department to be followed by the secretary on each of the following items:~~

~~(a))~~ To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

~~((b))~~ (3) In conjunction with the provisions under section 6 of this act, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

~~((c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;~~

~~(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;~~

~~(3))~~ (4) To ((direct the secretary to) prepare ((and submit to the commission)) a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the governor and the legislature and applicable state and federal laws. ((After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session.)) The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter. ((A preliminary plan shall be submitted to such committees by January 1, 1979.))

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

~~((4))~~ (5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~((5) To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;~~

~~(6) To review and authorize all departmental requests for legislation;~~

~~(7))~~ (6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

~~((8))~~ (7) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

~~((9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;~~

~~(10))~~ (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation commission shall provide a forum for the development of transportation policy in Washington state. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report that outlines the transportation priorities of the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Be developed with the assistance of state transportation-related agencies and organizations;

(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, and key transportation stakeholders;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

(e) Be submitted by the commission to the governor by October 1st of each even-numbered year for consideration by the governor.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(4) In order to promote a better transportation system, the commission shall offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

- (a) Transportation finance;
- (b) Preserving, maintaining, and operating the statewide transportation system;
- (c) Transportation infrastructure needs;
- (d) Promoting best practices for adoption and use by transportation-related agencies and programs;
- (e) Transportation efficiencies that will improve service delivery and/or coordination;
- (f) Improved planning and coordination among transportation agencies and providers; and
- (g) Use of intelligent transportation systems and other technology-based solutions.

Sec. 7. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are each reenacted and amended to read as follows:

The secretary shall have the authority and it shall be his or her duty (~~(, subject to policy guidance from the commission)~~):

- (1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;
- (2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;
- (3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;
- (4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
- (5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;
- (6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;
- (7) To provide, under contract or interagency agreement, full staff support to the commission to assist it in carrying out its functions, powers, and duties (~~(and to execute the policy established by the commission pursuant to its legislative authority)~~);
- (8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation (~~(and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and II highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances.)~~);
- (9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and
- (10) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 8. RCW 47.05.021 and 2002 c 56 s 301 are each amended to read as follows:

(1) The (~~(transportation commission is hereby directed to)~~) department shall conduct periodic analyses of the entire state highway system, report (~~(thereon)~~) to the commission and the chairs of the transportation committees of the senate and house of representatives, (~~(including one copy to the staff of each of the committees, biennially and based thereon,)~~) any subsequent recommendations to subdivide, classify, and subclassify (~~(according to their function and importance)~~) all designated state highways (~~(and those added from time to time and periodically review and revise the classifications)~~) into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) (~~(In making the functional classification)~~) The transportation commission shall adopt (and) a functional classification of highways. The commission shall consider the recommendations of the department and testimony from the public and local municipalities. The commission shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

- (a) Urban population centers within and without the state stratified and ranked according to size;
- (b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;
- (c) Feasibility of the route, including availability of alternate routes within and without the state;
- (d) Directness of travel and distance between points of economic importance;
- (e) Length of trips;
- (f) Character and volume of traffic;

- (g) Preferential consideration for multiple service which shall include public transportation;
- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 47.05.030 and 2002 c 5 s 402 are each amended to read as follows:

The transportation commission shall adopt a comprehensive (~~(six-year)~~) ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and the legislature. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program must be revised (~~(biennially, effective on July 1st of odd numbered years)~~) based on directions by the office of financial management. The investment program must be based upon the needs identified in the state-owned highway component of the statewide transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive (~~(six-year)~~) ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining (~~(four)~~) eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The (~~(six-year)~~) ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the (~~(six-year)~~) ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive (~~(six-year)~~) ten-year investment program to the governor and the legislature (~~(in support of the biennial budget request under RCW 44.40.070 and 44.40.080)~~) as directed by the office of financial management.

Sec. 10. RCW 47.05.035 and 2002 c 5 s 403 are each amended to read as follows:

(1) The department (~~(and the commission)~~) shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department (~~(and the commission)~~) can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the (~~(transportation commission)~~) department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the (~~(commission)~~) department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The (~~(commission)~~) department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

- (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The commission shall review the results of the department's findings and shall consider those findings in the development of the ten-year program.

Sec. 11. RCW 47.05.051 and 2002 c 189 s 3 are each amended to read as follows:

(1) The comprehensive (~~six-year~~) ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(~~(3)~~) (4) and priority selection systems that incorporate the following criteria:

(a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

(ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the (~~six-year~~) ten-year program.

(b) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

(i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

(ii) The cost-effective movement of people and goods;

(iii) Accident and accident risk reduction;

(iv) Protection of the state's natural environment;

(v) Continuity and systematic development of the highway transportation network;

(vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

(A) Support for development in and revitalization of existing downtowns;

(B) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

(C) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

(D) Opportunities for multimodal transportation; and

(E) Extent to which the project accommodates planned growth and economic development;

(vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

(viii) Public views concerning proposed improvements;

(ix) The conservation of energy resources;

(x) Feasibility of financing the full proposed improvement;

(xi) Commitments established in previous legislative sessions;

(xii) Relative costs and benefits of candidate programs.

(d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(2) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature.

The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

(3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

Joint Transportation Committee

NEW SECTION. Sec. 12. The joint transportation committee is created. The executive committee of the joint committee consists of the chairs and ranking members of the house and senate transportation committees. The chairs of the house and senate transportation committees shall serve as cochairs of the joint committee. All members of the house and senate standing committees on transportation are eligible for membership of the joint committee and shall serve when appointed by the executive committee.

The joint transportation committee shall review and research transportation programs and issues in order to educate and promote the dissemination of transportation research to state and local government policymakers, including legislators and associated staff. All four members of the executive committee shall approve the annual work plan. Membership of the committee may vary depending on the subject matter of oversight and research projects. The committee may also make recommendations for functional or performance audits to the transportation performance audit board.

The executive committee shall adopt rules and procedures for its operations.

NEW SECTION. Sec. 13. The members of the joint transportation committee will receive allowances while attending meetings of the committee or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee must be paid upon voucher forms as provided by the office of financial management and signed by the cochairs of the joint committee, or their authorized designees, and the authority of the chair or vice chair to sign vouchers continues until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

NEW SECTION. Sec. 14. The joint transportation committee shall conduct a review of state level governance of transportation, with a focus on the appropriate roles of the separate branches of government. The committee shall review the statutory duties, roles, and functions of the transportation commission and the department. In that review the committee shall determine which responsibilities may be transferred to the executive and which may be transferred to the legislature. By December 15, 2005, the joint transportation committee shall make its recommendations to the house and senate transportation committees. The joint transportation committee shall consult with affected agencies and other stakeholders in conducting its analysis. The committee may consult with and retain private professional and technical experts as necessary to ensure an independent review and analysis.

Transfers

NEW SECTION. Sec. 15. (1)(a) All reports, documents, surveys, books, records, files, papers, or written material relating to the conduct of performance reviews and audits in the possession of the legislative transportation committee must be delivered to the custody of the transportation commission. Any remaining documents, books, records, files, papers, and written materials must be delivered to the custody of the joint transportation committee. All funds, credits, or other assets held by the legislative transportation committee for the purposes of staffing the transportation performance audit board are assigned to the transportation commission. Any remaining funds, credits, or other assets held by the legislative transportation committee are assigned to the joint transportation committee.

(b) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(2) All employees of the legislative transportation committee are transferred to the jurisdiction of the transportation commission for the support of the transportation performance audit board. However, the commission may, if staffing needs warrant, assign the employees to other commission functions.

Transportation Performance Audits

Sec. 16. RCW 44.75.020 and 2003 c 362 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Economy and efficiency audit" has the meaning contained in chapter 44.28 RCW.

(2) "Joint legislative audit and review committee" means the agency created in chapter 44.28 RCW, or its statutory successor.

(3) "Legislative auditor" has the meaning contained in chapter 44.28 RCW.

(4) (~~"Legislative transportation committee" means the agency created in chapter 44.40 RCW, or its statutory successor.~~

~~(5))~~ "Performance audit" has the meaning contained in chapter 44.28 RCW.

~~((6))~~ (5) "Performance review" means an outside evaluation of how a state agency uses its performance measures to assess the outcomes of its legislatively authorized activities.

~~((7))~~ (6) "Program audit" has the meaning contained in chapter 44.28 RCW.

~~((8))~~ (7) "Transportation performance audit board" or "board" means the board created in RCW 44.75.030.

~~((9))~~ (8) "Transportation-related agencies" or "agency" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

Sec. 17. RCW 44.75.030 and 2003 c 362 s 3 are each amended to read as follows:

(1) The transportation performance audit board is created.

(2) The board will consist of four legislative members, ~~((five))~~ three citizen members with transportation-related expertise, two citizen members with performance measurement expertise, one member of the transportation commission, one ex officio nonvoting member, and one at large member. The legislative auditor is the ex officio nonvoting member. The majority and minority leaders of the house and senate transportation committees, or their designees, are the legislative members. The governor shall appoint the at large member to serve for a term of four years. The citizen members must be ~~((nominated by professional associations chosen by the board's legislative members and))~~ appointed by the governor for terms of four years, except that at least half the initial appointments will be for terms of two years. The citizen members may not be currently, or within one year, employed by the Washington state department of transportation. ~~The ((citizen members will consist of))~~ governor, when appointing the citizen members with transportation-related expertise, may consult with appropriate professional associations and shall consider the following transportation-related experiences:

(a) ~~((One member with expertise in))~~ Construction project planning, including permitting and assuring regulatory compliance;

(b) ~~((One member with expertise in))~~ Construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) ~~((One member with expertise in))~~ Construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(d) ~~((One member with expertise in))~~ Project management, including design estimating, contract packaging, and procurement; and

(e) ~~((One member with expertise in))~~ Transportation planning and congestion management.

(3) The governor may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, of malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

Sec. 18. RCW 44.75.040 and 2003 c 362 s 4 are each amended to read as follows:

(1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members.

(2) Each member of the transportation performance audit board will be compensated from the general appropriation for the ~~((legislative))~~ transportation ~~((committee))~~ commission in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The transportation performance audit board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) Staff support to the transportation performance audit board must be provided by the ~~((legislative))~~ transportation ~~((committee))~~ commission, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. ~~((The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.))~~ Additionally, the commission shall designate, subject to board approval, a staff person to serve as the board administrator. The board administrator serves as an exempt employee and at the pleasure of the board.

(5) Each member of the transportation performance audit board shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding all performance reviews and performance audits conducted under this chapter.

Sec. 19. RCW 44.75.050 and 2003 c 362 s 5 are each amended to read as follows:

(1) The transportation performance audit board may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, these reviews can also determine whether effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems, and administration of grants and loans.

(2) The board shall, as soon as practicable, conduct a review of the comprehensive ten-year investment program process, including the required criteria, under RCW 47.05.030 and 47.05.051.

(3) In conducting these reviews, the transportation performance audit board may work in consultation with the ~~((legislative transportation committee, the))~~ joint legislative audit and review committee, the office of financial management, and other state agencies.

Sec. 20. RCW 44.75.080 and 2003 c 362 s 8 are each amended to read as follows:

After reviewing the performance or outcome measures and benchmarks of an agency or department, or at any time it so determines, the transportation performance audit board shall ~~((recommend to the executive committee of the legislative transportation committee whether))~~ direct a full performance or functional audit of the agency or department, or a specific program within the agency or department ~~(, is appropriate. Upon the request of the legislative transportation committee or its executive committee, the joint legislative audit and review committee shall add the full performance or functional audit to its biennial performance audit work plan. If the request duplicates or overlaps audits already in the work plan, or was performed under the previous biennial work plan, the executive committees of the legislative transportation committee and the joint legislative audit and review committee shall meet to discuss and resolve the duplication or overlap)).~~

Sec. 21. RCW 44.75.090 and 2003 c 362 s 9 are each amended to read as follows:

~~((4))~~ To the greatest extent possible, ((or when requested by the executive committee of the legislative transportation committee)) and to the extent funds are appropriated, the ((legislative auditor)) board administrator shall, subject to board approval, contract with and consult with private independent professional and technical experts to optimize the independence of the reviews and performance audits. In determining the need to contract with private experts, the ((legislative auditor)) board administrator shall consider the degree of difficulty of the review or audit, the relative cost of contracting for expertise, and the need to maintain auditor independence from the subject agency or program. The board administrator may, subject to board approval, contract with the legislative auditor or state auditor to serve as the contract manager of the reviews and performance audits.

~~((2) After consultation with the executive committee of the legislative transportation committee on the appropriateness of costs, the legislative transportation committee shall reimburse the joint legislative audit and review committee or the legislative auditor for the costs of carrying out any requested performance audits, including the cost of contracts and consultant services.~~

~~(3) The executive committee of the legislative transportation committee must review and approve the methodology for performance audits recommended by the transportation performance audit board.)~~

Sec. 22. RCW 44.75.100 and 2003 c 362 s 10 are each amended to read as follows:

(1) When the board has completed a performance audit, the board shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the board within thirty days after receipt of the preliminary report unless a different time period is approved by the board. The board shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report. The board may also include an addendum with board comments on the management of the audit.

(2) Before releasing the results of a performance audit originally requested by the joint transportation committee to the legislature or the public, the board administrator shall submit the preliminary performance audit report to the joint committee for review and comments solely on the management of the audit. Any comments by the joint committee must be included as a separate addendum to the final performance audit report.

(3) Completed performance audits must be presented to the transportation performance audit board ((and the legislative transportation committee)). Published performance audits must be made available to the public through the ((legislative transportation committee and the joint legislative audit and review committee's)) board's web site and through customary public communications. Final reports must also be transmitted to the affected agency, the director of financial management, and the appropriate policy and fiscal standing committees of the legislature.

Sec. 23. RCW 44.75.110 and 2003 c 362 s 11 are each amended to read as follows:

The ~~((legislative auditor))~~ board administrator, or the legislative auditor or state auditor if contracted under RCW 44.75.090, shall determine in writing the scope of any performance audit ((requested)) directed by the ((legislative transportation committee or its executive committee)) transportation performance audit board, subject to the review and approval of the final scope of the audit by the transportation performance audit board((, and the legislative transportation committee or its executive committee)). In doing so, the ((legislative auditor)) board administrator, or legislative auditor or state auditor if contracted under RCW 44.75.090, and the transportation performance audit board((, and the legislative transportation committee or its executive committee)) shall consider inclusion of the following elements in the scope of the audit:

- (1) Identification of potential cost savings in the agency, its programs, and its services;
- (2) Identification and recognition of best practices;
- (3) Identification of funding to the agency, to programs, and to services that can be eliminated or reduced;
- (4) Identification of programs and services that can be eliminated, reduced, or transferred to the private sector;
- (5) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (6) Analysis and recommendations for pooling information technology systems;

(7) Analysis of the roles and functions of the agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(8) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions expressly vested in the department by statute; and

(9) Verification of the reliability and validity of department performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090.

Sec. 24. RCW 44.75.120 and 2003 c 362 s 12 are each amended to read as follows:

When conducting a full performance audit of an agency or department, or a specific program within an agency or department, or multiple agencies, in accordance with RCW 44.75.110, the ~~((legislative auditor))~~ board administrator shall solicit input from appropriate industry representatives or experts. The audit report must make recommendations regarding the continuation, abolition, consolidation, or reorganization of each affected agency, department, or program. The audit report must identify opportunities to develop government partnerships, and eliminate program redundancies that will result in increased quality, effectiveness, and efficiency of state agencies.

Sec. 25. RCW 44.28.161 and 2003 c 362 s 13 are each amended to read as follows:

In addition to any other audits developed or included in the audit work plan under this chapter, the legislative auditor shall manage transportation-related performance audits ~~((directed by the executive committee of the legislative transportation committee under RCW 44.75.080. If directed to perform or contract for audit services under RCW 44.75.080, the legislative auditor or joint legislative audit and review committee will receive from the legislative transportation committee an interagency reimbursement equal to the cost of the contract or audit services))~~ if contracted to do so under RCW 44.75.090.

References to LTC

Sec. 101. RCW 35.58.2796 and 1989 c 396 s 2 are each amended to read as follows:

The department of transportation shall develop an annual report summarizing the status of public transportation systems in the state. By September 1st of each year, copies of the report shall be submitted to the ~~((legislative transportation committee))~~ transportation committees of the legislature and to each municipality, as defined in RCW 35.58.272, and to individual members of the municipality's legislative authority. ~~((The department shall prepare and submit a preliminary report by December 1, 1989.))~~

To assist the department with preparation of the report, each municipality shall file a system report by April 1st of each year with the state department of transportation identifying its public transportation services for the previous calendar year and its objectives for improving the efficiency and effectiveness of those services. The system report shall address those items required for each public transportation system in the department's report.

The department report shall describe individual public transportation systems, including contracted transportation services and dial-a-ride services, and include a statewide summary of public transportation issues and data. The descriptions shall include the following elements and such other elements as the department deems appropriate after consultation with the municipalities and the ~~((legislative transportation committee))~~ transportation committees of the legislature:

- (1) Equipment and facilities, including vehicle replacement standards;
- (2) Services and service standards;
- (3) Revenues, expenses, and ending balances, by fund source;
- (4) Policy issues and system improvement objectives, including community participation in development of those objectives and how those objectives address statewide transportation priorities;
- (5) Operating indicators applied to public transportation services, revenues, and expenses. Operating indicators shall include operating cost per passenger trip, operating cost per revenue vehicle service hour, passenger trips per revenue service hour, passenger trips per vehicle service mile, vehicle service hours per employee, and farebox revenue as a percent of operating costs.

Sec. 102. RCW 36.78.070 and 1999 c 269 s 1 are each amended to read as follows:

The county road administration board shall:

- (1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;
- (2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;
- (3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;
- (4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;
- (5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the ~~((legislative transportation committee and the))~~ house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;
- (6) Administer the rural arterial program established by chapter 36.79 RCW and the program funded by the county arterial preservation account established by RCW 46.68.090, as well as any other programs provided for in law.

Sec. 103. RCW 41.40.037 and 2004 c 242 s 63 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) Except as provided in (b) of this subsection, a retiree from plan 1 who enters employment with an employer at least one calendar month after his or her accrual date may continue to receive pension payments while engaged in such service for up to eight hundred sixty-seven hours of service in a calendar year without a reduction of pension.

(b) A retiree from plan 1 who enters employment with an employer at least three calendar months after his or her accrual date and:

(i) Is hired into a position for which the employer has documented a justifiable need to hire a retiree into the position;

(ii) Is hired through the established process for the position with the approval of: A school board for a school district; the chief executive officer of a state agency employer; the secretary of the senate for the senate; the chief clerk of the house of representatives for the house of representatives; the secretary of the senate and the chief clerk of the house of representatives jointly for the joint legislative audit and review committee, ~~((the legislative transportation committee,))~~ the joint committee on pension policy, the legislative evaluation and accountability program, the legislative systems committee, and the statute law committee; or according to rules adopted for the rehiring of retired plan 1 members for a local government employer;

(iii) The employer retains records of the procedures followed and decisions made in hiring the retiree, and provides those records in the event of an audit; and

(iv) The employee has not already rendered a cumulative total of more than one thousand nine hundred hours of service while in receipt of pension payments beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a calendar year. The one thousand nine hundred hour cumulative total under this subsection applies prospectively to those retiring after July 27, 2003, and retroactively to those who retired prior to July 27, 2003, and shall be calculated from the date of retirement.

(c) When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(d) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

Sec. 104. RCW 43.10.101 and 1995 2nd sp.s. c 14 s 527 are each amended to read as follows:

The attorney general shall prepare annually a report to the ~~((legislative transportation committee))~~ transportation committees of the legislature, the transportation commission, and the transportation performance audit board comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

(1) A summary of the factual background of the case;

(2) Identification of the attorneys representing the state and the opposing parties;

(3) A synopsis of the legal theories asserted and the defenses presented;

(4) Whether the case was tried, settled, or dismissed, and in whose favor;

(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 105. RCW 43.79.270 and 1998 c 177 s 1 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any

department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate ~~(, if the legislature is in session,)~~ at the same time as it is transmitted to the governor. ~~((During the legislative interim, any such proposal must be submitted to the legislative transportation committee.))~~

Sec. 106. RCW 43.79.280 and 1998 c 177 s 2 are each amended to read as follows:

(1) If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate. ~~((During the legislative interim, all estimate approvals endorsed by the governor along with a statement of the amount approved in the form of an allotment amendment must be transmitted simultaneously to the legislative transportation committee.))~~

Sec. 107. RCW 43.88.020 and 2000 2nd sp.s. c 4 s 11 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means and transportation committees of the senate and house of representatives(~~(, and, where appropriate, the legislative transportation committee)~~).

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast (~~(including estimates of revenues to support financial plans under RCW 44.40.070)~~), that are prepared by the office of financial management in consultation with the transportation revenue forecast council.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

Sec. 108. RCW 43.88.030 and 2004 c 276 s 908 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. (~~The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided.~~) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast(~~(, including those revenues anticipated to support the six year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council)~~). Revenues shall be estimated for such fiscal period from the source and at the rates

existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources (~~and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070~~). Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium(~~, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070~~);

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2005-07 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium(~~, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070~~);

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

- (f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;
- (g) A statement about the proposed site, size, and estimated life of the project, if applicable;
- (h) Estimated total project cost;
- (i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;
- (j) Estimated total project cost for each phase of the project as defined by the office of financial management;
- (k) Estimated ensuing biennium costs;
- (l) Estimated costs beyond the ensuing biennium;
- (m) Estimated construction start and completion dates;
- (n) Source and type of funds proposed;
- (o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;
- (p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;
- (q) Such other information bearing upon capital projects as the governor deems to be useful;
- (r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;
- (s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, (~~legislative transportation committee,~~) legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 109. RCW 43.88.230 and 1996 c 288 s 40 are each amended to read as follows:

For the purposes of this chapter, the statute law committee, the joint legislative audit and review committee, the (~~legislative~~) joint transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

Sec. 110. RCW 43.105.160 and 1999 c 80 s 9 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor(~~(,)~~) and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives(~~(, and, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the approved plan must be submitted to the legislative transportation committee, instead of the standing transportation committees).~~).

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

- (a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;
- (b) An evaluation of performance relating to information technology;
- (c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;
- (d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190;

(e) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

(f) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor(+) and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives(, and, during the legislative session, the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the report must be submitted to the legislative transportation committee, instead of the standing transportation committees)).

Sec. 111. RCW 43.105.190 and 1999 c 80 s 12 are each amended to read as follows:

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects based on the demonstrated business needs and benefits; cost; technology scope and feasibility; impact on the agency's information technology portfolio and on the statewide infrastructure; and final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted(, during the legislative session,) to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. ((During the legislative interim, the project evaluations must be submitted to the legislative transportation committee.))

Sec. 112. RCW 44.04.260 and 2003 c 295 s 12 are each amended to read as follows:

The joint legislative audit and review committee, the ((legislative)) joint transportation committee, the select committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

Sec. 113. RCW 44.28.088 and 2003 c 362 s 14 are each amended to read as follows:

(1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Except as provided in subsection (3) of this section, before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

(3) ~~If contracted to manage a transportation-related performance audit under RCW 44.75.090, before releasing the results of a performance audit originally ((requested)) directed by the ((executive committee of the legislative transportation committee))~~ transportation performance audit board to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the ~~((executive committee of the joint committee and the executive committee of the legislative transportation committee))~~ transportation performance audit board for review and comments solely on the management of the audit. Any comments by the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation performance audit board must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review and comments of the ~~((executive committee of the joint committee and executive committee of the legislative transportation committee))~~ transportation performance audit board, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public.

Sec. 114. RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

~~((In addition to the powers and duties authorized in RCW 44.40.020, the committee and))~~ The standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, ~~((and/or))~~ and analyze all available facts and matters relating to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the ~~((legislative))~~ transportation committees of the legislature in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

Sec. 115. RCW 46.01.320 and 1996 c 315 s 2 are each amended to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations ~~((when requested by the legislative transportation committee, or on its own initiative,))~~ about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(3).

Sec. 116. RCW 46.01.325 and 1996 c 315 s 3 are each amended to read as follows:

(1) The director shall prepare, with the advice of the title and registration advisory committee, an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions approved by the title and registration advisory committee to the ~~((legislative))~~ senate and house transportation committees by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation, and requested by the title and registration advisory committee.

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

- (a) Unique and significant financial, legislative, or other relevant developments that may impact fees;
- (b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;
- (c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;
- (d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;
- (e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

Sec. 117. RCW 46.16.705 and 2003 c 196 s 101 are each amended to read as follows:

(1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor and who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. No member may be appointed for more than three consecutive terms.

(4) The ~~((legislative transportation committee))~~ respective appointing authority may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

Sec. 118. RCW 46.16.715 and 2003 c 196 s 102 are each amended to read as follows:

(1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the ~~((legislative transportation committee))~~ department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department of licensing shall provide administrative support to the board, which must include at least the following:

(a) Provide general staffing to meet the administrative needs of the board;

(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

(c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization;

(d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.

~~((5) The legislative transportation committee shall provide general oversight of the board, which must include at least the following:~~

~~(a) Process and approve board member compensation requests;~~

~~(b) Review the annual financial reports submitted to the board by sponsoring organizations;~~

~~(c) Review annually the list of the board's approved and rejected special license plate proposals submitted by sponsoring organizations.))~~

Sec. 119. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the ~~((legislative))~~ senate and house transportation committees;

(b) Report annually to the ~~((legislative))~~ senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees.

Sec. 120. RCW 46.73.010 and 1985 c 333 s 1 are each amended to read as follows:

The Washington state patrol may adopt rules establishing standards for qualifications and hours of service of drivers for private carriers as defined by RCW 81.80.010(6). Such standards shall correlate with and, as far as reasonable, conform to the regulations contained in Title 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on July 28, 1985. ~~((At least thirty days before filing notice of the proposed rules with the code reviser, the state patrol shall submit them to the legislative transportation committee for review.))~~

Sec. 121. RCW 47.01.280 and 1999 c 94 s 10 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

~~((4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.))~~

Sec. 122. RCW 47.04.210 and 2001 2nd sp.s. c 14 s 601 are each amended to read as follows:

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the multimodal transportation account to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the multimodal transportation account.

The department of transportation shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

Sec. 123. RCW 47.04.220 and 2001 2nd sp.s. c 14 s 602 are each amended to read as follows:

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the ~~((legislative))~~ senate and house transportation committees and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the ~~((legislative))~~ senate and house transportation committees and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

Sec. 124. RCW 47.06.110 and 1996 c 186 s 512 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;
- (4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;
- (5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and
- (6) Recommends a statewide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit ~~((an initial report))~~ to the ~~((legislative))~~ senate and house transportation committees by December ~~((1, 1993, and shall provide annual))~~ 1st of each year, reports summarizing the plan's progress ~~((each year thereafter))~~.

Sec. 125. RCW 47.06A.020 and 1999 c 216 s 1 are each amended to read as follows:

- (1) The board shall:
 - (a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;
 - (b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and
 - (c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the ~~((legislative))~~ senate and house transportation committees.

- (2) The board may:
 - (a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;
 - (b) Provide technical assistance to project applicants;
 - (c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;
 - (d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and
 - (e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.
- (3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.
- (4) ~~((From June 11, 1998, through the biennium ending June 30, 2001,))~~ The board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:
 - (a) The project must be on a strategic freight corridor;
 - (b) The project must meet one of the following conditions:
 - (i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or
 - (ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or
 - (iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and
 - (c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority

criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

Sec. 126. RCW 47.10.790 and 1985 c 406 s 1 are each amended to read as follows:

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall ~~((consult with the legislative transportation committee prior to the adoption of))~~ adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission~~((, in consultation with the legislative transportation committee,))~~ may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state ~~((that are identified as category C improvements in RCW 47.05.030))~~.

Sec. 127. RCW 47.10.801 and 1999 c 94 s 13 are each amended to read as follows:

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2), (3), and (4) of this section, upon the request of the Washington state transportation commission a total of four hundred sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall ~~((consult with the legislative transportation committee prior to the adoption of))~~ adopt plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements ~~((in RCW 47.05.030))~~;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in RCW 43.160.074 and 47.01.280.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission~~((, in consultation with the legislative transportation committee,))~~ determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

(4) The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section and increase the amount of bonds authorized in subsection (1)(a) or (b) of this section, or both by an amount equal to the decrease in subsection (1)(c) of this section. The transportation commission may decrease the amount of bonds authorized in subsection

(1)(c) of this section only if the legislature appropriates an equal amount of funds from the motor vehicle fund - basic account for the purposes enumerated in subsection (1)(c) of this section.

Sec. 128. RCW 47.10.802 and 1986 c 290 s 1 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. ~~((The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a).))~~ The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 129. RCW 47.17.850 and 1984 c 7 s 139 are each amended to read as follows:

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

~~((The legislative transportation committee, the house and senate transportation committees, and the department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.))~~

Sec. 130. RCW 47.26.167 and 1991 c 342 s 62 are each amended to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the ~~((legislative))~~ senate and house transportation committees by November 15 each year any recommended jurisdictional transfers.

Sec. 131. RCW 47.26.170 and 1994 c 179 s 16 are each amended to read as follows:

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the commission ~~((and the legislative transportation committee)).~~

Sec. 132. RCW 47.46.030 and 2002 c 114 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part public or private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. ~~((The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration.))~~ Forty-five days after the submission to the ~~((legislative transportation committee))~~ commission of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections ~~((42))~~ (11) and ~~((43))~~ (12) of this section, the department shall require an advisory vote as provided under subsections (5) through ~~((40))~~ (9) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections ~~((42))~~ (11) and ~~((43))~~ (12) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a statewide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW ~~((29.01.120))~~ 29A.04.121.

(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

~~(9) ((The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.~~

~~(10))~~ Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW ~~((29.13.020))~~ 29A.04.330 that is at least sixty days but, if authorized under RCW ~~((29.13.020))~~ 29A.04.330, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

~~((11))~~ (10) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

~~((12))~~ (11) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

~~((13))~~ (12) Subsections (5) through ~~((10))~~ (9) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

Sec. 133. RCW 47.46.040 and 2002 c 114 s 16 are each amended to read as follows:

(1) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(2) Agreements may provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement may provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state may lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(3) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this section. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(4) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(5) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(6) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(7) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(8) Agreements entered into under this section shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(9)(a) In carrying out the public involvement process required in subsection (8) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the (~~legislative transportation committee and~~) local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(10) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 134. RCW 79A.05.125 and 1999 c 301 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the ~~((legislative)) senate and house~~ transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, 2006.

Sec. 135. RCW 81.80.395 and 1988 c 138 s 1 are each amended to read as follows:

The Washington utilities and transportation commission may enter into an agreement or arrangement with a duly authorized representative of the state of Idaho, for the purpose of granting to operators of commercial vehicles that are properly registered in the state of Idaho, the privilege of operating their vehicles in this state within a designated area near the border of their state without the need for registration as required by chapter 81.80 RCW if the state of Idaho grants a similar privilege to operators of commercial vehicles from this state. The initial designated area shall be limited to state route 195 from the Idaho border to Lewiston, and SR 12 from Lewiston to Clarkston. ~~((The utilities and transportation commission shall submit other proposed reciprocal agreements in designated border areas to the legislative transportation committee for approval.))~~

Sec. 136. RCW 81.104.110 and 1998 c 245 s 165 are each amended to read as follows:

The legislature recognizes that the planning processes described in RCW 81.104.100 provide a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate decisions unless key study assumptions are reasonable.

To assure appropriate system plan assumptions and to provide for review of system plan results, an expert review panel shall be appointed to provide independent technical review for development of any system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chairs of the ~~((legislative)) senate and house~~ transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines. In the case of counties adjoining another state or Canadian province the expert review panel membership shall be selected cooperatively with representatives of the adjoining state or Canadian province.

(3) The chair of the expert review panel shall be designated by the appointing authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to ~~((chapter 43.03))~~ RCW 43.03.050 and 43.03.060. Reimbursement shall be paid from within the existing resources of the local authority planning under this chapter.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. ~~((Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.))~~

(6) The expert panel shall review all reports required in RCW 81.104.100(2) and shall concentrate on service modes and concepts, costs, patronage and financing evaluations.

(7) The expert panel shall provide timely reviews and comments on individual reports and study conclusions to the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency. In the case of counties adjoining another state or Canadian province, the expert review panel shall provide its reviews, comments, and conclusions to the representatives of the adjoining state or Canadian province.

(8) The ~~((legislative transportation committee))~~ local authority planning under this chapter shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the ~~((legislative transportation committee))~~ local authority and shall be paid from ~~((appropriations for that purpose from the high capacity transportation account))~~ within the local authority's existing resources.

Sec. 137. RCW 82.33.020 and 1992 c 231 s 34 are each amended to read as follows:

(1) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives ~~((and the chair of the legislative transportation committee)),~~ including

one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall co-locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor shall provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

Sec. 138. RCW 82.70.060 and 2003 c 364 s 6 are each amended to read as follows:

The commute trip reduction task force shall determine the effectiveness of the tax credit under RCW 82.70.020, the grant program in RCW 70.94.996, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the ~~((legislative))~~ senate and house transportation committees and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

Sec. 139. RCW 82.80.070 and 2002 c 56 s 413 are each amended to read as follows:

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, ~~((82.80.020,))~~ 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. ~~((The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.))~~

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

Sec. 140. RCW 90.03.525 and 1996 c 285 s 1 and 1996 c 230 s 1617 are each reenacted and amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water control facilities that directly reduce state highway runoff impacts or implementation of best management practices that will reduce the need for such facilities. By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in RCW 90.78.010. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the annual plan prescribed in subsection (2) of this section. ~~((If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee.))~~ If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, ~~((and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report.))~~ either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

(4) The legislature finds that the federal clean water act (national ~~((pollution-pollutant))~~ pollutant discharge elimination system, 40 C.F.R. parts 122-124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter ~~((90.70))~~ 90.71 RCW, mandate the treatment and control of storm water runoff from state highway rights of way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state.

NEW SECTION. Sec. 141. The following acts or parts of acts are each repealed:

(1) RCW 44.40.010 (Creation--Composition--Appointments--Vacancies--Rules) and 1999 sp.s. c 1 s 616, 1980 c 87 s 39, 1971 ex.s. c 195 s 1, 1967 ex.s. c 145 s 68, 1965 ex.s. c 170 s 64, & 1963 ex.s. c 3 s 35;

(2) RCW 44.40.013 (Administration) and 2001 c 259 s 5;

(3) RCW 44.40.015 (Executive committee--Selection--Duties) and 2001 c 259 s 6 & 1999 sp.s. c 1 s 617;

(4) RCW 44.40.030 (Participation in activities of other organizations) and 1982 c 227 s 17, 1977 ex.s. c 235 s 7, 1971 ex.s. c 195 s 3, & 1963 ex.s. c 3 s 38;

(5) RCW 44.40.040 (Members' allowances--Procedure for payment of committee's expenses) and 2001 c 259 s 7, 1979 c 151 s 157, 1977 ex.s. c 235 s 8, 1975 1st ex.s. c 268 s 3, 1971 ex.s. c 195 s 4, & 1963 ex.s. c 3 s 39;

(6) RCW 44.40.090 (Delegation of powers and duties to senate and house transportation committees) and 2001 c 259 s 8, 1977 ex.s. c 235 s 10, & 1973 1st ex.s. c 210 s 2;

(7) RCW 44.40.140 (Review of policy on fees imposed on nonpolluting fuels--Report) and 1983 c 212 s 2;

(8) RCW 44.40.150 (Study--Recommendations for consideration--Staffing) and 1998 c 245 s 88 & 1989 1st ex.s. c 6 s 14;

(9) RCW 44.40.161 (Audit review of transportation-related agencies) and 2003 c 362 s 16;

(10) RCW 53.08.350 (Moratorium on runway construction or extension, or initiation of new service--Certain counties affected) and 1992 c 190 s 2;

(11) RCW 44.40.020 (Powers, duties, and studies) and 1996 c 129 s 9, 1977 ex.s. c 235 s 5, 1975 1st ex.s. c 268 s 1, & 1963 ex.s. c 3 s 36;

(12) RCW 44.40.070 (State transportation agencies--Comprehensive programs and financial plans) and 1998 c 245 s 87, 1988 c 167 s 10, 1979 ex.s. c 192 s 3, 1979 c 158 s 112, 1977 ex.s. c 235 s 9, & 1973 1st ex.s. c 201 s 1;

(13) RCW 44.40.080 (State transportation agencies--Recommended budget--Preparation and presentation--Contents) and 1973 1st ex.s. c 201 s 2;

(14) RCW 44.40.100 (Contracts and programs authorized) and 2001 c 259 s 9, 1977 ex.s. c 235 s 11, 1975 1st ex.s. c 268 s 7, & 1973 1st ex.s. c 210 s 3;

(15) RCW 46.23.040 (Review of agreement by legislative transportation committee) and 1982 c 212 s 4;

(16) RCW 47.01.145 (Study reports available to legislators upon request) and 1984 c 7 s 76, 1971 ex.s. c 195 s 6, & 1967 ex.s. c 145 s 78;

(17) RCW 47.05.090 (Application of 1993 c 490--Deviations) and 1993 c 490 s 6;

(18) RCW 47.12.360 (Advanced environmental mitigation--Reports) and 1997 c 140 s 5;

(19) RCW 47.76.340 (Evaluating program performance) and 1993 c 224 s 13 & 1990 c 43 s 8;

(20) RCW 47.74.010 (Multistate Highway Transportation Agreement enacted, terms) and 1983 c 82 s 1; and

(21) RCW 47.74.020 (Appointment of delegates to represent state) and 1983 c 82 s 2.

NEW SECTION. Sec. 142. Part headings used in this act are no part of the law.

NEW SECTION. Sec. 143. (1) RCW 44.40.120 is recodified as a section in chapter 44.04 RCW.

(2) RCW 44.40.025 is recodified as a section in chapter 43.88 RCW.

NEW SECTION. Sec. 144. Sections 12 and 13 of this act are each added to chapter 44.04 RCW.

NEW SECTION. Sec. 145. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005, except for section 103 of this act which takes effect July 1, 2006.

NEW SECTION. Sec. 146. Section 138 of this act expires July 1, 2013."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5513.

Senators Haugen and Swecker spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5513.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5513 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5513, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5513, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Carrell, Honeyford, Schoesler, Sheldon and Stevens - 5

Excused: Senators Fairley, Hargrove, McCaslin and Oke - 4

ENGROSSED SENATE BILL NO. 5513, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5370, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT
Second Substitute Senate Bill No. 5370
April 21, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Second Substitute Senate Bill No. 5370, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 147. A new section is added to chapter 43.330 RCW to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of community, trade, and economic development and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Work force development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(5) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(6) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(7) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

Sec. 148. RCW 67.70.190 and 1994 c 218 s 5 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, all rights to the prize shall be extinguished, and the prize shall be retained in the state lottery fund for further use as prizes, ~~((and all rights to the prize shall be extinguished))~~ except that one-third of all unclaimed prize money shall be deposited in the economic development strategic reserve account created in section 1 of this act."

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "amending RCW 67.70.190; and adding a new section to chapter 43.330 RCW."

And the bill do pass as recommended by the conference committee.

Signed by Senators Brown, Pflug and Shin; Representatives Linville and Ericks.

MOTION

Senator Brown moved the Report of the Conference Committee on Second Substitute Senate Bill No. 5370 be adopted.

Senators Brown and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Report of the Conference Committee on Second Substitute Senate Bill No. 5370 be adopted.

The motion by Senator Brown carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5370, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5370, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Carrell, Honeyford, Schoesler and Stevens - 4

Excused: Senators Fairley, Hargrove, McCaslin and Oke - 4

SECOND SUBSTITUTE SENATE BILL NO. 5370, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9219, Alex Bolton, as a member of the Board of Regents, University of Washington, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ALEX BOLTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9219, Alex Bolton as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9219, Alex Bolton as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Deccio and Doumit - 2

Excused: Senators McCaslin and Oke - 2

Gubernatorial Appointment No. 9219, Alex Bolton, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9220, Brady Horenstein, as a member of the Board of Regents, Washington State University be confirmed.

Senators McAuliffe and Schmidt spoke in favor of the motion.

APPOINTMENT OF BRADY HORENSTEIN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9220, Brady Horenstein as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9220, Brady Horenstein as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Deccio - 1

Excused: Senators McCaslin and Oke - 2

Gubernatorial Appointment No. 9220, Brady Horenstein, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute House Bill No. 1903

April 21, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1903, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 149. The legislature has and continues to recognize the vital importance of economic development to the health and prosperity of Washington state as indicated in RCW 43.160.010, 43.155.070(4)(g), 43.163.005, and 43.168.010. The legislature finds that current economic development programs and funding, which are primarily low-interest loan programs, can be enhanced by creating a grant program to assist with public infrastructure projects that directly stimulate community and economic development by supporting the creation of new jobs or the retention of existing jobs.

NEW SECTION. Sec. 150. A new section is added to chapter 43.160 RCW to read as follows:

(1) The job development fund program is created to provide grants for public infrastructure projects that will stimulate job creation or assist in job retention. The program is to be administered by the board. The board shall establish a competitive process to request and prioritize proposals and make grant awards.

(2) For the purposes of this act, "public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11).

(3) The board shall conduct a statewide request for project applications. The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to:

(i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

(d) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under this act;

(e) The ability of the project to improve the viability of existing business entities in the project area;

- (f) Whether or not the project is a partnership of multiple jurisdictions;
 - (g) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and
 - (h) The availability of existing assets that applicants may apply to projects.
- (4) Job development fund program grants may only be awarded to those applicants that have entered into or expect to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project. Job development fund program grants shall not be provided for any project where:
- (a) The funds will not be used within the jurisdiction or jurisdictions of the applicants; or
 - (b) Evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.
- (5) The board shall, with the joint legislative audit and review committee, develop performance criteria for each grant and evaluation criteria to be used to evaluate both how well successful applicants met the community and economic development objectives stated in their applications, and how well the job development fund program performed in creating and retaining jobs.

NEW SECTION. Sec. 151. A new section is added to chapter 43.160 RCW to read as follows:

The maximum grant from the job development fund for any one project is ten million dollars. Grant assistance from the job development fund may not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

Sec. 152. RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in section 2 of this act, and for the report prepared by the joint legislative audit and review committee pursuant to section 5(2) of this act. Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

NEW SECTION. Sec. 153. (1) The joint legislative audit and review committee shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: The public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December 1, 2006.

(2) By September 1, 2010, the joint legislative audit and review committee shall submit a report on the outcomes of the job development fund program to the appropriate committees of the legislature. The report shall apply the performance and evaluation criteria developed by the community economic revitalization board and the committee and shall include a project by project review detailing how the funds were used and whether the performance measures were met. The report shall also include impacts to the availability of low-interest and interest-free loans to local governments under RCW 43.155.055, 43.155.060, 43.155.065, and 43.155.068, resulting from appropriations to the job development fund. Information in the report shall include, but not be limited to:

- (a) The total funds appropriated from the public works assistance account to the job development account;

(b) The ratio of loan requests submitted to the public works board as compared to actual money available for loans in the public works assistance account since the effective date of this act;

(c) The total amount that would have been available for loans from the public works assistance account had this act not taken effect;

(d) Identification of specific loan requests that would have qualified for funding under chapter 43.155 RCW had money been available in the public works assistance account;

(e) Assessment of increased costs for otherwise qualifying projects where local governments were compelled to seek alternate funding sources.

NEW SECTION. Sec. 154. This act expires June 30, 2011.

NEW SECTION. Sec. 155. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 43.155.050; adding new sections to chapter 43.160 RCW; creating new sections; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Brown, Fraser and Pflug; Representatives Linville and Ericks.

MOTION

Senator Fraser moved the Report of the Conference Committee on Engrossed Substitute House Bill No. 1903 be adopted.

Senators Fraser and Shin spoke in favor of the motion.

Senator Pflug spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1903 be adopted.

The motion by Senator Fraser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1903, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1903, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 39

Voting nay: Senators Benson, Esser, Honeyford, Pflug, Poulsen, Schoesler and Weinstein - 7

Absent: Senator Deccio - 1

Excused: Senators McCaslin and Oke - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House insist on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 6025 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Linville, Chase & K Kristiansen

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede thereon.

Senators Shin and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Shin that the Senate insist on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and ask the House to recede thereon.

The motion by Senator Shin carried and the Senate insisted on its position on the House amendment(s) to Substitute Senate Bill No. 6025 and asked the House to recede thereon by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314, by House Committee on Finance (originally sponsored by Representative McIntire)

Relating to revenue and taxation. Revised for 1st Substitute: Modifying revenue and taxation.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

Beginning on page 1, line 16, strike all of Part I and insert the following:

"PART I SELF-SERVICE LAUNDRY AND DIRECT MAIL DELIVERY CHARGES

Sec. 101. RCW 82.04.050 and 2004 c 174 s 3 and 2004 c 153 s 407 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of ~~((coin-operated)) self-service laundry facilities ((when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof))~~, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(8) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(9) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

Sec. 102. RCW 82.08.010 and 2004 c 153 s 406 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" includes "sales price." "Sales price" means the total amount of consideration, except separately stated trade-in property of like kind, including cash, credit, property, and services, for which tangible personal property or services defined as a "retail sale" under RCW 82.04.050 are sold, leased, or rented, valued in money, whether received in money or otherwise. No deduction from the total amount of consideration is allowed for the following: (a) The seller's cost of the property sold; (b) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; (c) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; (d) delivery charges; (e) installation charges; and (f) the value of exempt tangible personal property given to the purchaser where taxable and exempt tangible personal property have been bundled together and sold by the seller as a single product or piece of merchandise.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department may prescribe.

"Selling price" or "sales price" does not include: Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale; interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(5) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address;

(6) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter;

~~((6))~~ (7) For the purposes of the taxes imposed under this chapter and under chapter 82.12 RCW, "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam, and prewritten computer software.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts derived from delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010.

NEW SECTION. Sec. 104. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

NEW SECTION. Sec. 105. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax levied by this chapter does not apply to the value of delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010."

Beginning on page 66, line 31, strike all of Part XIII and insert the following:

"PART XIII MISCELLANEOUS

NEW SECTION. Sec. 1301. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1302. Except as otherwise specifically provided in this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

NEW SECTION. Sec. 1303. Sections 102 through 105, 1001, 1003, 1004, 1201, 1311, and 1312 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 1304. Sections 401 through 403 of this act take effect July 1, 2006.

NEW SECTION. Sec. 1305. Sections 501 and 1002 of this act take effect January 1, 2006.

NEW SECTION. Sec. 1306. Section 701 of this act takes effect July 1, 2007.

NEW SECTION. Sec. 1307. Sections 901 and 908 through 912 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 1308. Sections 902 through 907 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 1309. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1310. Sections 901 through 912 of this act may be known and cited as the Washington main street act.

NEW SECTION. Sec. 1311. Section 1003 of this act applies retroactively to June 10, 2004.

NEW SECTION. Sec. 1312. Section 1001 of this act applies retroactively to annual surveys required under RCW 82.04.4452 that are due after December 31, 2004.

NEW SECTION. Sec. 1313. Section 1107 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 1314. Section 1106 of this act expires July 1, 2006."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.08.010, 82.08.150, 69.50.520, 82.04.2908, 82.04.4463, 82.29A.130, 82.71.020, 82.04.4452, 84.52.068, 43.84.092, 43.84.092, 69.50.520, 70.146.030, and 83.100.---; amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 28A.505 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 1, line 16 to Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

Beginning on page 24, line 15, strike all of part II

Renumber the remaining part headings and sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, strike "82.08.150, 69.50.520,"

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 24, line 15 to Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

Beginning on page 49, line 24, strike all of part XI

Renumber the remaining part headings and sections consecutively and correct internal references accordingly.

On page 67, line 2, strike "1106,"

On page 68, beginning on line 4, strike all of sections 1313 and 1314

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.04.060, 82.12.0251, 82.12.0255, 82.12.035, 82.08.010, 82.14.020, 82.14.020, 82.08.150, 69.50.520, 82.04.2908, 82.04.4463, 82.29A.130, 82.71.020, 82.04.4452, and 83.100.---; amending 2004 c 153 s 502 (uncodified); amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050, 82.04.190, 82.12.010, 82.12.020, and 82.12.040; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

Senators Zarelli, Brandland, Shin and Deccio spoke in favor of adoption of the amendment.

Senators Thibaudeau and Fairley spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 49, line 24 to Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Thibaudeau and Weinstein - 24

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Zarelli be adopted.

On page 66, after line 30, insert the following:

**PART XIII
STATE PROPERTY TAX**

"NEW SECTION. Sec. 1301. A new section is added to chapter 84.55 RCW to read as follows:

The state property tax levy for collection in 2006 shall be reduced by twenty-five cents per one thousand dollars of assessed value from the rate that otherwise would be allowed under this chapter."

Renumber the parts and sections consecutively and correct any internal references accordingly.

On page 1, on line 13 of the title, after "RCW;" insert "adding a new section to chapter 84.55 RCW;"

Senators Finkbeiner and Hewitt spoke in favor of adoption of the amendment.

Senators Brown and Thibaudeau spoke against adoption of the amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Zarelli on page 66, after line 30 to Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Finkbeiner and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

Senator Zarelli moved that the following striking amendment by Senator Zarelli be adopted.
Strike everything after the enacting clause and insert the following:

"PART I SELF-SERVICE LAUNDRY AND DIRECT MAIL DELIVERY CHARGES

Sec. 101. RCW 82.04.050 and 2004 c 174 s 3 and 2004 c 153 s 407 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of ~~((coin-operated)) self-service laundry facilities ((when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof))~~, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section

the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(8) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access

contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(9) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

Sec. 102. RCW 82.08.010 and 2004 c 153 s 406 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" includes "sales price." "Sales price" means the total amount of consideration, except separately stated trade-in property of like kind, including cash, credit, property, and services, for which tangible personal property or services defined as a "retail sale" under RCW 82.04.050 are sold, leased, or rented, valued in money, whether received in money or otherwise. No deduction from the total amount of consideration is allowed for the following: (a) The seller's cost of the property sold; (b) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; (c) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; (d) delivery charges; (e) installation charges; and (f) the value of exempt tangible personal property given to the purchaser where taxable and exempt tangible personal property have been bundled together and sold by the seller as a single product or piece of merchandise.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department may prescribe.

"Selling price" or "sales price" does not include: Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale; interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(5) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address;

(6) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter;

~~((6))~~ (7) For the purposes of the taxes imposed under this chapter and under chapter 82.12 RCW, "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam, and prewritten computer software.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts derived from delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010.

NEW SECTION. Sec. 104. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

NEW SECTION. Sec. 105. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax levied by this chapter does not apply to the value of delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010.

PART II BOARDING HOMES

NEW SECTION. Sec. 201. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a nonprofit boarding home licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the boarding home.

(2) As used in this section:

(a) "Domiciliary care" has the meaning provided in RCW 18.20.020.

(b) "Nonprofit boarding home" means a boarding home that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3), is incorporated under chapter 24.03 RCW, is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

Sec. 202. RCW 82.04.2908 and 2004 c 174 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing room and domiciliary care to residents of a boarding home licensed under chapter 18.20 RCW, the amount of tax with respect to such business shall be equal to the gross income ~~((from such services))~~ of the business, multiplied by the rate of 0.275 percent.

~~(2) ((If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.~~

~~(3))~~ For the purposes of this section, "domiciliary care" has the ((same)) meaning ((as)) provided in RCW 18.20.020.

PART III COMPREHENSIVE CANCER CENTERS

NEW SECTION. Sec. 301. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a comprehensive cancer center to the extent the amounts are exempt from federal income tax.

(2) For the purposes of this section, "comprehensive cancer center" means a cancer center that has written confirmation that it is recognized by the national cancer institute as a comprehensive cancer center and that qualifies as an exempt organization under 26 U.S.C. Sec. 501(c)(3) as existing on the effective date of this section.

NEW SECTION. Sec. 302. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a comprehensive cancer center. The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) For the purposes of this section, the following definitions apply:

(a) "Comprehensive cancer center" has the meaning provided in section 301 of this act.

(b) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(c) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(d) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(e) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a comprehensive cancer center for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
- (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and
- (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

NEW SECTION. Sec. 303. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a comprehensive cancer center. The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in sections 301 and 302 of this act apply to this section.

PART IV COMMERCIAL AIRPLANE MANUFACTURING

Sec. 401. RCW 82.04.4463 and 2003 2nd sp.s. c 1 s 15 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i) Property taxes paid on new buildings, and land upon which this property is located, built after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(b) An amount equal to property taxes paid on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 (~~used in manufacturing commercial airplanes or components of such airplanes~~) and acquired after December 1, 2003, multiplied by a fraction. The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(13) and the denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW, required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. No credit is available under this subsection (2)(b) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one. For purposes of this subsection, "returns" means the combined excise tax returns for the calendar year.

(3) For the purposes of this section, "commercial passenger airplane" and "component" have the meanings given in RCW 82.32.550.

(4) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must report as required under RCW 82.32.545. A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

PART V AMPHITHEATERS

Sec. 501. RCW 82.29A.130 and 1999 c 165 s 21 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for one hundred percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public

owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over seventeen thousand reserved and general admission seats and is in a county with a population of over three hundred fifty thousand, but less than four hundred twenty-five thousand. For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

PART VI HISTORIC AUTOMOBILE MUSEUM

NEW SECTION. Sec. 601. A new section is added to chapter 82.32 RCW to read as follows:

(1) The governing board of a nonprofit organization, corporation, or association may apply for deferral of taxes on an eligible project. Application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the project, estimated or actual costs of the project, time schedules for completion and operation of the project, and other information required by the department. The department shall rule on the application within sixty days. All applications for the tax deferral under this section must be received no later than December 31, 2008.

(2) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible project.

(3) The nonprofit organization, corporation, or association shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the eligible project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department may authorize an accelerated repayment schedule upon request of the nonprofit organization, corporation, or association.

(5) Except as provided in subsection (6) of this section, interest shall not be charged on any taxes deferred under this section for the period of deferral. The debt for deferred taxes is not extinguished by insolvency or other failure of the nonprofit organization, corporation, or association.

(6) If the project is not operationally complete within five calendar years from issuance of the tax deferral or if at any time the department finds that the project is not eligible for tax deferral under this section, the amount of deferred taxes outstanding for the project shall be immediately due and payable. If deferred taxes must be repaid under this subsection, the department shall assess interest, but not penalties, on amounts due under this subsection. Interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date of deferral, and shall accrue until the deferred taxes due are repaid.

(7) Applications and any other information received by the department of revenue under this section are not confidential under RCW 82.32.330. This chapter applies to the administration of this section.

(8) This section applies to taxable eligible project activity that occurs on or after July 1, 2007.

(9) The following definitions apply to this section:

(a) "Eligible project" means a project that is used primarily for a historic automobile museum.

(b) "Historic automobile museum" means a facility owned and operated by a nonprofit organization, corporation, or association that is used to maintain and exhibit to the public a collection of at least five hundred motor vehicles.

(c) "Nonprofit organization, corporation, or association" means an organization, corporation, or association exempt from tax under section 501(c) (3), (4), or (10) of the federal internal revenue code (26 U.S.C. Sec. 501(c) (3), (4), or (10)).

(d) "Project" means the construction of new structures, the acquisition and installation of fixtures that are permanently affixed to and become a physical part of those structures, and site preparation. For purposes of this subsection, structures do not include parking facilities used for motor vehicles that are not on display or part of the museum collection.

(e) "Site preparation" includes soil testing, site clearing and grading, demolition, or any other related activities that are initiated before construction. Site preparation does not include landscaping services or landscaping materials.

**PART VII
NURSING HOMES**

Sec. 701. RCW 82.71.020 and 2003 1st sp.s. c 16 s 2 are each amended to read as follows:

(1) In addition to any other tax, a quality maintenance fee is imposed on every operator of a nonexempt nursing facility in this state. The quality maintenance fee shall be:

(a) Six dollars and fifty cents per patient day through June 30, 2005;

(b) Five dollars and twenty-five cents per patient day for the period July 1, 2005, through June 30, 2007;

(c) Three dollars per patient day for the period July 1, 2007, through June 30, 2009; and

(d) One dollar and fifty cents per patient day for the period July 1, 2009, through June 30, 2011.

(2) Each operator of a nonexempt nursing facility shall file a return with the department on a monthly basis. The return shall include the following:

(a) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(b) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

(3) This section expires July 1, 2011.

Sec. 702. 2003 1st sp.s. c 16 s 6 (uncodified) is amended to read as follows:

(1) ~~((Sections 1 through 5 of this act))~~ RCW 82.71.010, 82.71.020, 82.71.030, 74.46.091, and 74.46.535 shall expire on the effective date that federal medicaid matching funds are substantially reduced or that a federal sanction is imposed due to the quality maintenance fee under ~~((section 2 of this act))~~ RCW 82.71.020, as such date is certified by the secretary of social and health services.

(2) The expiration of ~~((sections 1 through 5 of this act))~~ RCW 82.71.010, 82.71.020, 82.71.030, 74.46.091, and 74.46.535 shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

**PART VIII
COMMERCIAL DISTRICT REVITALIZATION**

NEW SECTION. **Sec. 801.** (1) The legislature finds:

(a) The continued economic vitality of downtown and neighborhood commercial districts in our state's cities is essential to community preservation, social cohesion, and economic growth;

(b) In recent years there has been a deterioration of downtown and neighborhood commercial districts in both rural and urban communities due to a shifting population base, changes in the marketplace, and greater competition from suburban shopping malls, discount centers, and business transacted through the internet;

(c) This decline has eroded the ability of businesses and property owners to renovate and enhance their commercial and residential properties; and

(d) Business owners in these districts need to maintain their local economies in order to provide goods and services to adjacent residents, to provide employment opportunities, to avoid disinvestment and economic dislocations, and to develop and sustain downtown and neighborhood commercial district revitalization programs to address these problems.

(2) It is the intent of the legislature to establish a program to:

(a) Work in partnership with these organizations;

(b) Provide technical assistance and training to local governments, business organizations, downtown and neighborhood commercial district organizations, and business and property owners to accomplish community and economic revitalization and development of business districts; and

(c) Certify a downtown or neighborhood commercial district organization's use of available tax incentives.

NEW SECTION. **Sec. 802.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Contribution" means cash contributions.

(3) "Department" means the department of revenue.

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Program" means a nonprofit organization under internal revenue code sections 501(c)(3) or 501(c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the department of community, trade, and economic development as described in sections 808 through 812 of this act.

(6) "Main street trust fund" means the department of community, trade, and economic development's main street trust fund account under section 812 of this act.

NEW SECTION. Sec. 803. (1) Application for tax credits under this chapter must be made to the department before making a contribution to a program or the main street trust fund. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the proposed amount of contribution to a program or the main street trust fund, and other information required by the department to determine eligibility under this act. The department shall rule on the application within forty-five days. Applications shall be approved on a first-come basis.

(2) The person must make the contribution described in the approved application by the end of the calendar year in which the application is approved to claim a credit allowed under section 804 of this act.

(3) The department shall not accept any applications before January 1, 2006.

NEW SECTION. Sec. 804. (1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2) The credit allowed under this section is limited to an amount equal to:

(a) Seventy-five percent of the approved contribution made by a person to a program; or

(b) Fifty percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of one hundred ninety thousand persons or more.

(4) The department shall keep a running total of all credits approved under this chapter for each calendar year. The department shall not approve any credits under this section that would cause the total amount of approved credits statewide to exceed one million five hundred thousand dollars in any calendar year.

(5) The total credits allowed under this chapter for contributions made to each program may not exceed one hundred thousand dollars in a calendar year. The total credits allowed under this chapter for a person may not exceed two hundred fifty thousand dollars in a calendar year.

(6) The credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of the approved credit, or seventy-five percent of the amount of the contribution that is made by the person to a program and fifty percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

NEW SECTION. Sec. 805. To claim a credit under this chapter, a person must electronically file with the department all returns, forms, and other information the department requires in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

NEW SECTION. Sec. 806. The department of community, trade, and economic development shall provide information to the department to administer this chapter, including a list of designated programs that shall be updated as necessary.

NEW SECTION. Sec. 807. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 808. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a closed perimeter boundary.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Local government" means a city, code city, or town.

(5) "Qualified levels of participation" means a local downtown or neighborhood commercial district revitalization program that has been designated by the department.

NEW SECTION. Sec. 809. The Washington main street program is created within the department. In order to implement the Washington main street program, the department shall:

(1) Provide technical assistance to businesses, property owners, organizations, and local governments undertaking a comprehensive downtown or neighborhood commercial district revitalization initiative and management strategy. Technical assistance may include, but is not limited to, initial site evaluations and assessments, training for local programs, training for local program staff, site visits and assessments by technical specialists, local program design assistance and evaluation, and continued local program on-site assistance;

(2) To the extent funds are made available, provide financial assistance to local governments or local organizations to assist in initial downtown or neighborhood commercial district revitalization program start-up costs, specialized training, specific project feasibility studies, market studies, and design assistance;

(3) Develop objective criteria for selecting recipients of assistance under subsections (1) and (2) of this section, which shall include priority for downtown or neighborhood commercial district revitalization programs located in a rural county as defined in RCW 43.160.020(12), and provide for designation of local programs under section 810 of this act;

(4) Operate the Washington main street program in accordance with the plan developed by the department, in consultation with the Washington main street advisory committee created under section 811 of this act; and

(5) Consider other factors the department deems necessary for the implementation of this chapter.

NEW SECTION. Sec. 810. (1) The department shall adopt criteria for the designation of local downtown or neighborhood commercial district revitalization programs and official local main street programs. In establishing the criteria, the department shall consider:

(a) The degree of interest and commitment to comprehensive downtown or neighborhood commercial district revitalization and, where applicable, historic preservation by both the public and private sectors;

(b) The evidence of potential private sector investment in the downtown or neighborhood commercial district;

(c) Where applicable, a downtown or neighborhood commercial district with sufficient historic fabric to become a foundation for an enhanced community image;

(d) The capacity of the organization to undertake a comprehensive program and the financial commitment to implement a long-term downtown or neighborhood commercial district revitalization program that includes a commitment to employ a professional program manager and maintain a sufficient operating budget;

(e) The department's existing downtown revitalization program's tier system;

(f) The national main street center's criteria for designating official main street cities; and

(g) Other factors the department deems necessary for the designation of a local program.

(2) The department shall designate local downtown or neighborhood commercial district revitalization programs and official local main street programs. The programs shall be limited to three categories of designation, one of which shall be the main street level.

(3) Section 802 of this act does not apply to any local downtown or neighborhood commercial district revitalization program unless the boundaries of the program have been identified and approved by the department. The boundaries of a local downtown or neighborhood commercial district revitalization program are typically defined using the pedestrian core of a traditional commercial district.

(4) The department may not designate a local downtown or neighborhood commercial district revitalization program or official local main street program if the program is undertaken by a local government with a population of one hundred ninety thousand persons or more.

NEW SECTION. Sec. 811. (1) The Washington main street advisory committee is created within the department. The members of the advisory committee are appointed by the director and consist of:

(a) The director, or the director's designee, who shall serve as chair;

(b) Two representatives from local governments;

(c) Five representatives from existing local main street programs or downtown and neighborhood commercial district programs including a combination of staff, property owners, and business owners; and

(d) One representative from the Washington trust for historic preservation.

(2) The department shall develop a plan for the Washington main street program, in consultation with the Washington main street advisory committee. The plan must describe:

(a) The objectives and strategies of the Washington main street program;

(b) How the Washington main street program will be coordinated with existing federal, state, local, and private sector business development and historic preservation efforts;

(c) The means by which private investment will be solicited and employed;

(d) The methods of selecting and providing assistance to participating local programs; and

(e) A means to solicit private contributions for state and local operations of the Washington main street program.

NEW SECTION. Sec. 812. The Washington main street trust fund account is created in the state treasury. All receipts from private contributions, federal funds, legislative appropriations, and fees for services, if levied, must be deposited into the account. Expenditures from the account may be used only for the operation of the Washington main street program.

PART IX HIGH TECHNOLOGY BUSINESSES

NEW SECTION. Sec. 901. A new section is added to chapter 82.32 RCW to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. Sec. 902. A new section is added to chapter 82.32 RCW to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452 must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department, unless the department grants relief under subsection (2) of this section. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.

(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.

(4) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

Sec. 903. RCW 82.04.4452 and 2004 c 2 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit shall be calculated as follows:

(a) Determine the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development;

(b) Subtract 0.92 percent of the person's taxable amount from the amount determined under (a) of this subsection;

(c) Multiply the amount determined under (b) of this subsection by ~~((the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the person's average tax rate for every other person))~~ the following:

(i) For the period June 10, 2004, through December 31, 2006, the person's average tax rate for the calendar year for which the credit is claimed;

(ii) For the calendar year ending December 31, 2007, the greater of the person's average tax rate for that calendar year or 0.75 percent;

(iii) For the calendar year ending December 31, 2008, the greater of the person's average tax rate for that calendar year or 1.0 percent;

(iv) For the calendar year ending December 31, 2009, the greater of the person's average tax rate for that calendar year or 1.25 percent;

(v) For the calendar year ending December 31, 2010, and thereafter, 1.50 percent.

For purposes of calculating the credit, if a person's reporting period is less than annual, the person may use an estimated average tax rate for the calendar year for which the credit is claimed by using the person's average tax rate for each reporting period. A person who uses an estimated average tax rate must make an adjustment to the total credit claimed for the calendar year using the person's actual average tax rate for the calendar year when the person files its last return for the calendar year for which the credit is claimed.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be ~~((taken))~~ claimed against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The

credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) ~~For any person ((taking)) claiming~~ the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year ~~((shall be liable for payment of the additional)) or who is otherwise ineligible, the department shall declare the taxes ((represented by the amount of)) against which the credit ((taken together with)) was claimed to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes against which the credit was claimed.~~ Interest shall be ~~((due)) assessed~~ at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was ~~((taken until the taxes are paid)) claimed, and shall accrue until the taxes against which the credit was claimed are repaid.~~ Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be ~~((taken)) claimed~~ by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

~~(6) ((Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an annual report in a form prescribed by the department which shall include the amount of the credit claimed, the qualified research and development expenditures during the calendar year for which the credit is claimed, and the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. The report is due by March 31st following any year a credit is taken.~~

~~(7))~~(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) A person claiming the credit shall ~~((agree to)) file a complete ((an)) annual survey with the department.~~ ~~((The annual survey is in addition to the annual report due under subsection (6) of this section.))~~ The survey is due by March 31st following any year in which a credit is ~~((taken)) claimed.~~ The department may extend the due date for timely filing of annual surveys under this section as provided in section 901 of this act. The survey shall include the amount of the tax credit ~~((taken)) claimed, the qualified research and development expenditures during the calendar year for which the credit is claimed, the taxable amount during the calendar year for which the credit is claimed, the number of new products or research projects by general classification, ((and)) the number of trademarks, patents, and copyrights associated with the research and development activities for which a credit was ((taken)) claimed, and whether the credit has been assigned under subsection (3) of this section and who assigned the credit. The survey shall also include the following information for employment positions in Washington:~~

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the tax credit program, to be submitted at the same time as the survey.

~~(d)(i)~~ All information collected under this subsection, except the amount of the tax credit ~~((taken)) claimed,~~ is deemed taxpayer information under RCW 82.32.330 ~~((and is not disclosable)).~~ Information on the amount of tax credit ~~((taken)) claimed~~ is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, ~~((that)) as provided in this subsection (6)(d). If the amount of the tax credit as reported on the survey is different than the amount actually claimed on the taxpayer's tax returns or otherwise allowed by the department, the amount actually claimed or allowed may be disclosed.~~

~~(ii)~~ Persons ~~((taking)) for whom the actual amount of the tax credit claimed on the taxpayer's returns or otherwise allowed by the department is~~ less than ten thousand dollars ~~((of credit))~~ during the period covered by the survey may request the department to treat the tax credit amount as confidential under RCW 82.32.330.

(e) If a person fails to file a complete ((the)) annual survey required under this subsection with the department by the due date or any extension under section 901 of this act, the person entitled to the credit provided in subsection (2) of this section is not eligible to ~~((take)) claim~~ or assign the credit provided in subsection (2) of this section in the year the person failed to timely file a complete ((the)) survey.

~~((8))~~ (7) The department shall use the information from subsection ~~((7))~~ (6) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

~~((9))~~ (8) The department shall use the information from subsection ~~((7))~~ (6) of this section to study the tax credit program authorized under this section. The department shall report to the legislature by December 1, 2009, and December 1, 2013. The reports shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

~~((10))~~ (9) For the purpose of this section:

(a) "Average tax rate" means a person's total tax liability under this chapter for the ~~((reporting period))~~ calendar year for which the credit is claimed divided by the taxpayer's total taxable ~~((income))~~ amount under this chapter for the ~~((reporting period))~~ calendar year for which the credit is claimed.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(c) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

(d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns ~~((during))~~ for the calendar year ~~((in))~~ for which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

~~((11))~~ (10) This section expires January 1, 2015.

NEW SECTION. Sec. 904. (1) A person who owes additional tax as a result of section 903(9)(a), chapter ..., Laws of 2005 (section 903(9)(a) of this act) is liable for interest, but not penalties as provided in RCW 82.32.090 (1) and (2), if the entire additional tax liability is paid in full to the department of revenue before January 1, 2006. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the additional tax is repaid.

(2) Persons who fail to repay the full amount of additional tax owed as a result of section 903(9)(a), chapter ..., Laws of 2005 (section 903(9)(a) of this act) before January 1, 2006, are subject to all applicable penalties and interest as provided in chapter 82.32 RCW on the additional tax owing after December 31, 2005.

(3) This section expires December 31, 2010.

PART X ESTATES

Sec. 1001. RCW 83.100.--- and 2005 c ... (ESB 6096) s 4 are each amended to read as follows:

(1) For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate for ~~((the value of qualified real property and the value of any tangible personal property used primarily for farming purposes conducted on the qualified real property, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the Internal Revenue Code, if the decedent was at the time of his or her death a citizen or resident of the United States. For the purposes of determining the deduction amount, the value of property is its value as used to determine the value of the gross estate))~~:

(a) The value of qualified real property reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the internal revenue code, if the decedent was at the time of his or her death a citizen or resident of the United States.

(b) The value of any tangible personal property used by the decedent or a member of the decedent's family for a qualified use on the date of the decedent's death, reduced by any amounts allowable as a deduction in respect of the tangible personal property under section 2053(a)(4) of the internal revenue code, if all of the requirements of subsection (10)(f)(i)(A) of this section are met and the decedent was at the time of his or her death a citizen or resident of the United States.

(c) The value of real property that is not deductible under (a) of this subsection solely by reason of subsection (10)(f)(i)(B) of this section, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the internal revenue code, if the requirements of subsection (10)(f)(i)(C) of

this section are met with respect to the property and the decedent was at the time of his or her death a citizen or resident of the United States.

(2) Property shall be considered to have been acquired from or to have passed from the decedent if:

(a) The property is so considered under section 1014(b) of the Internal Revenue Code;

(b) The property is acquired by any person from the estate; or

(c) The property is acquired by any person from a trust, to the extent the property is includible in the gross estate of the decedent.

(3) If the decedent and the decedent's surviving spouse at any time held qualified real property as community property, the interest of the surviving spouse in the property shall be taken into account under this section to the extent necessary to provide a result under this section with respect to the property which is consistent with the result which would have obtained under this section if the property had not been community property.

(4) In the case of any qualified woodland, the value of trees growing on the woodland may be deducted if otherwise qualified under this section.

(5) If property is qualified real property with respect to a decedent, hereinafter in this subsection referred to as the "first decedent," and the property was acquired from or passed from the first decedent to the surviving spouse of the first decedent, active management of the farm by the surviving spouse shall be treated as material participation by the surviving spouse in the operation of the farm.

(6) Property owned indirectly by the decedent may qualify for a deduction under this section if owned through an interest in a corporation, partnership, or trust as the terms corporation, partnership, or trust are used in section 2032A(g) of the Internal Revenue Code. In order to qualify for a deduction under this subsection, the interest, in addition to meeting the other tests for qualification under this section, must qualify under section 6166(b)(1) of the Internal Revenue Code as an interest in a closely held business on the date of the decedent's death and for sufficient other time, combined with periods of direct ownership, to equal at least five years of the eight-year period preceding the death.

(7)(a) If, on the date of the decedent's death, the requirements of subsection (10)(f)(i)(C)(II) of this section with respect to the decedent for any property are not met, and the decedent (i) was receiving old age benefits under Title II of the social security act for a continuous period ending on such date, or (ii) was disabled for a continuous period ending on this date, then subsection (10)(f)(i)(C)(II) of this section shall be applied with respect to the property by substituting "the date on which the longer of such continuous periods began" for "the date of the decedent's death" in subsection (10)(f)(i)(C) of this section.

(b) For the purposes of (a) of this subsection, an individual shall be disabled if the individual has a mental or physical impairment which renders that individual unable to materially participate in the operation of the farm.

(8) Property may be deducted under this section whether or not special valuation is elected under section 2032A of the Internal Revenue Code on the federal return. For the purposes of determining the deduction under this section, the value of property is its value as used to determine the value of the gross estate.

(9)(a) In the case of any qualified replacement property, any period during which there was ownership, qualified use, or material participation with respect to the replaced property by the decedent or any member of the decedent's family shall be treated as a period during which there was ownership, use, or material participation, as the case may be, with respect to the qualified replacement property.

(b) Subsection (9)(a) of this section shall not apply to the extent that the fair market value of the qualified replacement property, as of the date of its acquisition, exceeds the fair market value of the replaced property, as of the date of its disposition.

(c) For the purposes of this subsection (9), the following definitions apply:

(i) "Qualified replacement property" means any real property:

(A) Which is acquired in an exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) The acquisition of which results in the nonrecognition of gain under section 1033 of the Internal Revenue Code.

The term "qualified replacement property" only includes property which is used for the same qualified use as the replaced property was being used before the exchange.

(ii) "Replaced property" means the property was:

(A) Transferred in the exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) Compulsorily or involuntarily converted within the meaning of section 1033 of the Internal Revenue Code.

(10) For the purposes of this section, the following definitions apply:

(a) "Active management" means the making of the management decisions of a farm, other than the daily operating decisions.

(b) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms; plantations; ranches; nurseries; ranges; greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities; and orchards and woodlands.

(c) "Farming purposes" means:

(i) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(ii) Handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half of the commodity so treated; and

(iii)(A) The planting, cultivating, caring for, or cutting of trees; or

(B) The preparation, other than milling, of trees for market.

(d) "Member of the family" means, with respect to any individual, only:

(i) An ancestor of the individual;

(ii) The spouse of the individual;

(iii) A lineal descendant of the individual, of the individual's spouse, or of a parent of the individual; or

(iv) The spouse of any lineal descendant described in (d)(iii) of this subsection.

For the purposes of this subsection (10)(d), a legally adopted child of an individual shall be treated as the child of such individual by blood.

(e) "Qualified heir" means, with respect to any property, a member of the decedent's family who acquired property, or to whom property passed, from the decedent.

(f)(i) "Qualified real property" means real property which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family, but only if:

(A) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(I) On the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family; and

(II) Was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of (f)(i)(A)(II) and (f)(i)(C) of this subsection; and

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(I) The real property was owned by the decedent or a member of the decedent's family and used for a qualified use by the decedent or a member of the decedent's family; and

(II) There was material participation by the decedent or a member of the decedent's family in the operation of the farm.

For the purposes of this subsection (f)(i)(C)(II), material participation shall be determined in a manner similar to the manner used for purposes of section 1402(a)(1) of the Internal Revenue Code.

(ii) For the purposes of this subsection, the term "adjusted value" means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction under section 2053(a)(4) of the Internal Revenue Code; or

(B) In the case of any real or personal property, the value of the property for purposes of chapter 11 of the Internal Revenue Code, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction in respect of such property under section 2053(a)(4) of the Internal Revenue Code.

(g) "Qualified use" means the property is used as a farm for farming purposes. In the case of real property which meets the requirements of (f)(i)(C) of this subsection, residential buildings and related improvements on the real property occupied on a regular basis by the owner or lessee of the real property or by persons employed by the owner or lessee for the purpose of operating or maintaining the real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use. For tangible personal property eligible for a deduction under subsection (1)(b) of this section, "qualified use" means the property is used primarily for farming purposes on a farm.

(h) "Qualified woodland" means any real property which:

(i) Is used in timber operations; and

(ii) Is an identifiable area of land such as an acre or other area for which records are normally maintained in conducting timber operations.

(i) "Timber operations" means:

(i) The planting, cultivating, caring for, or cutting of trees; or

(ii) The preparation, other than milling, of trees for market.

**PART XI
MISCELLANEOUS**

NEW SECTION. **Sec. 1101.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1102.** Except as otherwise specifically provided in this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

NEW SECTION. **Sec. 1103.** Sections 102 through 105, 901, 903, 904, 1001, 1110, and 1111 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 1104.** Sections 401 and 902 of this act take effect January 1, 2006.

NEW SECTION. **Sec. 1105.** Section 601 of this act takes effect July 1, 2007.

NEW SECTION. **Sec. 1106.** Sections 801 and 808 through 812 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 1107.** Sections 802 through 807 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 1108.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1109.** Sections 801 through 812 of this act may be known and cited as the Washington main street act.

NEW SECTION. **Sec. 1110.** Section 903 of this act applies retroactively to June 10, 2004.

NEW SECTION. **Sec. 1111.** Section 901 of this act applies retroactively to annual surveys required under RCW 82.04.4452 that are due after December 31, 2004."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.08.010, 82.04.2908, 82.04.4463, 82.29A.130, 82.71.020, 82.04.4452, and 83.100.---; amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

Senator Zarelli spoke in favor of adoption of the striking amendment.

Senator Doumit spoke against adoption of the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Zarelli to Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Zarelli and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators McCaslin and Oke - 2

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2314 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Doumit, Hargrove, Jacobsen, Brown and McAuliffe spoke in favor of passage of the bill.

Senators Zarelli, Schmidt, Benton, Pflug, Finkbeiner, Carrell, Schoesler and Deccio spoke against passage of the bill.

MOTION

Senator Shin demanded that the previous question be put.
The President declared that at least two additional senators joined the demand and the demand was sustained.
The President declared the question before the Senate to be, "Shall the main question be now put?"
The motion by Senator Shin that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2314 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senators McCaslin and Oke - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5513.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on SUBSTITUTE HOUSE BILL NO. 1791, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5615

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763

SIGNED BY THE PRESIDENT

The President Signed:

SUBSTITUTE SENATE BILL NO. 5850

MOTION

At 10:43 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Saturday, April 23, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDRED THIRD DAY, APRIL 22, 2005

2005 REGULAR SESSION

ONE-HUNDRED FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 23, 2005

The Senate was called to order at 9:30 a.m. by the President Pro Tempore.

MOTION

At 9:33 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.
The Senate was called to order at 10:16 a.m. by President Owen.

The Secretary called the roll and announced to the President that all Senators were present except Senators Benson, Doumit, Eide, Haugen and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Russell Miller and Haley Bentler, presented the Colors. Pastor Carol Johnson Sorenson of First United Methodist Church of Olympia offered the prayer.

MOTION

On motion of Senator Rockefeller, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 5, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LYLE QUASIM, appointed April 5, 2005, for the term ending April 3, 2009, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Rockefeller, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9048, Thomas E. Egan, as Chair of the Board of Industrial Insurance Appeals, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

REAPPOINTMENT OF THOMAS E. EGAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9048, Thomas E. Egan as Chair of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9048, Thomas E. Egan as Chair of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Benson, Doumit, Eide, Haugen and Prentice - 5

Gubernatorial Reappointment No. 9048, Thomas E. Egan, having received the constitutional majority was declared confirmed as Chair of the Board of Industrial Insurance Appeals.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Keiser, moved that Gubernatorial Reappointment No. 9092, Lawrence Kenney, as a member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest), be confirmed.

Senators Keiser, Sheldon, Jacobsen, Kline and Thibaudeau spoke in favor of the motion.

REAPPOINTMENT OF LAWRENCE KENNY

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9092, Lawrence Kenney as a member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9092, Lawrence Kenney as a member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest) and the appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken,

Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senator Morton - 1

Absent: Senators Benson, Doumit, Eide, Haugen and Prentice - 5

Gubernatorial Reappointment No. 9092, Lawrence Kenney, having received the constitutional majority was declared confirmed as a member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

MOTIONS

On motion of Senator Rockefeller, the Senate advanced to the fourth order of business.
On motion of Senator Hewitt, Senator Benson was excused.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5370, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SENATE BILL NO. 6069,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1606,

SUBSTITUTE HOUSE BILL NO. 1708,
SUBSTITUTE HOUSE BILL NO. 1893,
SUBSTITUTE HOUSE BILL NO. 2124,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5370

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 6096

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5610, was returned to second reading for purpose of an amendment{s}, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.005 and 1999 sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a statewide ~~((plan))~~ strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans. The legislature also finds that a statewide salmon recovery ~~((plan))~~ strategy must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring ~~((process))~~ system should be developed and implemented.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the

state's response; an independent science panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

Sec. 2. RCW 77.85.010 and 2002 c 210 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the salmon recovery office.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

~~((8))~~ (9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((9))~~ (10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((10))~~ (13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((11))~~ (14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 3. RCW 77.85.020 and 1998 c 246 s 4 are each amended to read as follows:

~~(Beginning in)~~ (1) By December ((2000)) 1, 2006, the governor shall submit a ((biennial state of the salmon)) report to the legislature ((during the first week of December)) regarding the implementation of the state's salmon recovery strategy. The report may include the following:

~~((1))~~ (a) A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;

~~((2))~~ (b) A summary of habitat projects including but not limited to:

~~((a))~~ (i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

- ~~((b))~~ (ii) A summary of salmon restoration efforts undertaken in the past two years;
- ~~((c))~~ (iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts;

and

- ~~((d))~~ (iv) A summary of efforts taken to protect salmon habitat;
- ~~((e))~~ (c) A summary of collaborative efforts undertaken with adjoining states or Canada;
- ~~((f))~~ (d) A summary of harvest and hatchery management activities affecting salmon recovery;
- ~~((g))~~ (e) A summary of information regarding impediments to successful salmon recovery efforts;
- ~~((h))~~ (f) A summary of the number and types of violations of existing laws pertaining to: ~~((a))~~ (i) Water quality; and ~~((b))~~ (ii) salmon. The summary shall include information about the types of sanctions imposed for these violations;
- ~~((i))~~ (g) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998;

and

~~((j))~~ (h) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:

- ~~((a))~~ (i) The need to expand or improve nonregulatory programs and activities; ~~and~~
- ~~((b))~~ (ii) The need to expand or improve state and local laws and regulations; and
- ~~((c))~~ (iii) Recommendations for state funding assistance to recovery activities and projects.

(2) The report shall summarize the monitoring data coordinated by the monitoring forum. The summary must include but is not limited to data and analysis related to:

- (a) Measures of progress in fish recovery;
- (b) Measures of factors limiting recovery as well as trends in such factors; and
- (c) The status of implementation of projects and activities.

Sec. 4. RCW 77.85.030 and 2000 c 107 s 93 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of regional salmon recovery plans ~~((for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies))~~ as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150. The governor's salmon recovery office ~~((may also:~~

~~((a))~~ shall gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's ~~((endangered species act))~~ salmon recovery plans; and

~~((b))~~ (c) Provide ~~((the biennial state of the salmon report to the legislature))~~ periodic reports pursuant to RCW 77.85.020.

(2) This section expires June 30, ~~((2006))~~ 2007.

Sec. 5. RCW 77.85.040 and 2000 c 107 s 94 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel

is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office (~~shall~~) may request review of regional salmon recovery plans by the science review panel. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050(~~(,)~~) or 77.85.060(~~(, and 75.46.080)~~) or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

~~((5) The independent science panel, in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.~~

~~(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.~~

~~(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 77.85.020.)~~

Sec. 6. RCW 77.85.050 and 1999 sp.s. c 13 s 11 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat. ~~((The technical review team may provide the lead entity with organizational models that may be used in establishing the committees.))~~

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((technical review team))~~ board in accordance with procedures adopted by the board.

Sec. 7. RCW 77.85.090 and 2000 c 107 s 99 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of the effective date of this act that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

Sec. 8. RCW 77.85.130 and 2000 c 107 s 102 and 2000 c 15 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

- (i) Are based upon the limiting factors analysis identified under RCW 77.85.060;
- (ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;
- (iii) Will benefit listed species and other fish species; ~~((and))~~
- (iv) Will preserve high quality salmonid habitat; and
- (v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

- (i) Are the most cost-effective;
 - (ii) Have the greatest matched or in-kind funding; ~~((and))~~
 - (iii) Will be implemented by a sponsor with a successful record of project implementation; and
 - (iv) Are part of a regionwide list developed by lead entities.
- (3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.
- (4) ~~((For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.~~

~~((5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 77.85.060, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.~~

~~((6))~~ (6) The board shall establish criteria for determining when block grants may be made to a lead entity ~~((or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 77.85.050,)).~~ The board may provide block grants to the lead entity to ~~((assist in carrying out lead entity functions under this chapter,))~~ implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

~~((7))~~ (5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

~~((8))~~ (6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

~~((9))~~ (7) The board may condition a grant or loan to include the requirement that property may only be transferred to a federal agency if the agency that will acquire the property agrees to comply with all terms of the grant or loan to which the project sponsor was obligated. Property acquired or improved by a project sponsor may be conveyed to a federal agency, but only if the agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated.

Sec. 9. RCW 77.85.150 and 1999 sp.s. c 13 s 9 are each amended to read as follows:

(1) ~~((By September 1, 1999,))~~ The governor, with the assistance of the salmon recovery office, shall ~~((submit a statewide salmon recovery strategy to the appropriate federal agencies administering the federal endangered species act))~~ maintain and revise a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in ~~((developing))~~ maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal ~~((mechanism))~~ means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) Beginning on September 1, 2000, the strategy shall be updated through an active public involvement process, including early and meaningful opportunity for public comment. In obtaining public comment, the salmon recovery office shall hold public meetings throughout the state and shall encourage regional and local recovery planning efforts to similarly ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 77.85.070 (Technical advisory groups) and 2000 c 107 s 97 & 1998 c 246 s 10; and

(2) RCW 77.85.210 (Monitoring activities--Monitoring oversight committee--Legislative steering committee--Report to the legislature--Monitoring strategy and action plan) and 2001 c 298 s 3."

Correct the title.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5610.

Senators Jacobsen, Oke and Spanel spoke in favor of the motion.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Jacobsen yield to a question? Does this improve the role of the counties in the approval of the salmon recovery plan or does it remain constant? Does this improve the role of the counties in approving salmon recovery plans? Are they brought more into the picture or are they still pretty much left out?"

Senator Jacobsen: "This doesn't change those two. These two amendments in the House as the bill originally came back on 5610. It does not change that. It clarifies what, clarifies the word 'strategy' and also the role of the governor's Salmon Recovery Office. So it does not change that. The other one is in regards to regional organization and allows a smaller group to, if they want to, to set up regionally, if they are inside an ESU [evolutionarily significant unit. -Ed.]. So it does not change that."

Senator Honeyford spoke against the motion.

MOTIONS

On motion of Senator Regala, Senators Eide and Haugen were excused.

On motion of Senator Stevens, Senator Carrell was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5610.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5610 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Deccio, Honeyford and McCaslin - 3

Absent: Senators Doumit and Prentice - 2

Excused: Senators Benson, Carrell, Eide and Haugen - 4

SUBSTITUTE SENATE BILL NO. 5610, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5922, was returned to second reading for purpose of an amendment{s} and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.100 and 1998 c 314 s 8 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the ~~((alleged perpetrator of the))~~ parent, guardian, or legal custodian of a child of any allegations of child abuse ((and)) or neglect ((at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process)) made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the ~~((alleged perpetrator))~~ subject of the report ~~((and))~~ of the department's investigative findings. The notice shall also advise the ~~((alleged perpetrator))~~ subject of the report that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) ~~((An alleged perpetrator))~~ A subject named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

(5) The department shall provide training to all department personnel who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

NEW SECTION. Sec. 2. The legislature finds that whenever possible, children should remain in the home of their parents. It is only when the safety of the child is in jeopardy that the child should be removed from the home.

It is the intent of the legislature that the department of social and health services be permitted to intervene in cases of chronic neglect where the health, welfare, or safety of the child is at risk. One incident of neglect may not rise to the level requiring state intervention; however, a pattern of neglect has been shown to cause damage to the health and well-being of the child subject to the neglect.

It is the intent of the legislature that, when chronic neglect has been found to exist in a family, the legal system reinforce the need for the parent's early engagement in services that will decrease the likelihood of future neglect. However, if the parents fail to comply with the offered necessary and available services, the state has the authority to intervene to protect the children who are at risk. If a parent fails to engage in available substance abuse or mental health services necessary to maintain the safety of a child or a parent fails to correct substance abuse deficiencies that jeopardize the safety of a child, the state has the authority to intervene to protect a child.

Sec. 3. RCW 13.34.138 and 2003 c 227 s 5 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((3))~~ (4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 26.44.015 and 1999 c 176 s 28 are each amended to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, ~~((and))~~ or safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

Sec. 5. RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means ~~((the injury,))~~ sexual abuse, sexual exploitation, ~~((negligent treatment, or maltreatment))~~ or injury of a child by any person under circumstances which ~~((indicate that))~~ cause harm to the child's health, welfare, ~~((and))~~ or safety ~~((is harmed))~~, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or ~~((omission))~~ a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to ~~((the))~~ a child's health, welfare, ~~((and))~~ or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child do not constitute negligent treatment or maltreatment in and of themselves.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children

to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (a) Ameliorate the conditions that endangered the welfare of the child; or (b) address or treat the effects of mistreatment or neglect upon the child.

(2) When evaluating whether the child has been subject to negligent treatment or maltreatment, evidence of a parent's substance abuse as a contributing factor to a parent's failure to provide for a child's basic health, welfare, or safety shall be given great weight.

(3) If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(4) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain available and appropriate treatment or services, or are unable or unwilling to participate in or successfully and substantially complete the treatment or services identified by the department, the department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect. When evaluating whether to initiate a dependency proceeding on this basis, the evidence of a parent's substance abuse as a contributing factor to the negligent treatment or maltreatment shall be given great weight.

(5) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

(6) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.

Sec. 7. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3)(a) Investigate ~~((complaints of any recent act or failure to act))~~ any reports of child abuse or neglect, as defined in chapter 26.44 RCW, on the part of a parent, guardian, or legal custodian of the child, member of the household of such persons, an agency providing care to the child as defined in chapter 74.15 RCW, or other caretaker ((that)) of the child who is serving in place of the parent if the child abuse or neglect results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm((, and on the basis of the findings of such investigation, offer)). Evidence of a parent's substance abuse as a contributing factor to the alleged abuse or neglect shall be considered to present an imminent risk of serious harm to the child.

(b) Offer child welfare services ((in relation to the problem to such)), where warranted, to parents, legal custodians, or persons serving in ((loco parentis)) the place of the parent, ((and/or)) or bring the situation to the attention of an appropriate court, or another community agency((: PROVIDED, That)), including the appropriate law enforcement agency if the investigation reveals that a crime against a child may have been committed. However, an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in ((loco parentis)) the place of the parent. ((If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.))

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

NEW SECTION. Sec. 8. The legislature recognizes that the fiscal and workload impact of this act may not be fully determined until after it is implemented and that such impact may further be affected by the funding or availability of community-based prevention and remedial services. For that reason, the department of social and health services shall report on the implementation of this act to the appropriate legislative committees and the governor by December 1, 2006. The report shall include information regarding any change over previous years in the number and type of child abuse and neglect referrals received and investigations conducted, any change in in-home and out-of-home dependency placements and/or filings, any increased service costs, barriers to implementation, and an assessment of the fiscal and workload impact on the department. Such information shall be reviewed by the legislature for possible amendment of this act or additional allocation of resources to the department for implementation purposes.

Sec. 9. RCW 13.34.050 and 2000 c 122 s 3 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, ~~((or))~~ sexual exploitation as defined in RCW 26.44.020, and a parent's failure to perform basic parental functions, obligations, and duties as the result of substance abuse; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

NEW SECTION. Sec. 10. This act takes effect January 1, 2007.

NEW SECTION. Sec. 11. This act may be known and cited as the Justice and Raiden Act."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922.
Senators Hargrove and Stevens spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5922 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5922, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5922, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Prentice - 1

Excused: Senators Eide and Haugen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5922, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "I voted for this previous bill and continue to be supportive of it but I do need to stay that I know of at least two instances where children who were known to CPS died because the workers simply didn't go back to see them. I've heard of all kinds of excuses and I think that one of the things that we must continue to face is that this should be in the best interest of the child. And too often, every time we hear about this, these instances, we change systems, we change procedures, we change policies and I think what we must do is consider how the workers just simply must keep in touch. So I urge you all to think about that. Thank you very much."

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, was returned to second reading for purpose of an amendment and passed the House as amended by the House.

Beginning on page 4, line 20, strike all of section 2

Re-number the remaining section and correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952.

Senators Jacobsen and Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Mulliken and Parlette were excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5952 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5952, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5952, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Prentice - 1

Excused: Senators Eide, Haugen, Mulliken and Parlette - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rockefeller, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe, moved that Gubernatorial Appointment No. 9181, Ron Scutt, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF RON SCUTT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9181, Ron Scutt as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9181, Ron Scutt as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Eide, Haugen and Parlette - 3

Gubernatorial Appointment No. 9181, Ron Scutt, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Rasmussen, moved that Gubernatorial Reappointment No. 9279, Herb Simon, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Rasmussen and Kohl-Welles spoke in favor of the motion.

REAPPOINTMENT OF HERB SIMON

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9279, Herb Simon as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9279, Herb Simon as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Eide, Haugen and Parlette - 3

Gubernatorial Reappointment No. 9279, Herb Simon, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Reappointment No. 9228, David Boerner, as a member of the Sentencing Guidelines Commission, be confirmed.

Senators Kline and Johnson spoke in favor of the motion.

MOTION

On motion of Senator Esser, Senators Benton and Zarelli were excused.

REAPPOINTMENT OF DAVID BOERNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9228, David Boerner as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9228, David Boerner as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 43

Absent: Senator Hargrove - 1

Excused: Senators Benton, Eide, Haugen, Parlette and Zarelli - 5

Gubernatorial Reappointment No. 9228, David Boerner, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Franklin, moved that Gubernatorial Reappointment No. 9080, Walter T. Hubbard, as a member of the Personnel Appeals Board, be confirmed.

Senator Franklin spoke in favor of the motion.

REAPPOINTMENT OF WALTER T. HUBBARD

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9080, Walter T. Hubbard as a member of the Personnel Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9080, Walter T. Hubbard as a member of the Personnel Appeals Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Excused: Senators Eide, Haugen and Zarelli - 3

Gubernatorial Reappointment No. 9080, Walter T. Hubbard, having received the constitutional majority was declared confirmed as a member of the Personnel Appeals Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey, moved that Gubernatorial Appointment No. 9144, Connie Niva, as a member of the Board of Regents, Washington State University, be confirmed.

Senators Berkey and Shin spoke in favor of the motion.

APPOINTMENT OF CONNIE NIVA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9144, Connie Niva as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9144, Connie Niva as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 38; Nays, 6; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 38

Voting nay: Senators Carrell, Finkbeiner, McCaslin, Morton, Mulliken and Stevens - 6

Absent: Senators Deccio and Hargrove - 2

Excused: Senators Eide, Haugen and Zarelli - 3

Gubernatorial Appointment No. 9144, Connie Niva, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1485, by Representatives Hunter, Jarrett, Wallace, Tom, Fromhold, McDermott, Haigh, Kenney and P. Sullivan

Regarding the school bus bid process.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1485.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1485 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senators Deccio and Delvin - 2

Excused: Senators Eide and Haugen - 2

HOUSE BILL NO. 1485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221, by Representatives Takko, Orcutt, Grant, Kristiansen, Williams, Strow, Blake, Bailey, Kenney, Haler and Linville

Modifying the excise taxation of fruit and vegetable processing and storage.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 2221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2221 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Fraser - 1

Absent: Senator Delvin - 1

Excused: Senators Eide and Haugen - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Delvin was excused.

SECOND READING

SENATE BILL NO. 5227, by Senators Jacobsen, Doumit, Fraser and Rasmussen

Decriminalizing certain hunter reporting requirements. Revised for 1st Substitute: Concerning wildlife reporting requirements.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Johnson, Roach and Stevens - 4

Excused: Senators Eide and Haugen - 2

SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1241, by Representatives Fromhold, Curtis, Moeller, Wallace, Sommers, McIntire and Murray

Modifying vehicle licensing and registration penalties.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 1241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1241.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke,

Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators McCaslin and Morton - 2

Absent: Senator Berkey - 1

Excused: Senators Eide, Haugen and Hewitt - 3

ENGROSSED HOUSE BILL NO. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rockefeller, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute Senate Bill No. 5499

April 21, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5499, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued ~~((to a voter))~~ at the polling place on election day by the precinct election board ~~((, for one of the following reasons))~~ to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the help America vote act, including but not limited to the following:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Any other reason allowed by law;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

Sec. 2. RCW 29A.04.530 and 2003 c 111 s 151 are each amended to read as follows:

The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29A.04.630;

(2) Establish guidelines, in consultation with state and local law enforcement or certified document examiners, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines;

(3) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;

~~((3))~~ (4) Maintain a record of those individuals who have received such training and certificates; and

~~((4))~~ (5) Provide the staffing and support services required by the board created under RCW 29A.04.510.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.36 RCW to read as follows:

All provisional and absentee ballots must be visually distinguishable from each other and must be either:

(1) Printed on colored paper; or

(2) Imprinted with a bar code for the purpose of identifying the ballot as a provisional or absentee ballot. The bar code must not identify the voter.

Provisional and absentee ballots must be incapable of being tabulated by poll-site counting devices.

Sec. 4. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 5. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin ~~((on or after the tenth day before the primary or election))~~ upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the

county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.44 RCW to read as follows:

Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.44 RCW to read as follows:

Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card, a voter's voter identification issued by a county elections officer, or a copy of a current utility bill, bank statement, paycheck, or government check or other government document. Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

The secretary of state may adopt rules to carry out this section.

NEW SECTION. Sec. 8. A new section is added to chapter 29A.60 RCW to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for completing the unsigned affidavit. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. If the signature on the copy of the affidavit does not match the signature on file, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request.

NEW SECTION. Sec. 9. A new section is added to chapter 29A.60 RCW to read as follows:

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web

site, mail, or other means. The auditor must notify the voter in accordance with section 8 of this act when the envelope is unsigned or when the signatures do not match.

NEW SECTION. Sec. 10. A new section is added to chapter 29A.60 RCW to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.60 RCW to read as follows:

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The number of ballots counted;

(c) The number of provisional ballots issued;

(d) The number of provisional ballots counted;

(e) The number of provisional ballots rejected;

(f) The number of absentee ballots issued;

(g) The number of absentee ballots counted;

(h) The number of absentee ballots rejected;

(i) The number of federal write-in ballots counted;

(j) The number of out-of-state, overseas, and service ballots issued;

(k) The number of out-of-state, overseas, and service ballots counted; and

(l) The number of out-of-state, overseas, and service ballots rejected.

(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The total number of voters credited with voting;

(c) The number of poll voters credited with voting;

(d) The number of provisional voters credited with voting;

(e) The number of absentee voters credited with voting;

(f) The number of federal write-in voters credited with voting;

(g) The number of out-of-state, overseas, and service voters credited with voting;

(h) The total number of voters credited with voting even though their ballots were postmarked after election day and were not counted; and

(i) Any other information the auditor deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

(3) The county auditor may also prepare such reports for jurisdictions located, in whole or in part, in the county.

Sec. 12. RCW 29A.60.021 and 2004 c 271 s 147 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. ~~((For a partisan primary in a jurisdiction using the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party.))~~ No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office~~(s)~~ or position~~(s) or political party shall~~) will be accepted if the canvassing board can determine, to ~~((their))~~ its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum

of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

~~(4)~~ Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied ~~((#))~~ unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is ~~((not))~~ greater than the number of votes cast for the candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected ~~((, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election)).~~

~~((4))~~ (5) In the case of write-in votes for a statewide office ~~((s))~~ or any office whose jurisdiction ~~((s that))~~ encompasses more than one county, ~~((if the total number of write-in votes and undervotes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied))~~ write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

Sec. 13. RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to read as follows:

Whenever the precinct election officers or the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.

Sec. 14. RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to read as follows:

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.

Sec. 15. RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to read as follows:

~~((At least every third day after a primary or election and before certification of the election results,))~~ Except Sundays and legal holidays, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

Sec. 16. RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

~~((On the tenth day after a special election or primary and on the fifteenth day))~~ Ten days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a postmark on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 17. RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to read as follows:

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the

results of the primary ((~~or~~), election, or subsequent recount and correct any error and document the correction of any error that it finds.

Sec. 18. RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to read as follows:

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall ~~((make a) canvass ((of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his or her office, and transmit a certified copy to the governor)) and certify the returns of the general election as to candidates for state offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.~~

Sec. 19. RCW 29A.64.021 and 2004 c 271 s 178 are each amended to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one ((hundred fifty)) thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

Sec. 20. RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to read as follows:

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW ~~((29A.64.080)) 29A.64.081.~~

The county canvassing board shall determine ~~((~~the~~)) the date, time, and ((~~the~~)) place or places at which the recount will be conducted. ~~((This time shall be less than three business days after the day upon which: The application was filed with the board; the request for a recount or directive ordering a recount was received by the board from the secretary of state; or the returns are certified which indicate that a recount is required under RCW 29A.64.020 for an issue or office voted upon only within the county.))~~ Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the affected parties or until the affected parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.~~

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

Sec. 21. RCW 29A.64.061 and 2004 c 271 s 180 are each amended to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 22. RCW 29A.68.011 and 2004 c 271 s 182 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) ~~((above))~~ of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the ~~((issuance of a certificate of election))~~ official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.

NEW SECTION. Sec. 23. A new section is added to chapter 29A.84 RCW to read as follows:

A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit is guilty of a gross misdemeanor. This section does not apply to (1) the voter who completed the voter registration form, or (2) a county auditor or registration assistant who acts as authorized by voter registration law.

Sec. 24. RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

(1) Any person who intentionally votes or attempts to vote in this state more than once at any ((primary or general or special)) election, or who intentionally votes or attempts to vote in both this state and another state at any election, is guilty of a ((gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021)) class C felony.

(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120.

NEW SECTION. Sec. 25. The secretary of state shall study the feasibility of requiring that the names of the top two vote-getters in primary elections of justices of the state supreme court, judges of the courts of appeals, superior courts, and district courts, and the superintendent of public instruction shall appear on the general election ballot. The study shall include a survey of how many times a judicial candidate and a candidate for superintendent of public instruction have appeared without opposition on the general election ballot from 1985 to present; the number of voters voting for these races in the primary election as opposed to voting for the same races in the general election; and if the differences in the numbers of voters voting at the primary and voting at the general election may have resulted in a different election result. The study shall also include a financial analysis of the proposed changes. The secretary of state shall report the results of the study to the appropriate committees of the legislature no later than January 31, 2006."

Correct the title.

and the bill do pass as recommended by the conference committee.

Signed by Senators Kastama, Berkey and Roach; Representatives Haigh, Hunt and Nixon.

MOTION

Senator Kastama moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5499 be adopted.

Senator Kastama spoke in favor of the motion.

Senators Roach and Benton spoke against the motion.

POINT OF ORDER

Senator Kline: "I believe that the statement you just heard, 'Some people want others to vote fraudulently,' impugns the motives of the majority party. This is not function of a legislative debate."

REPLY BY THE PRESIDENT

President Owen: "I would remind the members, because I know these are controversial issues, that the rules provide that you address the issues and not the personalities or the people that are on the floor."

Senators Schmidt, Prentice, Kline and Rasmussen spoke in favor of the motion.
Senators Parlette, Hewitt, Mulliken and Finkbeiner spoke against the motion.
Senators Spanel, Brandland and Franklin spoke on the motion.

POINT OF INQUIRY

Senator Honeyford: "Would the Senator from the Thirty-first District yield to a question? Thank you, Senator. I have two questions. One is, perhaps a little facetious, but on the post office wall you have the wanted posters put out by the FBI. Does that serve as a government document or a photo ID?"

Senator Roach: "Well, I would think yes, because its on ..."

POINT OF ORDER

Senator Brown: "Would yielding to a question be an inadvertent way of getting around speaking once?"

REPLY BY THE PRESIDENT

President Owen: "The President was just checking on that as I believe, yes. I was just checking into that and my understanding and our understanding of the rules does not allow you to use the question and answer to get around the speaking once rule."

POINT OF PARLIAMENTARY INQUIRY

Senator Roach: "I don't know. I mean, are we impugning now the motives of the previous speaker who asked the question?"

REPLY BY THE PRESIDENT

President Owen: "No. We're saying that you've already spoken once and you may not respond to the question."

The President declared the question before the Senate to be the motion by Senator Kastama that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5499 be adopted.

The motion by Senator Kastama carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5499, as recommended by the Conference Committee.

Senator Kastama spoke in favor of final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5499, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 30

Voting nay: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, and has passed the bill as recommended by the Conference Committee. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT
Engrossed Substitute Senate Bill No. 5743
April 21, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5743, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.64 RCW to read as follows:

When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

- (1) The defendant's right to vote has been lost due to the felony conviction;
- (2) If the defendant is registered to vote, the voter registration will be canceled;
- (3) The right to vote may be restored by:
 - (a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;
 - (b) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;
 - (c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or
 - (d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and
- (4) Voting before the right is restored is a class C felony under RCW 29A.84.660.

Sec. 2. RCW 29A.08.010 and 2004 c 267 s 102 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes ~~((the applicant's))~~:

(1) Name ~~((complete residence))~~;

(2) Residential address ~~((s))~~;

(3) Date of birth ~~((s))~~;

(4) Washington state driver's license number ~~((s))~~ or Washington state identification card number, or the last four digits of the applicant's Social Security number ~~((s))~~ if the applicant does not have a Washington state driver's license or Washington state identification card;

(5) A signature attesting to the truth of the information provided on the application ~~((s))~~; and

(6) A check or indication in the box confirming the individual is a United States citizen.

If the individual does not have a driver's license, state identification card, or Social Security number, the registrant must be issued a unique voter registration number ~~((and))~~ in order to be placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.030 and 2004 c 267 s 104 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed ~~((so that the voter may update his or her current residence address))~~ to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 4. RCW 29A.08.107 and 2004 c 267 s 106 are each amended to read as follows:

(1) The secretary of state must review the information provided by each voter registration applicant to ensure that ~~((either))~~ the provided driver's license number, state identification card number, or ~~((the))~~ last four digits of the Social Security number match the information maintained by the Washington department of licensing or the Social Security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application~~((s))~~ within ~~((thirty))~~ forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that ~~((an applicant's))~~ the provided driver's license number, state identification card number, or ~~((the))~~ last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have ~~((either))~~ a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing.

Sec. 5. RCW 29A.08.110 and 2004 c 267 s 107 are each amended to read as follows:

(1) ~~((On receipt of an application for voter registration, the county auditor shall review the application to determine whether the information supplied is complete.))~~ An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, ~~((and))~~ signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication ~~((the license information))~~ that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable ~~((the auditor shall not place)),~~ the name of the applicant shall not be placed on the ~~((county voter))~~ official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing ~~((of the original voter registration application))~~ or date of delivery, whichever is applicable.

~~(2) ((In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.~~

~~((3))~~ If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. ~~((If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.~~

~~((4))~~ (3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.08 RCW to read as follows:

No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional address being used as a residence address. Voters using such an address will be registered and assigned to a precinct based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address.

For the purposes of this section, "nontraditional address" includes shelters, parks, or other identifiable locations that the voter deems to be his or her residence.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a voter who registered by mail indicates on the voter registration form that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number, he or she must provide one of the following forms of identification the first time he or she votes after registering:

- (a) Valid photo identification;
- (b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
- (c) A copy of a current utility bill;
- (d) A current bank statement;
- (e) A copy of a current government check;
- (f) A copy of a current paycheck; or
- (g) A government document that shows both the name and address of the voter.

(2) If the voter fails to provide one of the above forms of identification prior to or at the time of voting, the ballot must be treated as a provisional ballot regardless of whether the voter is voting at a poll site or by mail. The ballot may only be counted if the voter's signature on the outside envelope matches the signature in the voter registration records.

(3) The requirements of this section do not apply to an out-of-state, overseas, or service voter who registers to vote by signing the return envelope of the absentee ballot.

Sec. 8. RCW 29A.08.115 and 2004 c 267 s 108 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a ~~((designee))~~ county auditor at least once weekly. The registration date on such forms will be the date they are received by the secretary of state or county auditor.

Sec. 9. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.

(2) The secretary of state shall at least quarterly review and update the records of all registered voters on the official statewide voter registration data base to make additions and corrections.

(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.

(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.

Sec. 10. RCW 29A.08.145 and 2004 c 267 s 113 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote or change his or her registration address in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the county auditor ~~((of the county in which the applicant resides))~~ or secretary of state, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 11. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The address of the last former registration of the applicant as a voter in the state;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) The applicant's Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box for the applicant to indicate that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number;

(9) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(10) A check box allowing the applicant to confirm that he or she is at least eighteen years of age;

(11) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;

(12) A check box and declaration confirming that the applicant is a citizen of the United States;

~~((§))~~ (13) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(14) The following affirmation by the applicant:

"By signing this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote. If I am found to have voted illegally, I may be prosecuted and/or fined for this illegal act. In addition, I hereby acknowledge that my name and last known address will be forwarded to the appropriate state and/or federal authorities if I am found to have voted illegally."

~~(15)~~ The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

~~((9))~~ (16) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The ~~((auditor shall not register the))~~ applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the ~~((auditor shall not register the))~~ applicant shall not be registered to vote.

~~((The following warning shall appear in a conspicuous place on the voter registration form:~~

~~"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."))~~

NEW SECTION. Sec. 12. A new section is added to chapter 29A.08 RCW to read as follows:

(1) When a felony offender has completed all the requirements of his or her sentence, the county clerk shall immediately transmit this information to the secretary of state along with information about the county where the conviction occurred and the county that is the last known residence of the offender. The secretary of state shall maintain such records as part of the elections data base.

(2) If the offender has completed all the requirements of all of his or her sentences for all of his or her felony convictions, the secretary of state shall transmit information about the restoration of the former felon's voting rights to the county auditor where the conviction took place and, if different, the county where the felon was last known to reside.

Sec. 13. RCW 29A.08.250 and 2004 c 267 s 117 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. ~~((All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must be a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship eligibility under the Help America Vote Act of 2002 (P.L. 107-252).))~~

Sec. 14. RCW 29A.08.330 and 2003 c 111 s 224 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

~~((4))~~ (5) Each designated agency shall provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state.

Sec. 15. RCW 29A.08.520 and 2004 c 267 s 126 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a ~~((periodic))~~ quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on ~~((the department of corrections))~~ a felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and

~~((cancel))~~ suspend the voter registration from the official state voter registration list. The canceling authority shall send ~~((notice of the proposed cancellation))~~ to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.

(2) The right to vote may be restored by, for each felony conviction, one of the following:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Sec. 16. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, ~~((and))~~ the department of health, the Washington state patrol, and the office of the administrator for the courts. The computerized list may also be coordinated with the data bases of election officials in other states.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data bases to aid in the cancellation of voter registration of felons, of persons who have declined to serve on juries by virtue of not being citizens of the United States, and of persons determined to be legally incompetent to vote;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

(12) In order to maintain the statewide voter registration data base, the secretary of state may, upon agreement with other appropriate jurisdictions, screen against data bases maintained by election officials in other states and data bases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(13) The secretary of state shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(14) The secretary of state must review and update the records of all registered voters on the computerized list on a quarterly basis to make additions and corrections.

Sec. 17. RCW 29A.08.710 and 2004 c 267 s 133 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. ~~((The address and political~~

jurisdiction of a registered voter are available for public inspection and copying except as provided by chapter 40.24 RCW.) No other information from voter registration records or files is available for public inspection or copying.

Sec. 18. RCW 29A.08.720 and 2004 c 266 s 9 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the identity of the office at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) ~~((A)) Subject to the restrictions of RCW 29A.08.710, poll books ((or)), precinct lists, and current lists of registered voters((, except original voter registration forms or their images, shall be)) are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists ((or mailing labels)) of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists ((and labels)) shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.~~

Sec. 19. RCW 29A.08.740 and 2003 c 111 s 249 and 2003 c 53 s 176 are each reenacted and amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29A.08.720 ((or 29A.08.730)) for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, and is liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not an indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) Each person furnished data under RCW 29A.08.720 ((or 29A.08.730)) shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Sec. 20. RCW 29A.08.775 and 2004 c 267 s 136 are each amended to read as follows:

Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are ~~((drawn from))~~ the same as the official statewide voter registration list.

Sec. 21. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on

the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 22. RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a ~~(misdemeanor punishable under RCW 9A.20.021)~~ class C felony.

Sec. 23. RCW 46.20.118 and 1990 c 250 s 37 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration data base. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

Sec. 24. RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ~~((state))~~ ask the following:

~~("I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote.")~~

(1) "Are you a United States citizen?"

(2) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) RCW 29A.08.155 (Payment for maintenance of electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215; and

(2) RCW 29A.08.730 (Registration, voting--Furnishing data upon request--Cost--Use restricted) and 2003 c 111 s 248, 1994 c 57 s 6, & 1973 1st ex.s. c 111 s 3.

NEW SECTION. Sec. 26. This act takes effect January 1, 2006."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Kastama and Berkey; Representatives Haigh, Hunt and Nixon.

MOTION

Senator Kastama moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5743 be adopted.

Senator Kastama spoke in favor of the motion.

Senators Carrell and Roach spoke against the motion.

MOTION

On motion of Senator Mulliken, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Kastama that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5743 be adopted.

The motion by Senator Kastama carried and the Report of the Conference Committee was adopted by voice vote.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5743, as recommended by the Conference Committee.

Senator Kastama spoke in favor of final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5743, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler and Stevens - 18

Absent: Senator Zarelli - 1

ENGROSSED SUBSTITUTE SENATE Substitute Senate BILL NO. 5743, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Finkbeiner: "Thank you Mr. President, members of the Senate. You know down here we spend sometimes so much time debating issues and arguing things back and forth and obviously they can be very emotional sometimes and I think sometimes it's sort of easy to forget our humanity here. There's somebody here in the Senate who, in particular, who's going to be facing some very serious challenges over the next several months. It's somebody that I know that we all have a tremendous amount of respect for and love for. Somebody who's, personally, taught me just a great deal about life in general about how to be a good person. I think that I just wanted to stand up convey all the best wishes and prayers and love from all the Senate to Senator Oke as he goes forward over these next several months."

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. Adding my words to that of Senator Finkbeiner. I'd like to offer from my side of the aisle, first of all, our apologies for some of the tough schedules that we've put you through this session. But more than that our immense gratitude to Senator Oke because he has been a real inspiration to us. Truly, the way that he has greeted each day, so courageously. The way that his spirit has given us a sense of peace and a sense of, I'll tell you, inspiration to move forward and to try to get this session done on time. A lot of that has been because of you and because, I figure, if you can address what your addressing with such courage and grace, we should certainly do the same thing. So we also want to tell you, Bob, that we love you. And that we really appreciate everything that you've done for your constituents, for the state of Washington and also as part of this somewhat dysfunctional family that we in the Senate."

The President invited Senator Bob Oke to the bar of the Senate. On behalf of the Senate, Senators Finkbeiner and Brown presented a framed photograph of the Tacoma Narrows Bridge signed by all the members of the Senate.

REMARKS BY THE PRESIDENT

President Owen: "For those in the gallery who cannot see, the President will take a moment just to explain. This is an incredible picture of the Narrows bridge as it will look when the second bridge is in. For those of you who do not know, Senator Oke has been an incredible engineer on the effort to get this project done for the last several years. Senator Oke."

PERSONAL PRIVILEGE

Senator Oke: "Thank you, Mr. President. Somebody brought some Kleenex here, that's appropriate. Wow, I don't know what to say. I just wish my bride was standing there. I hope she's watching this. She's in the moving mode and she thinks we're coming back, though, next year. I pray that all of you have that strong faith.

I watched Senator Swecker yesterday shed some tears over many issues that he had in his life. We're all faced with challenges. I just know when I reached thirty-five, and Senator Hargrove knows where I'm coming from, the Lord completely changed my life. I was somebody that was down in the, if you will, the bottoms of this world and he picked me up and keeps bringing me up every day. I know that I've got some challenges in front of me but I know with yours prayers and the love I feel for all of you here that I'm going to make it through this one and I think I've got some years left in me. I do want to see that bridge one day, walk down the middle of it and, whether people or happy or unhappy, I know it's going to save a lot of lives. I know it's the right thing to do. I wish we were doing more projects like this throughout the state and not just talking about them. I guess I just want to, again, thank you. What a precious, precious day this is. One that I will remember forever. Just know that my love and respect is for this place. We've had some tough votes and sometimes I feel like I've been moving towards the other side

of the aisle, but I would love a vote again here to do away with tobacco sampling – actually more important than the bridge so... Mr. President, I know that we're not suppose to talk about the other body, but they've got another day and they could still pass that bill and then that would mean more than this."

PERSONAL PRIVILEGE

Senator Stevens: "I just wanted to add a word if I could. I think that the real toughest role in what Senator Oke is going through, is his wife. It is not easy for a wife to sit by and watch as a husband struggles. It is probably, how can say this, I've never been there, more difficult than what he is going through and I would just like to offer my condolences to Judy and what she must be feeling and I ask that you join me in giving her a round of applause."

PERSONAL PRIVILEGE

Senator Deccio: "I just want to add a quick word. A couple of years ago when Senator West discovered what his problem was, I gave him a little card that I carried around since I got out of the service. It's a prayer to St. Jude whose the advocate of the difficult and impossible. I gave that to Jim and when he was here the other day looking fit as a fiddle I said 'Hey, did St. Jude come through for you?' He said, 'He sure did.' He had a lapel jacket, he had a lapel St. Jude lapel, whatever. I gave the same thing to Senator Oke a few weeks ago and I know St. Jude has carried me through a lot of problems and I should not of being even considered. Bob, he's going to come forward for you too."

PERSONAL PRIVILEGE

Senator Swecker: "Well, I had a very personal story about Bob that I wanted to share. I wouldn't be here if it wasn't for Bob. It's kind of a funny story. My predecessor Neil Amondson resigned half way through his term and a good friend of mine Jim Zimmerman and Bob were out duck hunting and they were sitting in a duck blind and they were talking over who, oh it was pheasant, I'm sorry. Anyway they were hunting together and they were talking over who should be encouraged to run to replace Senator Amondson and they both came up my name. Now the really funny part is they called me and I wasn't home and they got my answering machine and they were like a couple of kids in a candy store. They were laughing and urging me to run and doing all kinds of things. It was a really remarkable story. I wish I could've saved that tape. It took me a whole day and a half to decide to run after that. So I'm here because of Bob and his mentorship and leadership has meant a great deal to me. Thank you, Bob."

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and allows for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:49 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1509, by House Committee on Finance (originally sponsored by Representatives Green, Conway, Orcutt, Appleton, Morrell, O'Brien, Lovick, McCoy, Kilmer, Kessler, McDermott, Campbell, Simpson, Hunt, Chase, P. Sullivan, Sells, Kirby, Kenney, Linville and Kagi)

Providing a property tax exemption to widows or widowers of honorably discharged veterans. Revised for 1st Substitute: Providing a property tax exemption to widows or widowers of members of the military.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A person is entitled to a property tax exemption in the form of a grant as provided in this chapter. The person is entitled to assistance for the payment of all or a portion of the amount of excess and regular real property taxes imposed on the person's residence in the year in which a claim is filed in accordance with the following:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income limits under RCW 84.36.381.

(2)(a) The person making the claim must be:

(I) Sixty-two years of age or older on December 31st of the year in which the claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability; and

(ii) A widow or widower of a veteran who:

(A) Died as a result of a service-connected disability;

(B) Was rated as one hundred percent disabled by the United States veterans' administration for the ten years prior to his or her death;

(C) Was a former prisoner of war as substantiated by the United States veterans' administration and was rated as one hundred percent disabled by the United States veterans' administration for one or more years prior to his or her death; or

(D) Died on active duty or in active training status as a member of the United States uniformed services, reserves, or national guard; and

(b) The person making the claim must not have remarried.

(3) The claimant must have a combined disposable income of forty thousand dollars or less.

(4) The claimant must have owned, at the time of filing, the residence on which the real property taxes have been imposed. For purposes of this subsection, a residence owned by cotenants shall be deemed to be owned by each cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) A person who otherwise qualifies under this section is entitled to assistance in an amount equal to regular and excess property taxes imposed on the difference between the value of the residence eligible for exemption under RCW 84.36.381(5) and:

(a) The first one hundred thousand dollars of assessed value of the residence for a person who has a combined disposable income of thirty thousand dollars or less;

(b) The first seventy-five thousand dollars of assessed value of the residence for a person who has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars; or

(c) The first fifty thousand dollars of assessed value of the residence for a person who has a combined disposable income of forty thousand dollars or less but greater than thirty-five thousand dollars.

(6) As used in this section:

(a) "Veteran" has the same meaning as provided under RCW 41.04.005.

(b) The meanings attributed in RCW 84.36.383 to the terms "residence," "combined disposable income," "disposable income," and "disability" apply equally to this section.

NEW SECTION. Sec. 2. (1) Each claimant applying for assistance under section 1 of this act shall file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department shall supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim shall designate the property to which the assistance applies and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim shall include proof of the claimant's age acceptable to the department.

(3) The following documentation shall be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

- (b) A copy of the applicant's certificate of marriage to the deceased;
- (c) A copy of the deceased veteran's death certificate; and
- (d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of section 1(2) of this act.

The department of veterans affairs shall assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

(4) The department shall determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board shall consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

NEW SECTION. Sec. 3. (1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form in duplicate, prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department shall send to each claimant who has been granted assistance for the previous year renewal forms and notice to renew.

NEW SECTION. Sec. 4. If the claimant is unable to make his or her own claim, it may be made by a duly authorized agent or by a guardian or other person charged with care of the person or property of the claimant.

NEW SECTION. Sec. 5. If the claimant receiving assistance under section 1 of this act ceases to reside permanently on the property for which the claim is made between the date of filing the declaration and December 15th of that year, the amount of assistance otherwise allowable under section 1 of this act shall not be allowed for that portion of the year in which the claimant was not qualified, and that amount shall constitute a lien on the property in favor of the state and shall have priority as provided in chapter 84.60 RCW until repaid to the department.

NEW SECTION. Sec. 6. (1) The department shall consult with the appropriate county assessors and county treasurers to determine the amount of assistance to which each claimant is eligible and the appropriate method of providing the assistance. The department shall pay, from amounts appropriated for this purpose, to the claimant, the claimant's mortgage company, or the county treasurer, as appropriate for each claimant, the amount of assistance to which the claimant is entitled under section 1 of this act.

(2) The department shall request in its biennial budget request an appropriation to satisfy its obligations under this section.

Sec. 7. RCW 82.03.130 and 1998 c 54 s 1 are each amended to read as follows:

(1) The board shall have jurisdiction to decide the following types of appeals:

(a) Appeals taken pursuant to RCW 82.03.190.

(b) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(c) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if filed with the board of tax appeals within thirty days after the mailing of the order, the right to such an appeal being hereby established.

(d) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 and 84.16 RCW, if filed with the board of tax appeals within thirty days after mailing of the determination, the right to such appeal being hereby established.

(e) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075: PROVIDED, That

(I) Said appeal be filed after review of the ratio under RCW 84.48.075(3) and not later than fifteen days after the mailing of the certification; and

(ii) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

(f) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210.

(g) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060.

(h) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065.

(I) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091.

(j) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850.

(k) Appeals pursuant to RCW 84.40.038(3).

(l) Appeals pursuant to section 2 of this act.

(2) Except as otherwise specifically provided by law hereafter, the provisions of RCW 1.12.070 shall apply to all notices of appeal filed with the board of tax appeals.

NEW SECTION. Sec. 8. (1) The sum of ninety-three thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal year ending June 30, 2006, to carry out the purposes of this act.

(2) The sum of one hundred eighty-three thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal year ending June 30, 2007, to carry out the purposes of this act.

NEW SECTION. Sec. 9. This act applies to taxes levied for collection in 2006 and thereafter.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act constitute a new chapter in Title 84 RCW."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1509.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 2 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 82.03.130; adding a new chapter to Title 84 RCW; creating a new section; and making appropriations."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1509, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Hewitt, Rasmussen and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1509, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1509, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 44

Absent: Senators Johnson, Kline, McCaslin, Schoesler and Weinstein - 5

SUBSTITUTE HOUSE BILL NO. 1509, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6129, by Senators Poulsen and Morton

Promoting renewable energy.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following amendment by Senators Poulsen and Morton be adopted.

On page 8, line 19, after "(7)" insert "A person claiming credit under chapter 82.62 RCW or RCW 82.04.448 cannot claim a credit under this section.

(8)"

Senator Poulsen spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Hewitt, Senators McCaslin, Weinstein and Kline were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Poulsen and Morton on page 8, after "(17)" to Senate Bill No. 6129.

The motion by Senator Poulsen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6129 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

ENGROSSED SENATE BILL NO. 6129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2289, by House Committee on Appropriations (originally sponsored by Representatives Sommers and Cody)

Relating to hospital efficiencies. Revised for 1st Substitute: Limiting hospital participation for medical assistance programs.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Thibaudeau spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2289.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2289 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 31

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Esser, Finkbeiner, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon and Swecker - 17

Absent: Senator Stevens - 1

SUBSTITUTE HOUSE BILL NO. 2289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1019, by Representatives Campbell, Kirby, McCune, Clements, Wood, Hudgins, Simpson, Green, Morrell, Conway, P. Sullivan, Linville, B. Sullivan, McDonald, Lovick, Dunn, Chase and Ormsby

Providing a property tax exemption to veterans with severe disabilities.

The measure was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Zarelli be adopted.

On page 1, beginning on line 15, strike all of Section 2 and insert the following:

"Sec. 2. RCW 84.36.381 and 2004 c 270 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital, nursing home, boarding home, or adult family home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, boarding home, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be (a) sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability, or (b) a veteran of the armed forces of the United States with one hundred percent service connected disability as provided in 42 U.S.C. Sec. 423 (d)(1)(A) as amended prior to January 1, 2005. (~~(-PROVIDED, That any-)~~) However, any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less but greater than twenty-five thousand dollars shall be exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of twenty-five thousand dollars or less shall be exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6) For a person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less, the valuation of the residence shall be the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made."

Strike all of section 3.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Fraser and Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Zarelli on page 1, line 15 to House Bill No. 1019.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, on line 3 of the title, after "84.36.379" strike "84.36.381, and 84.36.383", insert "and 84.36.381"

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1019, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 1019, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1019, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Doumit and Stevens - 2

HOUSE BILL NO. 1019, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2304, by House Committee on Appropriations (originally sponsored by Representatives Sommers, McCoy and Williams)

Recovering debts owed to the state for medical assistance.

The measure was read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20B RCW to read as follows:

(1) When an individual receives medical assistance subject to recovery under this chapter and the individual is the holder of record title to real property or the purchaser under a land sale contract, the department of social and health services may present to the county auditor for recording in the deed and mortgage records of a county a request for notice of transfer or encumbrance of the real property. The department shall adopt a rule providing prior notice and hearing rights to the record title holder or purchaser under a land sale contract.

(2) The department shall present to the county auditor for recording a termination of request for notice of transfer or encumbrance when, in the judgment of the department, it is no longer necessary or appropriate for the department to monitor transfers or encumbrances related to the real property.

(3) The department shall adopt by rule a form for the request for notice of transfer or encumbrance and the termination of request for notice of transfer or encumbrance that, at a minimum:

(a) Contains the name of the public assistance recipient and a departmental case identifier or other appropriate information that links the individual who is the holder of record title to real property or the purchaser under a land sale contract to the individual's public assistance records;

(b) Contains the legal description of the real property;

(c) Contains a mailing address for the department to receive the notice of transfer or encumbrance; and

(d) Complies with the requirements for recording in RCW 36.18.010 for those forms intended to be recorded.

(4) The department shall pay the recording fee required by the county clerk under RCW 36.18.010.

(5) The request for notice of transfer or encumbrance described in this section does not affect title to real property and is not a lien on, encumbrance of, or other interest in the real property.

NEW SECTION. Sec. 2. A new section is added to chapter 64.04 RCW to read as follows:

(1) If the department of social and health services has filed a request for notice of transfer or encumbrance under section 1 of this act:

(a) A title insurance company or agent that discovers the presence of a request for notice of transfer or encumbrance when performing a title search on real property shall disclose the presence of the request for notice of transfer or encumbrance in any report preliminary to, or any commitment to offer, a certificate of title insurance for the real property; and

(b) Any individual who transfers or encumbers real property shall provide the department of social and health services with a notice of transfer or encumbrance. The department of social and health services shall adopt by rule a model form for notice of transfer or encumbrance to be used by a purchaser or lender when notifying the department.

(2) If the department of social and health services has caused to be recorded a termination of request for notice of transfer or encumbrance in the deed and mortgage records under section 1 of this act, an individual transferring or encumbering the real property is not required to provide the notice of transfer or encumbrance required by subsection (1)(b) of this section.

Sec. 3. RCW 65.04.050 and 1996 c 143 s 4 are each amended to read as follows:

Every auditor or recording officer must keep a general index, direct and inverted. The index may be either printed on paper or produced on microfilm or microfiche, or it can be created from a computerized data base and displayed on a video display terminal. Any reference to a prior record location number may be entered in the remarks column. Any property legal description contained in the instrument must be entered in the description of property column of the general index. The direct index shall be divided into eight columns, and with heads to the respective columns, as follows: Date of reception, grantor, grantee, nature of instrument, volume and page where recorded and/or the auditor's file number, remarks, description of property, assessor's property tax parcel or account number. The auditor or recording officer shall correctly enter in such index every instrument concerning or affecting real estate which by law is required to be recorded, the names of grantors being in alphabetical order. The inverted index shall also be divided into eight columns, precisely similar, except that "grantee" shall occupy the second column and "grantor" the third, the names of grantees being in alphabetical order. The auditor or recording officer may combine the direct and indirect indexes into a single index if it contains all the information required to be contained in the separate direct and indirect indexes and the names of all grantors and grantees can be found by a person searching the combined index. For the purposes of this chapter, the term "grantor" means any person conveying or encumbering the title to any property, or any person against whom any lis pendens, judgment, notice of lien, order of sale, execution, writ of attachment, ((~~or~~)) claims of separate or community property, or notice for request of transfer or encumbrance under section 1 of this act shall be placed on

record. The auditor or recording officer shall also enter in the general index, the name of the party or parties platting a town, village, or addition in the column prescribed for "grantors," describing the grantee in such case as "the public." However, the auditor or recording officer shall not receive or record any such plat or map until it has been approved by the mayor and common council of the municipality in which the property so platted is situated, or if the property be not situated within any municipal corporation, then the plat must be first approved by the county legislative authority. The auditor or recording officer shall not receive for record any plat, map, or subdivision of land bearing a name the same or similar to the name of any map or plat already on record in the office. The auditor or recording officer may establish a name reservation system to preclude the possibility of duplication of names.

Sec. 4. RCW 6.13.080 and 1993 c 200 s 4 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, materialmen's or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance; ((€))

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p; or

(6) On debts secured by a condominium's or homeowner association's lien. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the time an association complies with the notice provisions under this subsection.

Sec. 5. RCW 43.20B.030 and 2003 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, including subsection (2) of this section, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2) There will be no collection of debts due the department after the expiration of twenty years from the date a lien is recorded pursuant to RCW 43.20B.080.

(3) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

Sec. 6. RCW 43.20B.080 and 1999 c 354 s 2 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p. The department shall adopt a rule providing for prior notice and hearing rights to the record title holder or purchaser under a land sale contract.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(6) A lien authorized under ~~((subsections (1) through (5) of))~~ this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date or date of recording, whichever is earlier.

(7) The department may enforce a lien authorized under this section against a decedent's life estate or joint tenancy interest in real property held by the decedent immediately prior to his or her death. Such a lien enforced under this subsection shall not end and shall continue as provided in this subsection until the department's lien has been satisfied.

(a) The value of the life estate subject to the lien shall be the value of the decedent's interest in the property subject to the life estate immediately prior to the decedent's death.

(b) The value of the joint tenancy interest subject to the lien shall be the value of the decedent's fractional interest the recipient would have owned in the jointly held interest in the property had the recipient and the surviving joint tenants held title to the property as tenants in common on the date of the recipient's death.

(c) The department may not enforce the lien provided by this subsection against a bona fide purchaser or encumbrancer that obtains an interest in the property after the death of the recipient and before the department records either its lien or the request for notice of transfer or encumbrance as provided by section 1 of this act.

(d) The department may not enforce a lien provided by this subsection against any property right that vested prior to July 1, 2005.

(8)(a) Subject to the requirements of 42 U.S.C. Sec. 1396p(a) and the conditions of this subsection (8), the department is authorized to file a lien against the property of an individual prior to his or her death, and to seek adjustment and recovery from the individual's estate or sale of the property subject to the lien, if:

(i) The individual is an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution; and

(ii) The department has determined after notice and opportunity for a hearing that the individual cannot reasonably be expected to be discharged from the medical institution and to return home.

(b) If the individual is discharged from the medical facility and returns home, the department shall dissolve the lien.

(9) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

~~((8))~~ (10) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

~~((9))~~ (11) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

~~((10) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long term care.))"~~

Senator Prentice spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Brandland, Senators Doumit, Stevens and Mulliken were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute House Bill No. 2304.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "debts;" strike the remainder of the title and insert "amending RCW 65.04.050, 6.13.080, 43.20B.030, and 43.20B.080; adding a new section to chapter 43.20B RCW; and adding a new section to chapter 64.04 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2304, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Prentice spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2304, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2304, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Esser, Honeyford, Johnson, McCaslin, Morton, Pflug, Roach, Schoesler and Swecker - 9

SUBSTITUTE HOUSE BILL NO. 2304, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hunt, Jarrett, Morrell, McDonald, Pettigrew, Hasegawa, Eickmeyer, Clibborn, Simpson and Ericks)

Regarding alternative public works contracting procedures. Revised for 1st Substitute: Establishing an independent oversight committee on traditional and alternative public works contracting procedures. (REVISED FOR ENGROSSED: Establishing the capital projects review board.)

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.10 RCW to read as follows:

(1) The capital projects advisory review board is created in the department of general administration to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to alternative public works delivery methods.

(2)(a) The capital projects advisory review board shall consist of the following members appointed by the governor: One representative from construction general contracting; one representative from the design industries; two representatives from construction specialty subcontracting; one representative from a construction trades labor organization; one representative from the office of minority and women's business enterprises; one representative from a higher education institution; one representative from the department of general administration; and one representative of a domestic insurer authorized to write surety bonds for contractors in Washington state. All appointed members must be actively engaged in or authorized to use alternative public works contracting procedures.

(b) Two members shall be at-large positions representing local public owners. The two at-large positions shall serve on a rotating basis to be determined and appointed by the association of Washington cities, the Washington state association of counties, and the Washington public ports association.

(c) One member shall be a member of the public hospital district project review board, selected by that board, who shall be nonvoting.

(d) One member shall be a member of the school district project review board, selected by that board, who shall be nonvoting.

(e) The advisory review board shall include two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by the president of the senate. Legislative members are nonvoting.

(3) Members selected under subsection (2)(a) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, four members shall serve four-year terms, four members shall serve three-year terms, and three members shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(4) The capital projects advisory review board chair is selected from among the appointed members by the majority vote of the voting members.

(5) Legislative members of the capital projects advisory review board shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the capital projects advisory review board, including any subcommittee members, except those representing an employer or organization, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) If a vacancy occurs of the appointive members of the board, the governor shall fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(7) The capital projects advisory review board shall convene as soon as practical after July 1, 2005, and may meet as often as necessary thereafter.

(8) Capital projects advisory review board members are expected to consistently attend review board meetings. The chair of the capital projects advisory review board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

(9) The department of general administration shall provide staff support as may be required for the proper discharge of the function of the capital projects advisory review board.

(10) The capital projects advisory review board may establish subcommittees as it desires and may invite nonmembers of the capital projects advisory review board to serve as committee members.

(11) The board shall encourage participation from persons and entities not represented on the capital projects advisory review board.

NEW SECTION. Sec. 2. A new section is added to chapter 39.10 RCW to read as follows:

The capital projects advisory review board has the following powers and duties:

(1) Develop and recommend to the legislature criteria that may be used to determine effective and feasible use of alternative contracting procedures;

(2) Develop and recommend to the legislature qualification standards for general contractors bidding on alternative public works projects;

(3) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(4) Evaluate the potential future use of other alternative contracting procedures including competitive negotiation contracts.

NEW SECTION. Sec. 3. A new section is added to chapter 39.10 RCW to read as follows:

Notwithstanding any other provision of law, and after complying with RCW 39.10.030, any city that: (1) is located in a county authorized under this chapter to use alternative public works procedures or is located in a county that is a member of the Puget Sound regional council; (2) reports in the state auditor's local government financial reporting system combined general fund, special revenue, debt service, capital projects, and enterprise funds revenues that exceed sixty million dollars; and (3) has a population greater than twenty-five thousand but less than forty-five thousand, is authorized to use the general contractor/construction manager or design-build procedure for one demonstration project valued over ten million dollars.

All contracts authorized under this section must be entered into before March 1, 2006.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, sections 1 and 2 of this act are null and void."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Roach, Senator Deccio was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1830.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "procedures;" strike the remainder of the title and insert "adding new sections to chapter 39.10 RCW; and creating a new section."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1830, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1830, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1830, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Doumit - 1

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, by House Committee on Appropriations (originally sponsored by Representative Linville)

Modifying water right fees.

The measure was read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 5, line 6, after "required" insert "except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam"

Senators Morton and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 5, line 6 to Engrossed Substitute House Bill No. 2309.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2309, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2309, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2309, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1240, by House Committee on Finance (originally sponsored by Representatives Kessler and DeBolt)

Funding the development of an automated system to process real estate excise taxes.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Second Substitute House Bill No. 1240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1240.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1240 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senator Deccio - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2170, by Representatives Springer, Dunshee, Clibborn and Morrell

Concerning proceeds from the real estate excise tax.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2170.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2170 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Finkbeiner, Johnson, McCaslin, Morton, Oke, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Excused: Senator Deccio - 1

HOUSE BILL NO. 2170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441, by House Committee on Appropriations (originally sponsored by Representatives Clibborn, Morrell, Campbell, Cody, Tom, Moeller, Schual-Berke, Wallace, Grant, Williams, Lovick, Ormsby, Chase, Kessler, Kagi, Hunt, Appleton, Darneille, Upthegrove, Sells, Roberts, Conway, Miloscia, Fromhold, P. Sullivan, Santos, Takko, Green, Wood, Simpson, Hasegawa and Dickerson)

Providing access to health insurance for children.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland, Rasmussen, Hargrove and Sheldon be adopted.

On page 1, line 10, after "coverage", insert "and access to the care of physicians"

On page 1, line 11, after "coverage", insert "and access to such care"

On page 2, line 14, after "state." insert "The legislature intends that this shall also be accomplished by providing tax credits to physicians who serve uninsured or low income children receiving state-purchased care."

On page 2, after line 17, insert the following:

"(3) It is also the intent of the legislature that the department of health shall develop, in consultation with the department of revenue, the department of social and health services, and the health care authority, a program to provide business and occupation tax credits for physicians who serve uninsured, or low income children receiving state-purchased care in a private practice and shall submit proposed legislation to the legislature by December 15, 2005."

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Brandland, the amendment by Senators Brandland, Rasmussen, Hargrove and Sheldon on page 1, line 10 to Engrossed Second Substitute House Bill No. 1441 was withdrawn.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1441 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 28

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 21

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044, by House Committee on Appropriations (originally sponsored by Representative Sommers)

Changing pension funding methodology.

The measure was read the second time.

MOTION

Senator Deccio moved that the following striking amendment by Senator Deccio be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that returns on the investment of retirement plan assets are volatile, and market volatility is reflected in variations in the funded status of the state retirement plans over time. The legislature also recognizes that the long-term liability in the plans 1 of the public employees' retirement system and the teachers' retirement system remains independent from short-term investment returns in the market. The legislature seeks to avoid contribution rate volatility that may unfairly benefit or burden particular groups of taxpayers with disproportionate responsibilities for retiring the unfunded liability in the plans 1. Therefore, it is the intent of the legislature to provide for the systematic payment of the plans 1 unfunded liability in a manner that promotes contribution rate adequacy and stability for the affected systems over time.

NEW SECTION. Sec. 2. A new section is added to chapter 41.45 RCW to read as follows:

(1) There shall be no suspension of those portions of the basic state and employer contribution rates that are necessary to pay for the unfunded actuarial accrued liability for plan 1 of the public employees' retirement system for the following periods: From July 1, 2005, through June 30, 2009, for the public employees' retirement system; from July 1, 2006, through June 30, 2009, for the public safety employees' retirement system; and from September 1, 2005, through August 31, 2009, for the school employees' retirement system.

(2) There shall be no suspension of those portions of the basic state and employer contribution rates that are necessary to pay for the unfunded actuarial accrued liability for plan 1 of the teachers' retirement system for the period beginning September 1, 2005, and ending August 31, 2009.

NEW SECTION. Sec. 3. A new section is added to chapter 41.45 RCW to read as follows:

(1) Beginning July 1, 2009, a minimum 2.75 percent contribution is established as part of the basic state and employer contribution rate for the public employees' retirement system, to be used for the sole purpose of amortizing the unfunded actuarial accrued liability in the public employees' retirement system plan 1. This minimum contribution rate shall remain effective until the actuarial value of assets equals one hundred twenty-five percent of the actuarial accrued liability or June 30, 2024, whichever comes first.

(2) Beginning July 1, 2009, a minimum 2.75 percent contribution is established as part of the basic state and employer contribution rate for the public safety employees' retirement system, to be used for the sole purpose of amortizing the unfunded actuarial accrued liability in the public employees' retirement system plan 1. This minimum contribution rate shall remain effective until the actuarial value of assets equals one hundred twenty-five percent of the actuarial accrued liability for the public employees' retirement system plan 1 or June 30, 2024, whichever comes first.

(3) Beginning September 1, 2009, a minimum 2.75 percent contribution is established as part of the basic state and employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing the unfunded actuarial accrued liability in the public employees' retirement system plan 1. This minimum contribution rate shall

remain effective until the actuarial value of assets equals one hundred twenty-five percent of the actuarial accrued liability for the public employees' retirement system plan 1 or June 30, 2024, whichever comes first.

(4) Beginning September 1, 2009, a minimum 5.00 percent contribution is established as part of the basic state and employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing the unfunded actuarial accrued liability in the teachers' retirement system plan 1. This minimum contribution rate shall remain effective until the actuarial value of assets equals one hundred twenty-five percent of the actuarial accrued liability for the teachers' retirement system plan 1 or June 30, 2024, whichever comes first.

(5) The minimum contribution rates for amortizing the unfunded liability in the plans 1 may exceed, but shall not drop below those specified in this section. Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of the minimum contribution rates and recommend to the legislature any adjustments as may be needed due to material changes in benefits or actuarial assumptions, methods, or experience.

Sec. 4. RCW 41.31.020 and 1998 c 340 s 2 are each amended to read as follows:

~~((1) The gain sharing increase amount shall be the amount of increase, rounded to the nearest cent, that can be fully funded in actuarial present value by the amount of extraordinary investment gains, if any.))~~ The amount of extraordinary investment gains shall be calculated as follows:

~~((a) One half of))~~ (1) The sum of the value of the net assets held in trust for pension benefits in the teachers' retirement system plan 1 fund and the public employees' retirement system plan 1 fund at the close of the previous state fiscal year;

~~((b))~~ (2) Multiplied by the amount which the compound average of investment returns on those assets over the previous four state fiscal years exceeds ten percent.

~~((2) The gain sharing increase amount for July 1998, as provided for in RCW 41.31.010, is ten cents.))~~

Sec. 5. RCW 41.45.060 and 2003 c 294 s 10 and 2003 c 92 s 3 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted by the council under RCW 41.45.030 or 41.45.035.

(2) Not later than September 30, 2002, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding both that system and the public employees' retirement system plan 1.

The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 not later than June 30, 2024, except as provided in subsection (5) of this section; and

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate and a Washington state patrol retirement system contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((6))~~ (7) The director of the department of retirement systems shall collect the rates established in RCW 41.45.053 through June 30, 2003. Thereafter, the director shall collect those rates adopted by the council. The rates established in RCW 41.45.053, or by the council, shall be subject to revision by the council.

Sec. 6. RCW 41.45.060 and 2004 c 242 s 39 are each amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted by the council under RCW 41.45.030 or 41.45.035.

(2) Not later than September 30, 2002, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 not later than June 30, 2024, except as provided in subsection (5) of this section; and

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate and a Washington state patrol retirement system contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

~~(6)~~ The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((6))~~ ~~(7)~~ The director shall collect those rates adopted by the council. The rates established in RCW 41.45.054, or by the council, shall be subject to revision by the legislature.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 41.31.010 (Annual pension increases--Increased by gain-sharing increase amount) and 1998 c 340 s 1;

(2) RCW 41.31A.010 (Definitions) and 2000 c 247 s 407 & 1998 c 341 s 311;

(3) RCW 41.31A.020 (Extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 2003 c 294 s 4, 2000 c 247 s 408, & 1998 c 341 s 312;

(4) RCW 41.31A.030 (Retroactive extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 1998 c 341 s 313; and

(5) RCW 41.31A.040 (Retroactive extraordinary investment gain--Credited to member accounts--Persons eligible--Calculation of amount--Contractual right not granted) and 2000 c 247 s 409.

NEW SECTION. Sec. 8. (1) Section 3 of this act takes effect July 1, 2009.

(2) Section 6 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 9. Section 5 of this act expires July 1, 2006.

NEW SECTION. Sec. 10. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

On page 1, line 1 of the title, after "methodology;" strike the remainder of the title and insert "amending RCW 41.31.020 and 41.45.060; reenacting and amending RCW 41.45.060; adding new sections to chapter 41.45 RCW; creating a new section; repealing RCW 41.31.010, 41.31A.010, 41.31A.020, 41.31A.030, and 41.31A.040; providing effective dates; providing an expiration date; and declaring an emergency."

Senators Deccio and Zarelli spoke in favor of adoption of the striking amendment.

Senators Fraser and Doumit spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Deccio to Engrossed Substitute House Bill No. 1044.

The motion by Senator Deccio failed and the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Fraser spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1044.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1044 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Vote: Yeas: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 23

Absent: Senator Morton - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5610,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5952.

MESSAGE FROM THE HOUSE

April 16, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581, with the following amendments{s}

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE DECLARATION. The legislature declares that promoting the health of state residents is a fundamental purpose of state government. The legislature declares it to be a clear public purpose and governmental function to promote life sciences research to foster a preventive and predictive vision of the next generation of health-related innovations, to enhance the competitive position of Washington state in this vital sector of the economy, and to improve the quality and delivery of health care for the people of Washington. The legislature finds that public support for and promotion of life sciences research will benefit the state and its residents through improved health status and health outcomes, economic development, and contributions to scientific knowledge, and such research will lead to breakthroughs and improvements that might not otherwise be discovered due to lack of existing market incentives, especially in the area of regenerative medicine. The legislature finds that public support for and promotion of life sciences research has the potential to provide cures or new treatments for many debilitating diseases that cost the state millions of dollars each year. It is appropriate and consistent with the intent of the master settlement agreement between the state and tobacco product manufacturers to invest a portion of the revenues derived therefrom by the state in life sciences research, to leverage the revenues with other funds, and to encourage cooperation and innovation among public and private institutions involved in life sciences research. The purpose of this chapter is to establish a life sciences discovery fund authority, to grant that authority the power to contract with the state to receive revenues under the master settlement agreement, and to contract with other entities to receive other funds, and to disburse those funds consistent with the purpose of this chapter. The life sciences discovery fund is intended to promote the best available research in life sciences disciplines through diverse Washington institutions and to build upon existing strengths in the area of biosciences and biomanufacturing in order to spread the economic benefits across the state. The life sciences discovery fund is also intended to foster improved health care outcomes and improved agricultural production research across this state and the world. The research investments of the life sciences discovery fund are intended to further the goals of the "Bio 21" report and to support future statewide, comprehensive strategies to lead the nation in life sciences-related research and employment.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Authority" means the life sciences discovery fund authority created in this chapter.
- (2) "Board" means the governing board of trustees of the authority.
- (3) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees to provide to the authority contributions for the purpose of promoting life sciences research.
- (4) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.
- (5) "Master settlement agreement" means the national master settlement agreement and related documents entered into on November 23, 1998, by the state and the four principal United States tobacco product manufacturers, as amended and supplemented, for the settlement of litigation brought by the state against the tobacco product manufacturers.

(6) "Public employee" means any person employed by the state of Washington or any agency or political subdivision thereof.

(7) "Public facilities" means any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Washington or any agency or political subdivision thereof.

(8) "Public funds" means any funds received or controlled by the state of Washington or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

(9) "State agreement" means the agreement authorized under this chapter in which the state provides to the authority the strategic contribution payments required to be made by tobacco product manufacturers to the state and the state's rights to receive such payments, pursuant to the master settlement agreement, for the purpose of promoting life sciences research.

(10) "Strategic contribution payments" means the payments designated as such under the master settlement agreement, which will be made to the state in the years 2008 through 2017.

NEW SECTION. Sec. 3. LIFE SCIENCES DISCOVERY FUND AUTHORITY--ESTABLISHED. (1) The life sciences discovery fund authority is created and constitutes a public instrumentality and agency of the state, separate and distinct from the state, exercising public and essential governmental functions.

(2) The powers of the authority are vested in and shall be exercised by a board of trustees consisting of: Two members of either the house appropriations committee or the house committee dealing with technology issues, one from each caucus, to be appointed by the speaker of the house of representatives; two members of either the senate committee on ways and means or the senate committee dealing with technology issues, one from each caucus, to be appointed by the president of the senate; and seven members appointed by the governor with the consent of the senate, one of whom shall be appointed by the governor as chair of the authority and who shall serve on the board and as chair of the authority at the pleasure of the governor. The respective officials shall make the initial appointments no later than thirty days after the effective date of this section. The term of the trustees, other than the chair, is four years from the date of their appointment, except that the terms of three of the initial gubernatorial appointees, as determined by the governor, are for two years from the date of their appointment. A trustee appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080. The appropriate official shall fill any vacancy on the board by appointment for the remainder of the unexpired term. The trustees appointed by the governor shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter, subject to RCW 43.03.050 and 43.03.060. The trustees who are legislators shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(3) Seven members of the board constitute a quorum.

(4) The trustees shall elect a treasurer and secretary annually, and other officers as the trustees determine necessary, and may adopt bylaws or rules for their own government.

(5) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the trustees so requests. Meetings of the board may be held at any location within or out of the state, and trustees may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

(6) The authority is subject to audit by the state auditor.

(7) The attorney general must advise the authority and represent it in all legal proceedings.

NEW SECTION. Sec. 4. SPECIAL TRUST POWERS. In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the authority for this purpose shall be deposited in the life sciences discovery fund created in section 8 of this act;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements shall specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

NEW SECTION. Sec. 5. GENERAL POWERS--RESTRICTIONS. The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers. In addition to other powers specified in this chapter, the authority may: (1) Sue and be sued in its own name; (2) make and execute agreements, contracts, and other instruments, with any public or private person or entity, in accordance with this chapter; (3) employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter; (4) establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter; (5) enter into contracts with public and private entities for life sciences research to be conducted in the state; (6) adopt rules, consistent with this chapter; (7) delegate any of its powers and duties if consistent with the purposes of this chapter; (8) exercise any other power reasonably required to implement the purposes of this chapter; and (9) hire staff and pay administrative costs.

NEW SECTION. Sec. 6. LIMITATION OF LIABILITY. Members of the board and persons acting on behalf of the authority, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter. Neither the state nor the authority is liable for any loss, damage, harm, or other consequence resulting directly or indirectly from grants made by the authority or by any life sciences research funded by such grants.

NEW SECTION. Sec. 7. DISSOLUTION OF THE AUTHORITY. The authority may petition the legislature to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be distributed to one or more similar entities approved by the legislature. The legislature reserves the right to dissolve the authority after its contractual obligations to its funders and grant recipients have expired.

NEW SECTION. Sec. 8. LIFE SCIENCES DISCOVERY FUND. The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to section 4 of this act, moneys received from gifts, grants, and bequests, and interest earned on the fund.

NEW SECTION. Sec. 9. By December 1, 2005, the executive director of the life sciences discovery fund authority shall explore and make recommendations to the legislature regarding the potential for the state to receive royalty income and direct it to the higher education legacy trust fund.

NEW SECTION. Sec. 10. By December 1, 2006, the executive director of the life sciences discovery fund shall provide a report to the legislature on the anticipated return on investment to the state from the investment of public funds in the life sciences discovery fund, including potential job growth, royalty income, intellectual property rights, and other significant long-term benefits to the state.

NEW SECTION. Sec. 11. A new section is added to chapter 82.04 RCW to read as follows:

BUSINESS AND OCCUPATION TAX EXEMPTION. This chapter does not apply to income received by the life sciences discovery fund authority under chapter 43.-- RCW (sections 1 through 8 of this act).

Sec. 12. RCW 43.79.480 and 2002 c 365 s 15 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in section 2 of this act to the life sciences discovery fund created in section 8 of this act.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

Sec. 13. RCW 42.30.110 and 2003 c 277 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter does not apply to employees of the life sciences discovery fund authority under chapter 43.-- RCW (sections 1 through 8 of this act).

Sec. 15. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sess.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.-- RCW (sections 1 through 8 of this act), to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 16. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.-- RCW (sections 1 through 8 of this act), to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 17. RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the ~~((chairman))~~ chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence

review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 18. RCW 43.79A.040 and 2004 c 246 s 8 and 2004 c 58 s 10 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, (~~and~~) the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 19.** CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 20.** LIBERAL CONSTRUCTION. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed.

NEW SECTION. Sec. 21. CODIFICATION. Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 22. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. EXPIRATION DATES. Section 15 of this act expires June 30, 2005.

NEW SECTION. Sec. 24. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 16 of this act, which takes effect June 30, 2005."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5581.

Senator Zarelli moved that the Senate do not concur and that the Senate insist on its position to Engrossed Second Substitute Senate Bill No. 5581.

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, the motion to concur is of higher rank."

Senator Zarelli spoke against the motion by Senator Kohl-Welles.
Senators Kohl-Welles and Brown spoke in favor of the motion.

POINT OF INQUIRY

Senator Benton: "Will the gentle lady from the Thirty-sixth District yield to a question?"
Senator Kohl-Welles: "No, I will not."

Senators Benton, Schoesler, Pflug, Parlette, Hargrove and Mulliken spoke against the motion.

MOTION

Senator Jacobsen demanded that the previous question be put.
The President declared that at least two additional senators joined the demand and the demand was sustained.
The President declared the question before the Senate to be, "Shall the main question be now put?"
The motion by Senator Jacobsen that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5581.

MOTION

A division was demanded.
The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5581 by a rising voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5581, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5581, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Doumit, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 24

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5177, with the following amendments{s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.73 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization that is of statewide or regional significance. A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.

Sec. 2. RCW 36.73.010 and 1987 c 327 s 1 are each amended to read as follows:

The legislature finds that the citizens of the state can benefit by cooperation of the public and private sectors in addressing transportation needs. This cooperation can be fostered through enhanced capability for cities, towns, and counties to make and fund transportation improvements necessitated by economic development and to improve the performance of the transportation system.

It is the intent of the legislature to encourage joint efforts by the state, local governments, and the private sector to respond to the need for those transportation improvements on state highways, county roads, and city streets. This goal can be better achieved by allowing cities, towns, and counties to establish transportation benefit districts in order to respond to the special transportation needs and economic opportunities resulting from private sector development for the public good. The legislature also seeks to facilitate the equitable participation of private developers whose developments may generate the need for those improvements in the improvement costs.

Sec. 3. RCW 36.73.020 and 1989 c 53 s 1 are each amended to read as follows:

(1) The legislative authority of a county or city may establish ((one or more)) a transportation benefit district((s)) within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding ((any city street, county road, or state highway)) a transportation improvement within the district that is ((+)) consistent with any existing state, regional, and local transportation plans((-(2))) and necessitated by existing or reasonably foreseeable congestion levels ((attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions)). ((Such)) The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway((and all such)). However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, ((and)) highways, and transportation improvements. ((The district may not include any area within the corporate limits of a city unless the city legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such powers as may be granted to the benefit district.)) To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time; and
- (i) Other criteria, as adopted by the governing body.

(2) The district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district shall include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the ((county)) legislative authority ~~proposing to establish the district~~, acting ex officio and independently, shall ~~((compose)) constitute~~ the governing body of the district: PROVIDED, That where a ~~((transportation benefit))~~ district includes ~~((any portion of an incorporated city, town, or another county, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW))~~ area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The ((county)) treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district. ~~((For purposes of this section, the term "city" means both cities and towns.))~~

Sec. 4. RCW 36.73.040 and 1989 c 53 s 3 are each amended to read as follows:

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district ~~((shall))~~ apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of section 17 of this act, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with section 15 of this act;

(b) A vehicle fee in accordance with section 16 of this act;

(c) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(d) Vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls authorized on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose, only with approval of the transportation commission, or its successor, the tolls in amounts sufficient to implement the district's transportation improvement plan.

Sec. 5. RCW 36.73.050 and 1987 c 327 s 5 are each amended to read as follows:

(1) ~~((A city or county))~~ The legislative ~~((authority))~~ authorities proposing to establish a ~~((transportation benefit))~~ district, or to modify the boundaries of an existing district, or to dissolve an existing district~~((s))~~ shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. Subject to the provisions of section 19 of this act, the legislative ~~((authority))~~ authorities shall make provision for a district to be automatically dissolved when all indebtedness of the district has been retired and anticipated responsibilities have been satisfied. This notice shall be in addition to any other notice required by law to be published. The notice shall, where applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the district. Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the ~~((city or county))~~ legislative ~~((authority deems))~~ authorities deem necessary to notify affected persons. All hearings shall be public and the ~~((city or county))~~ legislative ~~((authority))~~ authorities shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the district.

(2) Following the hearing held pursuant to subsection (1) of this section, the ~~((city or county))~~ legislative ~~((authority))~~ authorities may establish a ~~((transportation benefit))~~ district, modify the boundaries or functions of an existing district, or dissolve an existing district, if the ~~((city or county))~~ legislative ~~((authority finds))~~ authorities find the action to be in the public interest and ~~((adopts))~~ adopt an ordinance providing for the action. The ordinance establishing a district shall specify the functions or

activities to be exercised or funded and establish the boundaries of the district. ~~((A district shall include only those areas which can reasonably be expected to benefit from improvements to be funded by the district.))~~ Subject to the provisions of section 18 of this act, functions or activities proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or activities proposed to be provided or funded.

~~((3) At any time before the city or county legislative authority establishes a transportation benefit district pursuant to this section, all further proceedings shall be terminated upon the filing of a verified declaration of termination signed by the owners of real property consisting of at least sixty percent of the assessed valuation in the proposed district.))~~

Sec. 6. RCW 36.73.060 and 1987 c 327 s 6 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may levy an ad valorem property tax in excess of the one percent limitation upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 7. RCW 36.73.070 and 1987 c 327 s 7 are each amended to read as follows:

(1) To carry out the purposes of this chapter and notwithstanding RCW 39.36.020(1), a ~~((transportation benefit))~~ district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to ~~((three eighths of))~~ one and one-half percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to ~~((one and one fourth))~~ five percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the district pursuant to Article VIII, section 6 of the state Constitution, and ~~((&))~~ may also provide for the retirement thereof by excess property tax levies as provided in RCW 36.73.060(2). The district may, if applicable, submit a single proposition to the voters that, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the ~~((transportation benefit))~~ district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the ~~((transportation benefit))~~ district ~~((which issues the bonds))~~ may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The district may also pledge any other revenues that may be available to the district.

(4) In addition to general obligation bonds, a district may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW.

Sec. 8. RCW 36.73.080 and 1987 c 327 s 8 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and administered, and assessments shall be made and collected, in the manner and to the extent provided by law to cities and towns pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW. However, the duties devolving upon the city or town treasurer under these chapters shall be imposed upon the district treasurer for the purposes of this section. A local improvement district may only be formed under this section pursuant to the petition method under RCW 35.43.120 and 35.43.125.

(2) The governing body of a ~~((transportation benefit))~~ district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the ~~((transportation benefit))~~ district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the ~~((transportation benefit))~~ district has created. The

owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the ~~((transportation benefit))~~ district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the ~~((transportation benefit))~~ district has created. The district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection (2) shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by a ~~((transportation benefit))~~ district for real property or property right donations made pursuant to RCW 47.14.030.

(4) The governing body may establish, administer, and pay ~~((moneys))~~ money into a local improvement guaranty fund, in the manner and to the extent provided by law to cities and towns under chapter 35.54 RCW, to guarantee special assessment bonds issued by the ~~((transportation benefit))~~ district.

Sec. 9. RCW 36.73.100 and 1987 c 327 s 10 are each amended to read as follows:

(1) The proceeds of any bond issued pursuant to RCW 36.73.070 or 36.73.080 may be used to pay costs incurred on ~~((such))~~ a bond issue related to the sale and issuance of the bonds. ~~((Such))~~ These costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

Sec. 10. RCW 36.73.110 and 1987 c 327 s 11 are each amended to read as follows:

A ~~((transportation benefit))~~ district may accept and expend or use gifts, grants, and donations.

Sec. 11. RCW 36.73.120 and 1988 c 179 s 7 are each amended to read as follows:

(1) ~~((A transportation benefit))~~ Subject to the provisions in section 17 of this act, a district may impose a fee or charge on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance ~~((thereto))~~, or on the development, subdivision, classification, or reclassification of land, only if done in accordance with chapter 39.92 RCW.

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements constructed by a ~~((transportation benefit))~~ district. The fees or charges ~~((se))~~ imposed must be reasonably necessary as a result of the impact of development, construction, or classification or reclassification of land on identified transportation needs.

(3) ~~((When fees or charges are imposed by a district within which there is more than one city or both incorporated and unincorporated areas, the legislative authority for each city in the district and the county legislative authority for the unincorporated area must approve the imposition of such fees or charges before they take effect.))~~ If a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district.

(4) Developments consisting of less than twenty residences are exempt from the fee or charge under this section.

Sec. 12. RCW 36.73.130 and 1987 c 327 s 13 are each amended to read as follows:

A ~~((transportation benefit))~~ district may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

Sec. 13. RCW 36.73.140 and 1987 c 327 s 14 are each amended to read as follows:

A ~~((transportation benefit))~~ district has the same powers as a county or city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts provided for in chapter 35.72 RCW.

Sec. 14. RCW 36.73.150 and 1987 c 327 s 15 are each amended to read as follows:

The department of transportation, counties, ~~((and))~~ cities, and other jurisdictions may give funds to ~~((transportation benefit))~~ districts for the purposes of financing ~~((street, road, or highway))~~ transportation improvements ~~((projects))~~ under this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to the provisions in section 17 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax may not be imposed for a period exceeding ten years. This tax may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to the provisions of section 17 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it.

The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(3) No fee under this section may be collected until six months after approval by the district voters under section 17 of this act.

(4) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the fee under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 17. A new section is added to chapter 36.73 RCW to read as follows:

(1) Taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of the transportation improvement or improvements proposed by the district and the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements.

(2) Voter approval under this section shall be accorded substantial weight regarding the validity of a transportation improvement as defined in section 1 of this act.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed under this chapter once the taxes, fees, charges, or tolls take effect, unless authorized by the district voters pursuant to section 18 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 36.73 RCW to read as follows:

(1) The district governing body shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved.

(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

NEW SECTION. Sec. 19. A new section is added to chapter 36.73 RCW to read as follows:

Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by a district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any and to carry out the requirements of section 18 of this act. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid and notice is provided to the departments administering the taxes. Any excess revenues collected must be disbursed to the participating jurisdictions of the district in proportion to their population, using population estimates prepared by the office of financial management. The district shall dissolve itself and cease to exist thirty days after the financing or debt service on the transportation improvement, or series of improvements, constructed is completed and paid. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

Sec. 20. RCW 82.14.050 and 2003 c 168 s 201 and 2003 c 83 s 208 are each reenacted and amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, ~~((and))~~ regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities,

transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts monthly.

Sec. 21. RCW 82.14.060 and 1991 c 207 s 3 are each amended to read as follows:

Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, cities, transportation authorities, ~~((and))~~ public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 22. RCW 35.21.225 and 1989 c 53 s 2 are each amended to read as follows:

The legislative authority of a city may establish ~~((one or more transportation benefit districts within a city for the purpose of acquiring, constructing, improving, providing, and funding any city street, county road, or state highway improvement that is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions. Such transportation improvements shall be owned by the city of jurisdiction if located in an incorporated area, by the county of jurisdiction if located in an unincorporated area, or by the state in cases where the transportation improvement is or becomes a state highway; and all such transportation improvements shall be administered as other public streets, roads, and highways. The district may include any area within the corporate limits of another city if that city has agreed to the inclusion pursuant to chapter 39.34 RCW. The district may include any unincorporated area if the county legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such other powers as may be granted to the benefit district.~~

~~The members of the city legislative authority, acting ex officio and independently, shall compose the governing body of the district. The city treasurer shall act as the ex officio treasurer of the district. PROVIDED, That where a transportation benefit district includes any unincorporated area or portion of another city, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The electors of the district shall all be registered voters residing within the district. For the purposes of this section, the term "city" means both cities and towns.)~~ a transportation benefit district subject to the provisions of chapter 36.73 RCW.

Sec. 23. RCW 47.56.075 and 2002 c 56 s 404 are each amended to read as follows:

The ~~((department))~~ commission shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, transportation benefit district, city, town, or county.

Sec. 24. RCW 82.80.030 and 2002 c 56 s 412 are each amended to read as follows:

(1) Subject to the conditions of this section, the legislative authority of a county, city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city or district includes only the area within its boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city, a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city, county, or district may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;

(c) The tax is collected by the operator of the facility and remitted to the city, county, or district;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and

(f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county, city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used ~~((strictly))~~ for transportation purposes in accordance with RCW 82.80.070 or for transportation improvements in accordance with chapter 36.73 RCW. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.120 RCW.

NEW SECTION. Sec. 25. A new section is added to chapter 47.56 RCW to read as follows:

Subject to the provisions under chapter 36.73 RCW, a transportation benefit district may authorize vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls authorized on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose the tolls, only with approval of the transportation commission, in amounts sufficient to implement the district's transportation improvement plan. Tolls may vary for type of vehicle, for time of day, for traffic conditions, and/or other factors designed to improve performance of the facility or the transportation network.

NEW SECTION. Sec. 26. This act takes effect August 1, 2005."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.73.010, 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, 36.73.150, 82.14.060, 35.21.225, 47.56.075, and 82.80.030; reenacting and amending RCW 82.14.050; adding new sections to chapter 36.73 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; and providing an effective date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

Senators Haugen, Swecker and Spanel spoke in favor of the motion.

Senator Benton spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

MOTION

A division was demanded.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5177 by a rising voice vote.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Deccio, Doumit, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 33

Voting nay: Senators Benson, Benton, Carrell, Delvin, Esser, Finkbeiner, Honeyford, Johnson, McCaslin, Morton, Pflug, Roach, Schoesler, Stevens and Zarelli - 15

Absent: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 5177, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5499,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5743.

MOTION

On motion of Senator Regala, Senators Jacobsen and Fairley were excused.

MESSAGE FROM THE HOUSE

April 14, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5290, with the following amendments{s}:
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.56.080 and 2003 c 53 s 74 are each amended to read as follows:

(1) Every person who, with intent to sell or exchange and to deprive or defraud the lawful owner thereof, willfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates any horse, mule, cow, heifer, bull, steer, swine, goat, or sheep is guilty of theft of livestock in the first degree.

(2) Theft of livestock in the first degree is a class B felony.

Sec. 2. RCW 4.24.320 and 2003 c 53 s 4 are each amended to read as follows:

Any person who suffers damage((s)) to livestock as a result of actions described in RCW ((9A.48.080(e))) 16.52.205 or any owner of ((a horse, mule, cow, heifer, bull, steer, swine, or sheep)) livestock who suffers damage((s)) as a result of a willful, unauthorized act described in RCW 9A.56.080 or 9A.56.083 may bring an action against the person or persons committing the act in a court of competent jurisdiction for exemplary damages up to three times the actual damages sustained, plus attorney's fees. As used in this section, "livestock" means the animals specified in RCW 9A.56.080."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5290.

Senators Rasmussen, Roach, Deccio, Esser, Delvin, Kline, Hargrove and Morton spoke in favor of the motion.

Senator Fraser spoke on the motion.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5290.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5290 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5290, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brown, Deccio, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Brandland, Carrell, Doumit, Eide, Fairley, Franklin, Fraser, Johnson, Prentice and Regala - 10

Excused: Senators Haugen and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 23, 2005

SB 6121 Prime Sponsor, Prentice: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair; Operating Budget, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8411 by Senators Eide, Esser, Stevens, Roach and Benton

Returning bills to their house of origin.

SCR 8412 by Senators Brown and Finkbeiner

Notifying the Governor the legislature will adjourn SINE DIE.

SCR 8413 by Senators Brown and Finkbeiner

Adjourning SINE DIE.

MOTION

On motion of Senator Eide, the rules were suspended and the measures listed on the Introduction and First Reading report; Senate Concurrent Resolution No. 8411, Senate Concurrent Resolution No. 8412 and Senate Concurrent Resolution No. 8413 were placed on the second reading calendar.

MOTION

At 4:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:15 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Appointment No. 9326, Eva Santos, as a Director of the Department of Personnel, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF EVA SANTOS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9326, Eva Santos as a Director of the Department of Personnel.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9326, Eva Santos as a Director of the Department of Personnel and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Deccio, Hargrove, Kline, McCaslin and Pflug - 5

Excused: Senators Haugen and Jacobsen - 2

Gubernatorial Appointment No. 9326, Eva Santos, having received the constitutional majority was declared confirmed as a Director of the Department of Personnel.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Hewitt, moved that Gubernatorial Reappointment No. 9255, James O. Luce, as a member of the Energy Facility Site Evaluation Council, be confirmed.

Senators Hewitt and Rockefeller spoke in favor of the motion.

MOTIONS

On motion of Senator Esser, Senators Deccio, McCaslin, Pflug and Oke were excused.

On motion of Senator Regala, Senator Kline was excused.

REAPPOINTMENT OF JAMES O. LUCE

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9255, James O. Luce as a member of the Energy Facility Site Evaluation Council.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9255, James O. Luce as a member of the Energy Facility Site Evaluation Council and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 42

Absent: Senator Zarelli - 1

Excused: Senators Deccio, Haugen, Jacobsen, Kline, McCaslin and Pflug - 6

Gubernatorial Reappointment No. 9255, James O. Luce, having received the constitutional majority was declared confirmed as a member of the Energy Facility Site Evaluation Council.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6121, by Senator Prentice

Relating to fiscal matters.

The measure was read the second time.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit and Hewitt be adopted.

On page 1, on line 3, after "Sec. 1." strike everything through line 4 and insert the following:

A new section is added to chapter ... (ESSB 6090), Laws of 2005 (uncodified) to read as follows:

"FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)\$1,500,000

General Fund--State Appropriation (FY 2006)

\$500,000

TOTAL APPROPRIATION ...\$2,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to extend and expand the department of agriculture's asparagus automation and mechanization program under chapter 16-730 WAC in an effort to strengthen the asparagus post-harvest industry.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to research and develop new hop harvesting technologies and for associated pilot projects."

Senators Doumit, Hewitt and Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit and Hewitt on page 1, line 3 to Senate Bill No. 6121.

The motion by Senator Doumit carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Haugen, Jacobsen and McCaslin - 4

ENGROSSED SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5177,

SUBSTITUTE SENATE BILL NO. 5290,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581

REPORT OF THE CONFERENCE REPORT
Engrossed Substitute House Bill No. 2266
April 22, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2266, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Restricting access to certain precursor drugs used to manufacture methamphetamine to ensure that they are only sold at retail to individuals who will use them for legitimate purposes upon production of proper identification is an essential step to controlling the manufacture of methamphetamine.

NEW SECTION. Sec. 2. A new section is added to chapter 69.43 RCW to read as follows:

(1) For purposes of this section, "traditional Chinese herbal practitioner" means a person who is certified as a diplomate in Chinese herbology from the national certification commission for acupuncture and oriental medicine or who has received a certificate in Chinese herbology from a school accredited by the accreditation council on acupuncture and oriental medicine.

(2) A pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner may not knowingly sell, transfer, or otherwise furnish to any person a product at retail that he or she knows to contain any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, without first obtaining photo identification of the person that shows the date of birth of the person.

(3) A person buying or receiving a product at retail containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, from a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner must first produce photo identification of the person that shows the date of birth of the person.

(4) Any product containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, shall be kept in a central location that is not accessible by customers without assistance of an employee of the merchant.

(5) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner may sell any product containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, to a person that is not at least eighteen years old.

(6) The board of pharmacy, by rule, may exempt products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in combination with another active ingredient from the requirements of this section if they are found not to be used in the illegal manufacture of methamphetamine or other controlled dangerous substances. A manufacturer of a drug product may apply for removal of the product from the requirements of this section if the product is determined by the board to have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine. The burden of proof for exemption is upon the person requesting the exemption. The petitioner shall provide the board with evidence that the product has been formulated in such a way as to serve as an effective general deterrent to the conversion of pseudoephedrine into methamphetamine. The evidence must include the furnishing of a valid scientific study, conducted by an independent, professional laboratory and evincing professional quality chemical analysis. Factors to be considered in whether a product should be excluded from this section include but are not limited to:

- (a) Ease with which the product can be converted to methamphetamine;
 - (b) Ease with which ephedrine, pseudoephedrine, or phenylpropanolamine is extracted from the substance and whether it forms an emulsion, salt, or other form;
 - (c) Whether the product contains a "molecular lock" that renders it incapable of being converted into methamphetamine;
 - (d) Presence of other ingredients that render the product less likely to be used in the manufacture of methamphetamine;
- and
- (e) Any pertinent data that can be used to determine the risk of the substance being used in the illegal manufacture of methamphetamine or any other controlled substance.

(7) Nothing in this section applies:

- (a) To any product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers that is not the only active ingredient and that is in liquid, liquid capsule, or gel capsule form;
- (b) To the sale of a product that may only be sold upon the presentation of a prescription;
- (c) To the sale of a product by a traditional Chinese herbal practitioner to a patient; or

(d) When the details of the transaction are recorded in a pharmacy profile individually identified with the recipient and maintained by a licensed pharmacy.

(8)(a) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner may retaliate against any employee that has made a good faith attempt to comply with the requirements of this section by requesting that a customer present photo identification, making a reasonable effort to determine the customer's age.

(b) No pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner is subject to prosecution under subsection (9) of this section if they made a good faith attempt to comply with the requirements of this section by requesting that a customer present photo identification, making a reasonable effort to determine the customer's age.

(9) A violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 3. A new section is added to chapter 69.43 RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs or the Washington state patrol may petition the state board of pharmacy to apply the log requirements in section 8 of this act to one or more products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, that is not the only active ingredient and that is in liquid, liquid capsule, or gel capsule form. The petition shall establish that:

(a) Ephedrine, pseudoephedrine, or phenylpropanolamine can be effectively extracted from the product and converted into methamphetamine or another controlled dangerous substance; and

(b) Law enforcement, the Washington state patrol, or the department of ecology are finding substantial evidence that the product is being used for the illegal manufacture of methamphetamine or another controlled dangerous substance.

(2) The board of pharmacy shall adopt rules when a petition establishes that requiring the application of the log requirements in section 8 of this act to the sale of the product at retail is warranted based upon the effectiveness and extent of use of the product for the illegal manufacture of methamphetamine or other controlled dangerous substances and the extent of the burden of any restrictions upon consumers. The board of pharmacy may adopt emergency rules to apply the log requirements to the sale of a product when the petition establishes that the immediate restriction of the product is necessary in order to protect public health and safety.

Sec. 4. RCW 69.43.110 and 2004 c 52 s 5 are each amended to read as follows:

(1) It is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, knowingly to sell, transfer, or to otherwise furnish, in a single transaction:

(a) More than (~~three~~) two packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(b) A single package of any product that he or she knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

(2) It is unlawful for a person who is not a manufacturer, wholesaler, practitioner, pharmacy, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire, in any twenty-four hour period, more than the quantities of the substances specified in subsection (1) of this section.

(3) It is unlawful for any person to sell or distribute any of the substances specified in subsection (1) of this section unless the person is licensed by or registered with the department of health under chapter 18.64 RCW, or is a practitioner as defined in RCW 18.64.011.

(4) A violation of this section is a gross misdemeanor.

Sec. 5. RCW 18.64.044 and 2004 c 52 s 2 are each amended to read as follows:

(1) A shopkeeper registered as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the secretary for registration, and on a date to be determined by the secretary thereafter the fee determined by the secretary for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the location to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the secretary under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(5) A shopkeeper who is not a licensed pharmacy may purchase products containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045. The board shall issue a warning to a shopkeeper who violates this subsection, and may suspend or revoke the registration of the shopkeeper for a subsequent violation.

(6) A shopkeeper who has purchased products containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in a suspicious transaction as defined in RCW 69.43.035, is subject to the following requirements:

(a) The shopkeeper may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the shopkeeper's total prior monthly sales of nonprescription drugs in March through October. In November through February, the shopkeeper may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the shopkeeper's total prior monthly sales of nonprescription drugs. For purposes of this section, "monthly sales" means total dollars paid by buyers. The board may suspend or revoke the registration of a shopkeeper who violates this subsection.

(b) The shopkeeper shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with (a) of this subsection, and otherwise in the form and manner required by the board. The records must be available for inspection by the board or any law enforcement agency and must be maintained for two years. The board may suspend or revoke the registration of a shopkeeper who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

Sec. 6. RCW 18.64.046 and 2004 c 52 s 3 are each amended to read as follows:

(1) The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, a like fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the secretary, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business.

(2) Failure to conform with this section is a misdemeanor, and each day that the failure continues is a separate offense.

(3) In event the license fee remains unpaid on the date due, no renewal or new license shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(4) No wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products to persons within the state of Washington exceed five percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state in March through October. In November through February, no wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers if the total monthly sales of these products to persons within the state of Washington exceed ten percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state. For purposes of this section, monthly sales means total dollars paid by buyers. The board may suspend or revoke the license of any wholesaler that violates this section.

(5) The board may exempt a wholesaler from the limitations of subsection (4) of this section if it finds that the wholesaler distributes nonprescription drugs only through transactions between divisions, subsidiaries, or related companies when the wholesaler and the retailer are related by common ownership, and that neither the wholesaler nor the retailer has a history of suspicious transactions in precursor drugs as defined in RCW 69.43.035.

(6) The requirements for a license apply to all persons, in Washington and outside of Washington, who sell both legend drugs and nonprescription drugs and to those who sell only nonprescription drugs, at wholesale to pharmacies, practitioners, and shopkeepers in Washington.

(7)(a) No wholesaler may sell any ~~((quantity))~~ product containing any detectable quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, to any person in Washington other than a pharmacy licensed under this chapter, a shopkeeper or itinerant vendor registered under this chapter, ~~((or))~~ a practitioner as defined in RCW 18.64.011, or a traditional Chinese herbal practitioner as defined in section 2 of this act.

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW, and each sale in violation of this subsection constitutes a separate offense.

Sec. 7. RCW 18.64.047 and 2004 c 52 s 4 are each amended to read as follows:

(1) Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280. The department may issue a registration to such vendor on an approved application made to the department.

(2) Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, is guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(3) In event the registration fee remains unpaid on the date due, no renewal or new registration shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. This registration shall not authorize the sale of legend drugs or controlled substances.

(4) An itinerant vendor may purchase products containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045. The board shall issue a warning to an itinerant vendor who violates this subsection, and may suspend or revoke the registration of the vendor for a subsequent violation.

(5) An itinerant vendor who has purchased products containing any detectable quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in a suspicious transaction as defined in RCW 69.43.035, is subject to the following requirements:

(a) The itinerant vendor may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the vendor's total prior monthly sales of nonprescription drugs in March through October. In November through February, the vendor may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the vendor's total prior monthly sales of nonprescription drugs. For purposes of this section, "monthly sales" means total dollars paid by buyers. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection.

(b) The itinerant vendor shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with (a) of this subsection, and otherwise in the form and manner required by the board. The records must be available for inspection by the board or any law enforcement agency and must be maintained for two years. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

NEW SECTION. Sec. 8. A new section is added to chapter 69.43 RCW to read as follows:

(1) The state board of pharmacy, using procedures under chapter 34.05 RCW, shall implement and conduct a statewide pilot project requiring the collection and maintenance of written or electronic logs or other alternative means of recording retail transactions involving ephedrine, pseudoephedrine, or phenylpropanolamine. The rules implementing the pilot project shall be in place by January 1, 2006.

(2) The pilot project shall be designed to address:

(a) Whether a log or other means of recording a transaction is an effective law enforcement tool;

(b) What information is needed to make logs or other means of recording a transaction useful as a deterrent to criminal activity;

(c) The most effective method of obtaining, recording, and storing log or other electronic data in the least intrusive manner available;

(d) How long the information recorded in the logs or other means of recording a transaction should be maintained; and

(e) How logs or other means of recording a transaction can be most effectively transmitted to law enforcement and the state board of pharmacy.

(3) The board shall convene a work group to evaluate the data collected during the pilot project. The work group shall consist of:

(a) One representative from law enforcement appointed by the Washington association of sheriffs and police chiefs;

(b) One representative from the Washington state patrol;

(c) One representative appointed by the Washington association of prosecuting attorneys;

(d) One representative appointed by the office of the attorney general;

(e) One representative appointed by the state board of pharmacy; and

(f) Two representatives from the retail industry.

(4) The state board of pharmacy shall begin data collection for the pilot project no later than January 1, 2006, and report to the legislature no later than November 1, 2007, regarding the findings of the work group along with any recommendations or proposed legislation.

(5) Any orders and rules adopted under this section not in conflict with state law continue in effect until modified, superseded, or repealed. The board may implement rule changes based upon the results of the pilot project and recommendations of the work group.

(6)(a) The records required by this section are for the confidential use of the pharmacy, shopkeeper, or itinerant vendor, except that:

(i) Every pharmacy, shopkeeper, or itinerant vendor shall produce the records in court whenever lawfully required to do so;

(ii) The records shall be open for inspection by the board of pharmacy; and

(iii) The records shall be open for inspection by any general or limited authority Washington peace officer to enforce the provisions of this chapter.

(b) A person violating this subsection is guilty of a misdemeanor.

NEW SECTION. Sec. 9. Each county sheriff shall compile and maintain a record of commercial products containing ephedrine, pseudoephedrine, or phenylpropanolamine and packaging found at methamphetamine laboratory sites. The data shall be forwarded to the Washington association of sheriffs and police chiefs and shall be reported to the legislature by November 1, 2007, and annually thereafter.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. (1) Section 2 of this act takes effect October 1, 2005.

(2) Sections 1, 3 through 7, 9, and 10 of this act take effect January 1, 2006.

(3) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "phenylpropanolamine;" strike the remainder of the title and insert "amending RCW 69.43.110, 18.64.044, 18.64.046, and 18.64.047; adding new sections to chapter 69.43 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."
and the bill do pass as recommended by the conference committee.

Signed by Senators Kline, Johnson and Kastama; Representatives Morrell, Campbell and Curtis.

MOTION

Senator Kline moved the Report of the Conference Committee on Engrossed Substitute House Bill No. 2266 be adopted.

Senator Kline, Johnson, Rasmussen, Roach, Kastama and Parlette spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2266 be adopted.

The motion by Senator Kline carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2266, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2266, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Jacobsen and McCaslin - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1066, by Representatives McDermott, Quall, P. Sullivan, Haigh, Hunter and Ormsby

Revising learning assistance program distribution formula.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senators Schmidt and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1066.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1066 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 28

Voting nay: Senators Benton, Brandland, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 19

Excused: Senators Jacobsen and McCaslin - 2

HOUSE BILL NO. 1066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Shin, Berkey, Kastama, Doumit, Rockefeller, Keiser, Esser, Kohl-Welles, Jacobsen, Kline and Rasmussen

Establishing a joint task force to study offshore outsourcing.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Shin be adopted:

Strike everything after "WHEREAS," on page 1, line 1, and insert the following:

"There is concern about state contracts performed, in whole or in part, outside the United States and its impacts on Washington's economy, including its agricultural, manufacturing, and technology sectors; and

WHEREAS, there is also concern about contracts entered into by state agencies which are performed, in whole or in part, outside the United States; and

WHEREAS, business, labor, and government leaders recognize that an objective and thorough study of the impact on Washington's economy of state agency contracts that are performed in whole or in part outside the United States is needed; and

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a study of state contracts performed, in whole or in part, outside the United States and its impacts on Washington's economy be conducted.

BE IT FURTHER RESOLVED, That the study include, but not be limited to, an evaluation of the following:

(1)(a) The extent to which the performance of state agency contracts in whole or in part in other countries, foreign investment, and export markets result in the creation or loss of family-wage or other jobs in Washington;

(b) The degree to which the performance of state contracts in whole or in part outside the United States helps Washington's economy and its companies remain competitive globally; and

(c) The extent to which state agency contracts being performed in whole or in part in other countries creates a need for adjustment assistance and retraining programs to ensure that Washington's business climate, its employers, and its workers remain competitive globally.

(2)(a) The degree to which state contracts, and any subcontracts under such contracts, are being performed at locations outside the United States;

(b) The extent to which state contracts performed at locations outside the United States involve a risk of unauthorized use or disclosure of personal information as well as a review of applicable Washington state and federal laws regarding the privacy of personal information;

(c) Subject to available funding, the economic costs and benefits of awarding state contracts, and any subcontracts under such contracts, to Washington companies;

(d) The applicability of international trade agreements and federal law to state procurement policies; and

(e) The extent to which legislative authority over state procurement is adequately protected, including the ability of state agencies to adequately supervise the performance of contracts when all or a portion of the work is performed in a country other than the United States.

BE IT FURTHER RESOLVED, That the study be conducted by a joint task force of the Senate and the House of Representatives consisting of the following: Two representatives to be appointed by the Speaker of the House of Representatives, two representatives to be appointed by the minority leader of the House of Representatives, two senators to be appointed by the majority leader of the Senate, and two senators to be appointed by the minority leader of the Senate; and

BE IT FURTHER RESOLVED, That the joint task force on state contracts performed, in whole or in part, outside the United States consult with and be advised and monitored by an advisory committee consisting of eight members: Three members representing labor, appointed jointly by the President of the Senate and the Speaker of the House of Representatives, from a list

of names recommended by a statewide organization representing a cross-section of organized labor in the state; three members representing business, one of whom shall represent small business, appointed jointly by the President of the Senate and the Speaker of the House of Representatives, from a list of names recommended by a statewide organization of employers representing a cross-section of employers of the state; one member representing the office of the Washington state trade representative; and one member representing the public; and

BE IT FURTHER RESOLVED, That the findings and recommendations of the joint task force on state contracts performed, in whole or in part, outside the United States shall be reported to the legislature by January 1, 2006."

MOTION

Senator Esser moved that the following amendment by Senator Esser to the striking amendment be adopted.

On page 1, line 21, after "countries" strike ", foreign investment, and export markets result" and insert "results"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Esser and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 1, line 21 to the striking amendment to Senate Concurrent Resolution No. 8407.

The motion by Senator Esser carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, after line 20, insert the following:

"(3) The reasons Washington businesses choose to locate operations outside the United States."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Honeyford and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 20 to the striking amendment to Senate Concurrent Resolution No. 8407.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Shin as amended to Senate Concurrent Resolution No. 8407.

Senators Kohl-Welles, Parlette, Esser, Shin, Swecker, Prentice, Franklin and Benton spoke in favor of adoption of the striking amendment as amended.

The motion by Senator Kohl-Welles carried and the striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Shin, Roach and Hewitt spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Concurrent Resolution No. 8407.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 8407 and the concurrent resolution passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senator Schoesler - 1

Absent: Senator Haugen - 1

Excused: Senators Jacobsen and McCaslin - 2

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8407, having received the constitutional majority, was declared passed.

MOTION

At 7:26 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Sunday, April 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDRED FOURTH DAY, APRIL 23, 2005

2005 REGULAR SESSION

ONE-HUNDRED FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Sunday, April 24, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benson, Brown, Deccio, Hargrove, Haugen, McCaslin, Pflug, Poulsen and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Michael Bahrt and Courtney Jones, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9323, Linda Villegas Bremer, as Director of the Department of General Administration, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Carrell, Benson, Benton, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Mulliken, Parlette, Pflug, Roach, Stevens and Zarelli were excused.

APPOINTMENT OF LINDA VILLEGAS BREMER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9323, Linda Villegas Bremer as Director of the Department of General Administration.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9323, Linda Villegas Bremer as Director of the Department of General Administration and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Brown, Hargrove, Haugen and Poulsen - 4

Excused: Senators Benson, Deccio, McCaslin, Pflug and Stevens - 5

Gubernatorial Appointment No. 9323, Linda Villegas Bremer, having received the constitutional majority was declared confirmed as Director of the Department of General Administration.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9116, Marsha Long, as a member of the Personnel Resources Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Brown, Haugen, Hargrove and Poulsen were excused.

APPOINTMENT OF MARSHA LONG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9116, Marsha Long as a member of the Personnel Resources Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Marsha Long as a member of the Personnel Resources Board and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 39

Absent: Senators Esser and Zarelli - 2

Excused: Senators Benson, Brown, Deccio, Hargrove, Haugen, McCaslin, Pflug and Stevens - 8

Gubernatorial Appointment No. 9116, Marsha Long, having received the constitutional majority was declared confirmed as a member of the Personnel Resources Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser, moved that Gubernatorial Appointment No. 9307, Gary Robinson, as Director of the Department of Information Services, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

APPOINTMENT OF GARY ROBINSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9307, Gary Robinson as Director of the Department of Information Services.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9307, Gary Robinson as Director of the Department of Information Services and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Absent: Senator Prentice - 1

Excused: Senators Benson, Brown, Deccio, Hargrove, Haugen, Hewitt, McCaslin, Pflug and Stevens - 9

Gubernatorial Appointment No. 9307, Gary Robinson, having received the constitutional majority was declared confirmed as Director of the Department of Information Services.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Appointment No. 9325, Chris Liu, as Director of the Lottery Commission, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF CHRIS LIU

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9325, Chris Liu as Director of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9325, Chris Liu as Director of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Benson, Brown, Deccio, Hargrove, Haugen, McCaslin and Stevens - 7

Gubernatorial Appointment No. 9325, Chris Liu, having received the constitutional majority was declared confirmed as Director of the Lottery Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kohl-Welles, moved that Gubernatorial Reappointment No. 9052, Frank E. Fennerty, Jr., as a member of the Board of Industrial Insurance Appeals Board, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

REAPPOINTMENT OF FRANK E. FENNERTY, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9052, Frank E. Fennerty, Jr. as a member of the Board of Industrial Insurance Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9052, Frank E. Fennerty, Jr. as a member of the Board of Industrial Insurance Appeals Board and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Excused: Senators Benson, Brown, Deccio, Hargrove, Haugen, McCaslin and Stevens - 7

Gubernatorial Reappointment No. 9052, Frank E. Fennerty, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Sheldon, moved that Gubernatorial Reappointment No. 9024, Paul R. Calderon, as a member of the Board of Directors, Small Business Export Finance Assistance Center, be confirmed.

Senator Sheldon spoke in favor of the motion.

REAPPOINTMENT OF PAUL R. CALDERON

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9024, Paul R. Calderon as a member of the Board of Directors, Small Business Export Finance Assistance Center.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9024, Paul R. Calderon as a member of the Board of Directors, Small Business Export Finance Assistance Center and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken,

Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Deccio, Hargrove, Haugen, McCaslin and Stevens - 6

Gubernatorial Reappointment No. 9024, Paul R. Calderon, having received the constitutional majority was declared confirmed as a member of the Board of Directors, Small Business Export Finance Assistance Center.

MOTION

Senator Benton moved that the Senate adjourn sine die.

REMARKS BY THE PRESIDENT

President Owen: "There is a little process called joint concurrent resolutions."

MOTIONS

On motion of Senator Benton, the motion by Senator Benton was withdrawn.

Senator Benton moved that the Senate recess until 2:00 p.m. Sunday, April 24, 2005.

Senator Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Benton to recess until 2:00 p.m.

The motion by Senator Benton failed and the Senate did not recess by voice vote.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9248, Jerry Hebert, as a member of the Human Rights Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF JERRY HEBERT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9248, Jerry Hebert as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9248, Jerry Hebert as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Keiser - 1

Excused: Senators Brown, Deccio, Hargrove, Haugen, McCaslin and Stevens - 6

Gubernatorial Appointment No. 9248, Jerry Hebert, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Appointment No. 9026, Ellis H. Casson, as a member of the Human Rights Commission, be confirmed.

Senator Kline spoke in favor of the motion.

APPOINTMENT OF ELLIS H. CASSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9026, Ellis H. Casson as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9026, Ellis H. Casson as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Brown, Deccio, Hargrove, Haugen, McCaslin and Stevens - 6

Gubernatorial Appointment No. 9026, Ellis H. Casson, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Appointment No. 9063, Julia L. Garratt, as a member of the Indeterminate Sentence Review Board, be confirmed.

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senator Benton was excused.

APPOINTMENT OF JULIA L. GARRATT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9063, Julia L. Garratt as a member of the Indeterminate Sentence Review Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9063, Julia L. Garratt as a member of the Indeterminate Sentence Review Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Voting nay: Senators Honeyford and Schoesler - 2

Excused: Senators Benton, Brown, Deccio, Hargrove, McCaslin and Stevens - 6

Gubernatorial Appointment No. 9063, Julia L. Garratt, having received the constitutional majority was declared confirmed as a member of the Indeterminate Sentence Review Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Appointment No. 9110, Deborah S. Lee, as a member of the Human Rights Commission, be confirmed.

Senator Kline spoke in favor of the motion.

APPOINTMENT OF DEBORAH S. LEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9110, Deborah S. Lee as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9110, Deborah S. Lee as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Deccio, Hargrove, McCaslin and Stevens - 5

Gubernatorial Appointment No. 9110, Deborah S. Lee, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Reappointment No. 9229, Mike Brasfield, as a member of the Sentencing Guidelines Commission, be confirmed.

Senators Kline and Brandland spoke in favor of the motion.

REAPPOINTMENT OF MIKE BRASFIELD

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9229, Mike Brasfield as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9229, Mike Brasfield as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brown, Deccio, Hargrove, McCaslin and Stevens - 5

Gubernatorial Reappointment No. 9229, Mike Brasfield, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Reappointment No. 9232, Ronald D. Cantu, as a member of the Sentencing Guidelines Commission, be confirmed.

Senator Kline spoke in favor of the motion.

REAPPOINTMENT OF RONALD D. CANTU

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9232, Ronald D. Cantu as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9232, Ronald D. Cantu as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Absent: Senators Benton, Delvin, Finkbeiner, Mulliken and Regala - 5

Excused: Senators Deccio, McCaslin and Stevens - 3

Gubernatorial Reappointment No. 9232, Ronald D. Cantu, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9083, Edward James, Jr., as a member of the Board of Trustees, Renton Technical College District No. 27, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTIONS

On motion of Senator Weinstein, Senator Regala was excused.

On motion of Senator Hewitt, Senator Mulliken was excused.

APPOINTMENT OF EDWARD JAMES, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9083, Edward James, Jr. as a member of the Board of Trustees, Renton Technical College District No. 27.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9083, Edward James, Jr. as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, McCaslin, Mulliken and Stevens - 4

Gubernatorial Appointment No. 9083, Edward James, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

SECOND READING
CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Kline, moved that Gubernatorial Reappointment No. 9240, Tari Eitzen, as a member of the Sentencing Guidelines Commission, be confirmed.

Senators Kline and Benson spoke in favor of the motion.

REAPPOINTMENT OF TARI EITZEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9240, Tari Eitzen as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9240, Tari Eitzen as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Brown and Kohl-Welles - 2

Excused: Senators Deccio, McCaslin and Stevens - 3

Gubernatorial Reappointment No. 9240, Tari Eitzen, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1019,
SUBSTITUTE HOUSE BILL NO. 1509,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 5539,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
SUBSTITUTE SENATE BILL NO. 5227,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2005

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bill and passed the bill as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2304,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2005

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5602, was returned to second reading for purpose of an amendment{s} and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.64 RCW to read as follows:

(1) The legislature finds that a livestock nutrient management program is essential to protecting the quality of the waters of the state and ensuring a healthy and productive livestock industry.

(2) The departments of agriculture and ecology shall examine their current statutory authorities and provide the legislature with recommendations for statutory changes to fully implement a livestock nutrient management program within the department of agriculture for concentrated animal feeding operations, animal feeding operations, and dairies, as authorized in RCW 90.48.260, 90.64.813, and 90.64.901. In developing recommended statutory changes, the departments shall consult with the livestock nutrient management program development and oversight committee created in RCW 90.64.813. The recommendations must be submitted to the legislature by the departments of agriculture and ecology prior to applying to the environmental protection agency for delegated authority to administer the CAFO portion of the national pollutant discharge elimination system permit program under the federal clean water act.

(3) For purposes of this act, animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) have the same meaning as defined in 40 C.F.R. 122.23.

(4) This section applies to all operations that meet the definition of an AFO. This section does not apply to true pasture and rangeland operations that do not meet the definition of AFO, however, such operations may have confinement areas that may qualify as an AFO.

Sec. 2. RCW 90.64.813 and 2003 c 325 s 2 are each amended to read as follows:

(1) A livestock nutrient management program development and oversight committee is created comprised of the following members(~~(, appointed as follows)~~):

- (a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;
- (b) The director of the department of ecology, or the director's designee;
- (c) A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;
- (d) One member from each of the two major caucuses of the house of representatives, appointed by the speaker of the house of representatives, and one member from each of the two major caucuses of the senate, appointed by the president of the senate;

~~(e)~~ A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the ~~((governor))~~ director;

~~((e))~~ ~~(f)~~ A representative of an environmental interest organization with familiarity and expertise in water quality issues as nominated by a statewide environmental organization, appointed by the ~~((governor))~~ director;

~~((f))~~ ~~(g)~~ A representative of tribal governments as nominated by an organization representing tribal governments(~~(, appointed by the governor)~~);

~~((g))~~ ~~(h)~~ A representative of Washington State University appointed by the dean of the college of agriculture and home economics;

~~((h))~~ ~~(i)~~ A representative of the Washington association of conservation districts, appointed by the association's board of officers;

~~((i))~~ ~~(j)~~ Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the ~~((governor))~~ director;

~~((j))~~ ~~(k)~~ Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the ~~((governor))~~ director;

~~((k))~~ ~~(l)~~ One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the ~~((governor))~~ director;

~~((l))~~ ~~(m)~~ One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the ~~((governor))~~ director; ~~((and))~~

~~((m))~~ ~~(n)~~ A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations;

(o) One representative of horse owners nominated by a statewide organization representing horse owners in the state, appointed by the director; and

(p) One representative of sheep producers nominated by a statewide organization representing sheep producers in the state, appointed by the director.

(2) The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.

(3) The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.

(4) The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

(a) A process for adopting standards and for developing plans for each operation that meet these standards;

(b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a timeline to achieve the phased-in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

- (c) Continued inspection of dairy operations at least once every two years;
- (d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and
- (e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) The committee shall evaluate simplified nutrient management planning tools and systematic practices that can be offered to those livestock operations not required to have permits or farm plans. The planning tools and systematic practices may include coordinated resource management and shall differentiate between types of operations, between stock restricted and open range areas, and between regional differences in average annual precipitation. The goal shall be to introduce these practical models through technical assistance, education, and outreach so that all livestock owners will have clear guidance on how to meet basic responsibilities to protect water quality. The committee shall report its recommendations on tools and service delivery options to appropriate committees of the legislature during the September 2005 assembly.

(10) With respect to the federal requirement that livestock nutrient management plans contain a component ensuring proper management of dead animals, the committee shall review issues concerning routine animal carcass disposal in Washington, including composting, rendering, burying, landfills, and incineration. The committee may appoint a subcommittee including appropriate technical staff from state agencies to undertake this task and make recommendations back to the full committee. At the legislative assembly in September 2005, the department of agriculture, the department of ecology, the state board of health, and committee representatives shall present reports as follows to the appropriate legislative committees:

(a) The department of ecology shall report on the status of off-site animal composting options that meet the livestock industry's need for disposal alternatives while assuring consumer protection and equity with other composters;

(b) The department of agriculture shall report on the status of a comprehensive, clearly written guidance document for the livestock industry on alternatives currently available for routine disposal of animal carcasses. The guidance document shall include, at a minimum, the disposal alternatives of rendering, burying, landfills, and composting; and

(c) The state board of health shall report on the status of rule making that clarifies burial depth, location of burial sites in relation to drinking water wells, and incineration.

(11) This section expires (~~June 30, 2006~~) when the federal environmental protection agency delegates authority for the NPDES CAFO program to the department of agriculture. The department of agriculture shall provide notice to the legislature of the date of any such delegation of authority.

NEW SECTION. Sec. 3. (1) The department of ecology shall develop and maintain a standard protocol for water quality monitoring of the waters of the state within the vicinity of dairies and CAFOs. The protocol shall include sampling methods and procedures and identify the water quality constituents to be monitored.

(2) The department of ecology shall submit the initial protocol developed according to this section to the appropriate committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 4. A new section is added to chapter 90.64 RCW to read as follows:

This section applies to dairies, AFOs, and CAFOs, not required to apply for a permit. Information in plans, records, and reports obtained by state and local agencies from livestock producers under this act regarding (1) number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields shall be disclosable in response to a request for public records under chapter 42.17 RCW only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW, to be codified after RCW 70.95.305, to read as follows:

(1) By July 1, 2005, the department of ecology and the department of agriculture, in consultation with the department of health, shall make available to livestock producers clearly written guidelines for the composting of bovine and equine carcasses for routine animal disposal.

(2) Composters of bovine and equine carcasses are exempt from the metals testing and permit requirements under the solid waste handling rules for compost that is distributed off-site if the following conditions are met:

(a) The carcasses to be composted are not known or suspected to be affected with a prion-protein disease such as bovine spongiform encephalopathy, a spore-forming disease such as anthrax or other diseases designated by the state veterinarian;

(b) The composter follows the written guidelines provided for in subsection (1) of this section;

(c) The composter does not accept for composting animal mortalities from other sources not directly affiliated with the composter's operation;

(d) The composter provides information to the end-user that includes the source of the material; the quality of the compost as to its nutrient content, pathogens, and stability; and the restrictions on use of the compost as stated in (f) of this subsection;

(e) The composter reports annually to the department the number of bovines and equines and the amounts of other material composted, including the composter's best estimate of the tonnage or yardage involved; and

(f) The end-user applies the compost only to agricultural lands that are not used for the production of root crops except as prescribed in the guidelines and ensures no compost comes into contact with the crops harvested from the lands where the compost is applied.

(3) If a compost production facility does not operate in compliance with the terms and conditions established for an exemption in this section, the facility shall be subject to the permitting requirements for solid waste handling under this chapter.

Sec. 7. RCW 70.95.315 and 1998 c 156 s 7 are each amended to read as follows:

The department may assess a civil penalty in an amount not to exceed one thousand dollars per day per violation to any person exempt from solid waste permitting in accordance with RCW 70.95.300 (~~(e)~~), 70.95.305, or section 6 of this act who fails to comply with the terms and conditions of the exemption. Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5602.

Senators Rasmussen and Schoesler spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5602.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5602 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5602, as amended by the House.

Senator Schoesler spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5602, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Quall, Ormsby, Dunn and McDermott

Creating a joint select committee on secondary education.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator McAuliffe spoke in favor of passage of the resolution.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4408.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4408 and the concurrent resolution passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benson, Benton, Carrell, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Schoesler and Stevens - 11

Excused: Senators Deccio, Fairley and McCaslin - 3

HOUSE CONCURRENT RESOLUTION NO. 4408, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9293, Robert Distler, as a member of the Transportation Commission, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF ROBERT DISTLER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9293, Robert Distler as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9293, Robert Distler as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Fairley and McCaslin - 3

Gubernatorial Appointment No. 9293, Robert Distler, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

On motion of Senator Brandland, Senators Schoesler and Poulsen were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Swecker, moved that Gubernatorial Reappointment No. 9281, Dale Stedman, as a member of the Transportation Commission, be confirmed.

Senator Swecker spoke in favor of the motion.

REAPPOINTMENT OF DALE STEDMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9281, Dale Stedman as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9281, Dale Stedman as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, McCaslin, Poulsen and Schoesler - 4

Gubernatorial Reappointment No. 9281, Dale Stedman, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Sheldon, moved that Gubernatorial Reappointment No. 9269, Daniel O'Neal, as a member of the Transportation Commission, be confirmed.

Senator Sheldon spoke in favor of the motion.

REAPPOINTMENT OF DANIEL O'NEAL

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9269, Daniel O'Neal as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9269, Daniel O'Neal as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, McCaslin, Poulsen and Schoesler - 4

Gubernatorial Reappointment No. 9269, Daniel O'Neal, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING CONFIRMATION OF GUBERNATORIAL REAPPOINTMENTS

MOTION

Senator Haugen, moved that Gubernatorial Reappointment No. 9243, Richard Ford, as a member of the Transportation Commission, be confirmed.

Senator Haugen spoke in favor of the motion.

REAPPOINTMENT OF RICHARD FORD

The President declared the question before the Senate to be the confirmation of Gubernatorial Reappointment No. 9243, Richard Ford as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Reappointment No. 9243, Richard Ford as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, McCaslin and Poulsen - 3

Gubernatorial Reappointment No. 9243, Richard Ford, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8407,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

Under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454, was returned to second reading for purpose of an amendment{s} and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the state's obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases. The legislature also recognizes that trial courts are critical to maintaining the rule of law in a free society and that they are essential to the protection of the rights and enforcement of obligations for all. Therefore, the legislature intends to create a dedicated revenue source for the purposes of meeting the state's commitment to improving trial courts in the state, providing adequate representation to criminal indigent defendants, providing for civil legal services for indigent persons, and ensuring equal justice for all citizens of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 3.46 RCW to read as follows:

Any city operating a municipal department under this chapter for which the state contributes to district or municipal court judges' salaries under section 7 of this act shall create a city trial court improvement account. An amount equal to one hundred percent of the state's contribution received by the city for the payment of the city's proportionate share of the district or

municipal court judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to the municipal department's staffing, programs, facilities, or services, as appropriated by the city legislative authority.

NEW SECTION. Sec. 3. A new section is added to chapter 3.50 RCW to read as follows:

Any city or town operating a municipal court under this chapter for which the state contributes to municipal court judges' salaries under section 7 of this act shall create a city or town trial court improvement account. An amount equal to one hundred percent of the state's contribution for the payment of the city's or town's municipal court judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to the municipal court's staffing, programs, facilities, or services, as appropriated by the city or town legislative authority.

NEW SECTION. Sec. 4. A new section is added to chapter 3.58 RCW to read as follows:

Any county with a district court created under this title shall create a county trial court improvement account. An amount equal to one hundred percent of the state's contribution received by the county for the payment of district court judges' salaries under section 8 of this act shall be deposited into the account. Money in the account shall be used to fund improvements to superior and district court staffing, programs, facilities, or services, as appropriated by the county legislative authority.

NEW SECTION. Sec. 5. A new section is added to chapter 35.20 RCW to read as follows:

Any city operating a municipal court under this chapter that receives state contribution for municipal court judges' salaries under section 7 of this act shall create a city trial court improvement account. An amount equal to one hundred percent of the state's contribution for the payment of municipal judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to the municipal court's staffing, programs, facilities, or services, as appropriated by the city legislative authority.

Sec. 6. RCW 3.62.050 and 1987 c 202 s 114 are each amended to read as follows:

The total expenditures of the district courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070 and the portion of district court judges' salaries distributed by the administrator for the courts pursuant to section 7 of this act, shall be paid from the county current expense fund.

Sec. 7. RCW 2.56.030 and 2002 c 49 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;
- (10) Administer programs and standards for the training and education of judicial personnel;
- (11) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;
- (12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;
- (13) Attend to such other matters as may be assigned by the supreme court of this state;
- (14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;
- (15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 1997, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal

requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180.

(20)(a) Administer and distribute amounts appropriated from the equal justice subaccount under section 8(2) of this act for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under subsection (20)(a) of this section if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro-rate basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

Sec. 8. RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2) (a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19 of this act shall be deposited in the equal justice subaccount and shall be appropriated only for:

(i) criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;

(ii) representation of parents in dependency and termination proceedings;

(iii) civil legal representation of indigent persons; and

(iv) contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for purposes of subsection (2)(a)(iv). For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of subsection (2)(a)(iv).

Sec. 9. RCW 3.62.060 and 2003 c 222 s 15 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((thirty one))~~ forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee

of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of ~~((six))~~ twelve dollars.

(3) For filing a supplemental proceeding a fee of ~~((twelve))~~ twenty dollars.

(4) For demanding a jury in a civil case a fee of ~~((fifty))~~ one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of ~~((six))~~ twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic ~~((tape or tapes))~~ recording of a proceeding ten dollars per tape or other electronic storage medium.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

NEW SECTION. Sec. 10. A new section is added to chapter 3.62 RCW to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars. This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 11. RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended to read as follows:

(1) When an order is made transferring an action or proceeding for trial, the clerk of the court must transmit the pleadings and papers therein to the court to which it is transferred and charge a fee as provided in RCW 36.18.016. The costs and fees thereof and of filing the papers anew must be paid by the party at whose instance the order was made, except in the cases mentioned in RCW 4.12.030(1), in which case the plaintiff shall pay costs of transfer and, in addition thereto, if the court finds that the plaintiff could have determined the county of proper venue with reasonable diligence, it shall order the plaintiff to pay the reasonable attorney's fee of the defendant for the changing of venue to the proper county. The court to which an action or proceeding is transferred has and exercises over the same the like jurisdiction as if it had been originally commenced therein.

(2) In acting on any motion for dismissal without prejudice in a case where a motion for change of venue under subsection (1) of this section has been made, the court shall, if it determines the motion for change of venue proper, determine the amount of attorney's fee properly to be awarded to defendant and, if the action be dismissed, the attorney's fee shall be a setoff against any claim subsequently brought on the same cause of action.

Sec. 12. RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace shall be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions ~~((, and when tried by a jury before a committing magistrate, twenty five dollars for jury fee,))~~ for which judgment shall be rendered and ~~((collection had as in cases of fines))~~ collected. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk ~~((, to be by him))~~ and applied as the jury fee in civil cases is applied.

Sec. 13. RCW 12.12.030 and 1981 c 260 s 3 are each amended to read as follows:

After the appearance of the defendant, and before the ~~((justice))~~ judge shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number: **PROVIDED**, That the party demanding the jury shall first pay to the ~~((justice))~~ clerk of the court the sum of one hundred twenty-five dollars, which shall be paid over by the ~~((justice))~~ clerk of the court to the county, and ~~((said))~~ such amount shall be taxed as costs against the losing party.

Sec. 14. RCW 12.40.020 and 1990 c 172 s 3 are each amended to read as follows:

A small claims action shall be commenced by the plaintiff filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ~~((ten))~~ fourteen dollars plus any surcharge authorized by RCW 7.75.035 shall be paid when the claim is filed. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of fourteen dollars plus any surcharge authorized by RCW 7.75.035.

Sec. 15. RCW 26.12.240 and 1993 c 435 s 2 are each amended to read as follows:

A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to ~~((ten))~~ twenty dollars on only those superior court cases filed under Title 26 RCW, or both, to pay for the expenses of the courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

Sec. 16. RCW 27.24.070 and 1992 c 54 s 6 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to ~~((twelve))~~ seventeen dollars for every new probate or civil filing fee, including appeals and for every fee for filing a counterclaim, cross-claim, or third-party claim in any civil action, collected by the clerk of the superior court and ~~((six))~~ seven dollars for every fee collected for the commencement of a civil action and for the filing of a counterclaim, cross-claim, or third-party claim in any civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: **PROVIDED**, That upon a showing of need the ~~((twelve))~~ seventeen dollar contribution may be increased up

to ~~((fifteen))~~ twenty dollars or in counties with multiple library sites up to thirty dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies.

Sec. 17. RCW 36.18.012 and 2001 c 146 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of ~~((fifteen))~~ twenty dollars.

(3) The clerk shall collect a fee of twenty dollars for: Filing a paper not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law.

(4) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action ~~((eighty))~~ one hundred twelve dollars.

(5) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(6) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(7) A fee of ~~((two))~~ twenty dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96A.220, if it is filed within an existing case in the same court.

(8) A fee of thirty-five dollars must be charged for filing a petition regarding a common law lien under RCW 60.70.060.

(9) For certification of delinquent taxes by a county treasurer under RCW 84.64.190, a fee of five dollars must be charged.

(10) For the filing of a tax warrant for unpaid taxes or overpayment of benefits by any agency of the state of Washington, a fee of five dollars on or after July 22, 2001, and for the filing of such a tax warrant or overpayment of benefits on or after July 1, 2003, a fee of twenty dollars, of which forty-six percent of the first five dollars is directed to the public safety and education account established under RCW 43.08.250.

Sec. 18. RCW 36.18.016 and 2002 c 338 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of ~~((twenty))~~ thirty-six dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of ~~((fifty))~~ one hundred twenty-five dollars for a jury of six, or ~~((one))~~ two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing ~~((, transcribing, or certifying))~~ a certified copy of an instrument on file or of record in the clerk's office, ~~((with or without seal,))~~ for the first page or portion of the first page, a fee of ~~((two))~~ five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of ~~((one))~~ two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

~~((8))~~ (9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

~~((9))~~ (10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

~~((10))~~ (11) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

~~((11))~~ (12) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

~~((12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.)~~

(13) ~~(For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.)~~

~~((14))~~ For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

~~((15))~~ (14) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars must be charged.

~~((16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty dollars must be charged as authorized under RCW 26.12.240.

~~((17))~~ (16) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

~~((18))~~ (17) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(18) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

~~((19))~~ (20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

~~((20))~~ (21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

~~((21))~~ (22) Investment service charge and earnings under RCW 36.48.090 must be charged.

~~((22))~~ (23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

~~((23))~~ (24) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

~~((24))~~ (25) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(26) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to the effective date of this section, and no claim shall lie against the state for such benefits.

Sec. 19. RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) The party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of ~~((thirty))~~ forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The ~~((thirty))~~ forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of ~~((forty-one))~~ fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

NEW SECTION. **Sec. 20.** (1) The sum of two million three hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the equal justice subaccount of the public safety and education account to the office of public defense for the fiscal biennium ending June 30, 2007, solely for the purpose of criminal indigent defense assistance and

enhancement in the trial courts. Of this amount, one million dollars is provided solely for a criminal indigent defense pilot program for persons charged with felony or misdemeanor offenses. The pilot program shall include the following: effective implementation of indigency screening; enhanced defense attorney practice standards; and use of investigative and expert services.

(2) The sum of five million dollars, or so much thereof as may be necessary, is appropriated from the equal justice subaccount of the public safety and education account to the office of public defense for the fiscal biennium ending June 30, 2007, solely for the purpose of representation of parents in dependency and termination proceedings.

(3) The sum of three million dollars, or so much thereof as may be necessary, is appropriated from the equal justice subaccount of the public safety and education account to the office of civil legal aid for the fiscal biennium ending June 30, 2007, solely for the purpose of civil legal representation of indigent persons.

(4) The sum of two million four hundred thousand dollars is appropriated from the equal justice subaccount of the public safety and education account to the administrator for the courts for the fiscal biennium ending June 30, 2007, solely for the purposes of district court judges' and elected municipal court judges' salary contributions."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454.

Senators Kline and Johnson spoke in favor of the motion.

MOTION

On motion of Senator Thibaudeau, Senator Prentice was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5454 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5454, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5454, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benson, Benton, Carrell, Hewitt, Honeyford, Mulliken and Parlette - 7

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:21 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

MOTION

At 2:01 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 4:15 a.m. by President Owen.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6090, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute Senate Bill No. 6090

April 23, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6090, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2005, and ending June 30, 2007, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	\$30,411,000
General Fund--State Appropriation (FY 2007)	\$30,900,000
TOTAL APPROPRIATION	\$61,311,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the committee on fiscal stability.

(a) The committee on fiscal stability is created, consisting of six members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(b) The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following: (i) Spending limitations; (ii) tax limits; (iii) emergency reserve accounts; and (iv) tax reforms necessary to create a sustainable system of state and local finance, improve the fairness of state and local taxation, and improve the competitiveness of the state's economy.

(c) The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and shall be structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2006.

(d) The committee shall use legislative facilities and staff from the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid by the house of representatives.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2006)	\$23,253,000
General Fund--State Appropriation (FY 2007)	\$25,368,000
TOTAL APPROPRIATION	\$48,621,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006)	\$2,531,000
General Fund--State Appropriation (FY 2007)	\$1,953,000
TOTAL APPROPRIATION	\$4,484,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care

coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) \$188,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	\$1,737,000
General Fund--State Appropriation (FY 2007)	\$1,921,000
TOTAL APPROPRIATION	\$3,658,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account-- State Appropriation	\$3,013,000
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The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006)	\$7,288,000
General Fund--State Appropriation (FY 2007)	\$7,248,000
TOTAL APPROPRIATION	\$14,536,000
 <u>NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE</u>	
General Fund--State Appropriation (FY 2006)	\$4,112,000
General Fund--State Appropriation (FY 2007)	\$4,398,000
TOTAL APPROPRIATION	\$8,510,000
 <u>NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.</u> In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.	
<u>NEW SECTION. Sec. 109. FOR THE SUPREME COURT</u>	
General Fund--State Appropriation (FY 2006)	\$6,085,000
General Fund--State Appropriation (FY 2007)	\$6,346,000
TOTAL APPROPRIATION	\$12,431,000
 <u>NEW SECTION. Sec. 110. FOR THE LAW LIBRARY</u>	
General Fund--State Appropriation (FY 2006)	\$2,011,000
General Fund--State Appropriation (FY 2007)	\$2,020,000
TOTAL APPROPRIATION	\$4,031,000
 <u>NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS</u>	
General Fund--State Appropriation (FY 2006)	\$13,866,000
General Fund--State Appropriation (FY 2007)	\$14,358,000
TOTAL APPROPRIATION	\$28,224,000
 <u>NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT</u>	
General Fund--State Appropriation (FY 2006)	\$1,055,000
General Fund--State Appropriation (FY 2007)	\$1,107,000
TOTAL APPROPRIATION	\$2,162,000
 <u>NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS</u>	
General Fund--State Appropriation (FY 2006)	\$19,657,000
General Fund--State Appropriation (FY 2007)	\$20,081,000
Public Safety and Education Account--State Appropriation	\$50,106,000

Judicial Information Systems Account--State
Appropriation

\$25,641,000

TOTAL APPROPRIATION

\$115,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006)

\$1,490,000

General Fund--State Appropriation (FY 2007)

\$2,078,000

Public Safety and Education Account--State
Appropriation

\$13,175,000

TOTAL APPROPRIATION

\$16,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	\$2,883,000
General Fund--State Appropriation (FY 2007)	\$2,832,000
Public Safety and Education Account--State Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$2,987,000
TOTAL APPROPRIATION	\$13,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	\$5,600,000
General Fund--State Appropriation (FY 2007)	\$5,279,000
General Fund--Federal Appropriation	\$1,364,000
Oil Spill Prevention Account Appropriation	\$508,000
Water Quality Account--State Appropriation	\$4,184,000
TOTAL APPROPRIATION	\$16,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	\$752,000
General Fund--State Appropriation (FY 2007)	\$766,000
General Fund--Local Appropriation	\$1,000
TOTAL APPROPRIATION	\$1,519,000

NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	\$1,989,000
General Fund--State Appropriation (FY 2007)	\$2,009,000
TOTAL APPROPRIATION	\$3,998,000

NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	\$19,102,000
General Fund--State Appropriation (FY 2007)	\$17,323,000
General Fund--Federal Appropriation	\$7,092,000
General Fund--Private/Local Appropriation	\$125,000
Archives and Records Management Account--State Appropriation	\$8,127,000
Department of Personnel Services Account--State Appropriation	\$719,000
Local Government Archives Account--State Appropriation	\$12,138,000
Election Account--Federal Appropriation	

TOTAL APPROPRIATION

\$47,009,000

\$111,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,999,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,063,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)

\$277,000

General Fund--State Appropriation (FY 2007)

\$289,000

TOTAL APPROPRIATION

\$566,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN-PACIFIC- AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)

\$235,000

General Fund--State Appropriation (FY 2007)

\$238,000

TOTAL APPROPRIATION

\$473,000

NEW SECTION. Sec. 122. FOR THE STATE TREASURER

State Treasurer's Service Account--State
Appropriation

\$14,124,000

NEW SECTION. Sec. 123. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)

\$1,884,000

General Fund--State Appropriation (FY 2007)

\$2,441,000

State Auditing Services Revolving Account--State
Appropriation

\$13,952,000

TOTAL APPROPRIATION

\$18,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2006, \$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006)

\$137,000

General Fund--State Appropriation (FY 2007)

\$206,000

TOTAL APPROPRIATION

\$343,000

NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007)	\$5,223,000
General Fund--Federal Appropriation	\$5,156,000
Public Safety and Education Account--State Appropriation	\$2,973,000
New Motor Vehicle Arbitration Account--State Appropriation	\$2,303,000
Legal Services Revolving Account--State Appropriation	\$1,313,000
Tobacco Prevention and Control Account--State Appropriation	\$185,970,000
TOTAL APPROPRIATION	\$270,000
	\$203,208,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$719,000
General Fund--State Appropriation (FY 2007)	\$714,000
TOTAL APPROPRIATION	\$1,433,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	\$66,123,000
General Fund--State Appropriation (FY 2007)	\$67,151,000
General Fund--Federal Appropriation	\$246,886,000
General Fund--Private/Local Appropriation	\$12,229,000
Public Safety and Education Account--State Appropriation	\$5,439,000
Public Works Assistance Account--State Appropriation	\$3,395,000
Tourism Development and Promotion Account Appropriation	\$300,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$213,000

Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	\$1,130,000
Administrative Contingency Account--State Appropriation	\$1,808,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,362,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$7,231,000
Manufactured Home Installation Training Account--State Appropriation	\$240,000
Community and Economic Development Fee Account--State Appropriation	\$1,570,000
Washington Housing Trust Account--State Appropriation	\$19,009,000
Homeless Families Services Account--State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$614,000
TOTAL APPROPRIATION	\$442,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

- (a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$20,000 to the department for tribal law enforcement;
- (e) \$345,000 to the department to continue domestic violence legal advocacy;
- (f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;
- (h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;
- (i) \$97,000 to the department to continue evaluation of this grant program;
- (j) \$290,000 to the office of financial management for criminal history records improvement;
- (k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(1) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$170,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(4) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for providing early childhood education assistance. Of these amounts, \$1,497,000 in each fiscal year is provided solely to increase the number of children receiving education, and \$1,052,000 in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are provided solely for a targeted vendor rate increase.

(5) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(6) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(9) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(10) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(11) \$150,000 of general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(14) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(15) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(16) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(19) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(20) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(21) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$573,000
General Fund--State Appropriation (FY 2007)	\$517,000
TOTAL APPROPRIATION	\$1,090,000

NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	\$16,993,000
General Fund--State Appropriation (FY 2007)	\$16,050,000
General Fund--Federal Appropriation	\$23,550,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$246,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
TOTAL APPROPRIATION	\$57,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$182,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation

\$29,490,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation	\$20,323,000
Higher Education Personnel Services Account--State Appropriation	\$1,634,000

TOTAL APPROPRIATION

\$21,957,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation

\$24,087,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006)

\$238,000

General Fund--State Appropriation (FY 2007)

\$247,000

TOTAL APPROPRIATION

\$485,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)

\$237,000

General Fund--State Appropriation (FY 2007)

\$240,000

TOTAL APPROPRIATION

\$477,000

NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State
Appropriation

\$1,043,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State
Appropriation

\$416,000

Department of Retirement Systems Expense Account--
State Appropriation

\$45,056,000

TOTAL APPROPRIATION

\$45,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State
Appropriation

\$16,020,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006)

\$90,065,000

General Fund--State Appropriation (FY 2007)

\$91,207,000

Timber Tax Distribution Account--State Appropriation

\$5,609,000

Waste Reduction/Recycling/Litter Control--State
Appropriation

\$108,000

State Toxics Control Account--State Appropriation

\$73,000

Oil Spill Prevention Account--State Appropriation

\$14,000

TOTAL APPROPRIATION

\$187,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to employ strategies to enhance current revenue enforcement activities.

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006)

\$1,362,000

General Fund--State Appropriation (FY 2007)	\$1,211,000
TOTAL APPROPRIATION	\$2,573,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	\$787,000
City and Town Research Services Account--State Appropriation	\$4,134,000
TOTAL APPROPRIATION	\$4,921,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	\$3,186,000
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The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2006)	\$321,000
General Fund--State Appropriation (FY 2007)	\$233,000
General Fund--Federal Appropriation	\$3,640,000
General Administration Service Account--State Appropriation	\$32,045,000
TOTAL APPROPRIATION	\$36,239,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State Appropriation	\$3,612,000
Public Safety and Education Account--State Appropriation	\$684,000
TOTAL APPROPRIATION	\$4,296,000

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$673,000
Insurance Commissioners Regulatory Account--State Appropriation	\$40,253,000
TOTAL APPROPRIATION	\$40,926,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	\$40,926,000
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Appropriation	\$1,962,000
<u>NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL</u>	
Death Investigations Account--State Appropriation	\$282,000
<p>The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.</p>	
<u>NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION</u>	
Horse Racing Commission Operating Account--State Appropriation	\$5,009,000
<u>NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD</u>	
General Fund--State Appropriation (FY 2006)	\$1,739,000
General Fund--State Appropriation (FY 2007)	\$1,706,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	\$154,080,000
TOTAL APPROPRIATION	\$170,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation

	\$28,436,000
Pipeline Safety Account--State Appropriation	
	\$2,877,000
Pipeline Safety Account--Federal Appropriation	
	\$1,535,000
TOTAL APPROPRIATION	
	\$32,848,000

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account--State Appropriation

\$768,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006)

\$10,084,000

General Fund--State Appropriation (FY 2007)

\$9,362,000

General Fund--Federal Appropriation

\$165,970,000

General Fund--Local Appropriation

\$2,000

Enhanced 911 Account--State Appropriation

\$34,766,000

Disaster Response Account--State Appropriation

\$2,277,000

Disaster Response Account--Federal Appropriation

\$11,008,000

Worker and Community Right-to-Know Account--State
Appropriation

\$314,000

Nisqually Earthquake Account--State Appropriation

\$6,713,000

Nisqually Earthquake Account--Federal Appropriation

\$29,127,000

Military Department Rental and Lease Account--State
Appropriation

\$378,000

TOTAL APPROPRIATION

\$270,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,277,000 of the disaster response account--state appropriation and \$11,008,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the

account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) \$6,713,000 of the Nisqually earthquake account--state appropriation and \$29,127,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) \$127,586,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,776,000
General Fund--State Appropriation (FY 2007)	\$2,824,000
Department of Personnel Service Account--State Appropriation	\$2,945,000
TOTAL APPROPRIATION	\$8,545,000

NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	\$1,571,000
General Fund--State Appropriation (FY 2007)	\$1,587,000
TOTAL APPROPRIATION	\$3,158,000

The appropriations in this section are subject to the following conditions and limitations: \$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State Appropriation	\$30,512,000
State Convention and Trade Center Operating Account--State Appropriation	\$46,470,000
TOTAL APPROPRIATION	\$76,982,000

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006)	\$550,000
General Fund--State Appropriation (FY 2007)	\$549,000
General Fund--Federal Appropriation	\$1,446,000
General Fund--Local Appropriation	\$14,000
TOTAL APPROPRIATION	\$2,559,000

(End of part)

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$251,005,000
General Fund--State Appropriation (FY 2007)	\$266,350,000
General Fund--Federal Appropriation	\$421,401,000
General Fund--Private/Local Appropriation	\$400,000
Public Safety and Education Account--State Appropriation	\$10,754,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$1,510,000
TOTAL APPROPRIATION	\$951,420,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$3,837,000 of the general fund--state appropriation for fiscal year 2006, \$6,352,000 of the general fund--state appropriation for fiscal year 2007, and \$4,370,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including 30-day face-to-face contact for children in out-of-home care, improved timeliness of child protective services investigations, an enhanced in-home child welfare services program, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and \$178,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006, \$572,000 of the general fund--state appropriation for fiscal year 2007, and \$1,144,000 of the general fund--federal appropriation are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	\$78,552,000
General Fund--State Appropriation (FY 2007)	\$81,760,000
General Fund--Federal Appropriation	\$5,998,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$5,621,000
TOTAL APPROPRIATION	\$211,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to

provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(e) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate

policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	\$261,430,000
General Fund--State Appropriation (FY 2007)	\$269,285,000
General Fund--Federal Appropriation	\$336,771,000
General Fund--Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	\$869,456,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In fiscal year 2006 the department shall continue and in fiscal year 2007 it shall complete the phased-in implementation of the revised medicaid allocation formula under which each regional support network is paid the same standard capitation rate per medicaid eligible person, adjusted by age and disability status.

(b) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for persons and services not covered by the medicaid program. The department shall distribute these amounts among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.

(c) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(d) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(e) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance,

funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.

(h) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(i) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(j) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(k) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(l) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(m) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(n) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(o) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network.

(p) Sufficient funds are appropriated in this section to implement the integrated chemical dependency/mental health screening and assessment provisions of section 601 of Senate Bill No. 5763.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$104,749,000
General Fund--State Appropriation (FY 2007)	\$110,534,000
General Fund--Federal Appropriation	\$150,115,000
General Fund--Private/Local Appropriation	\$29,632,000

TOTAL APPROPRIATION

\$395,030,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	\$43,322,000
General Fund--State Appropriation (FY 2007)	\$46,551,000
TOTAL APPROPRIATION	\$89,873,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	\$994,000
General Fund--Federal Appropriation	\$3,209,000
TOTAL APPROPRIATION	\$4,846,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$3,620,000
General Fund--State Appropriation (FY 2007)	\$3,550,000
General Fund--Federal Appropriation	\$6,671,000
TOTAL APPROPRIATION	\$13,841,000

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	\$299,027,000
General Fund--State Appropriation (FY 2007)	\$311,869,000
General Fund--Federal Appropriation	\$505,414,000
Health Services Account--State Appropriation	\$904,000
TOTAL APPROPRIATION	\$1,117,214,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$213,000 of the general fund--state appropriation for fiscal year 2006, \$400,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The per worker per month state contribution per agency to the cost of health care benefits shall be no greater than \$380.06 in fiscal year 2006 and \$413.14 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, \$1,563,000 of the general fund--state appropriation for fiscal year 2007, and \$2,078,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, \$1,531,000 of the general fund--state appropriation for fiscal year 2007, and \$2,110,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$1,979,000 of the general fund--state appropriation for fiscal year 2007, and \$1,219,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006, \$65,000 of the general fund--state appropriation for fiscal year 2007, and \$130,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

- (i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and
- (ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007)	\$76,062,000
General Fund--Federal Appropriation	\$78,545,000
General Fund--Private/Local Appropriation	\$152,479,000
TOTAL APPROPRIATION	\$12,000,000
	\$319,086,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$2,457,000
General Fund--State Appropriation (FY 2007)	\$2,068,000
General Fund--Federal Appropriation	\$3,034,000
TOTAL APPROPRIATION	\$7,559,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
General Fund--State Appropriation (FY 2007)	\$17,000
General Fund--Federal Appropriation	\$16,668,000
TOTAL APPROPRIATION	\$16,696,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$604,891,000
General Fund--State Appropriation (FY 2007)	\$623,448,000
General Fund--Federal Appropriation	\$1,264,939,000
General Fund--Private/Local Appropriation	\$18,939,000
Health Services Account--State Appropriation	\$4,888,000
TOTAL APPROPRIATION	\$2,517,105,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$610,000 of the general fund--state appropriation for fiscal year 2006, \$610,000 of the general fund--state appropriation for fiscal year 2007, and \$5,552,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state

contracts for at least twenty hours a week. The per worker per month state contribution per agency to the cost of health care benefits shall be no greater than \$380.06 in fiscal year 2006 and \$413.14 in fiscal year 2007.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$149.14 for fiscal year 2006 and shall not exceed \$153.50 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,413,000 of the general fund--state appropriation for fiscal year 2006, \$2,887,000 of the general fund--state appropriation for fiscal year 2007, and \$4,305,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) Within amounts appropriated in this section, the department shall develop and implement a pilot program that authorizes assisted living facilities to offer dual-occupancy accommodations to publicly-funded residents who would otherwise be placed in a skilled nursing facility or adult family home. The pilot shall include contracted assisted living facilities that are ineligible to receive capital add-on payments and whose Medicaid occupancy rates exceeded 50 percent as of December 31, 2004.

(12) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(14) \$435,000 of the general fund--state appropriation for fiscal year 2006, \$435,000 of the general fund--state appropriation for fiscal year 2007, and \$870,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$483,166,000
General Fund--State Appropriation (FY 2007)	\$501,081,000
General Fund--Federal Appropriation	\$1,246,447,000
General Fund--Private/Local Appropriation	\$31,466,000
TOTAL APPROPRIATION	\$2,262,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,333,000 of the general fund--state appropriation for fiscal year 2006, \$273,333,000 of the general fund--state appropriation for fiscal year 2007, and \$1,020,292,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$75,833,000 of the general fund--state appropriation for fiscal year 2006 and \$74,358,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance-unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	\$57,235,000
General Fund--State Appropriation (FY 2007)	\$66,956,000
General Fund--Federal Appropriation	\$110,175,000
General Fund--Private/Local Appropriation	\$633,000
Criminal Justice Treatment Account--State Appropriation	\$16,500,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$48,842,000
Problem Gambling Treatment Account--State Appropriation	\$1,500,000
Public Safety and Education Account--State Appropriation	\$2,081,000
TOTAL APPROPRIATION	\$303,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the problem gambling treatment account appropriation is provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No.

5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	\$1,481,212,000
General Fund--State Appropriation (FY 2007)	\$1,596,101,000
General Fund--Federal Appropriation	\$4,036,615,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation	\$636,942,000
TOTAL APPROPRIATION	\$7,767,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$1,660,000 of the health services account appropriation, \$4,361,000 of the general fund--federal appropriation, \$1,350,000 of the general fund--state appropriation for fiscal year 2006, and \$1,351,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income

and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$22,081,000 of the health services account appropriation and \$20,714,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts provided in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. \$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.

(10) \$4,372,000 of the general fund--state appropriation for fiscal year 2006, \$4,014,000 of the general fund--state appropriation for fiscal year 2007, and \$65,112,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$150,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) Within the funding provided in section 207(2) of this act, the medical assistance administration and the economic services administration may implement a time-limited transitional prescription drug benefit for general assistance unemployable recipients who obtain employment and who have no other source of health insurance coverage. The benefit shall be limited to coverage of prescription drugs and medication management. The benefit shall be limited to one year. The department shall implement a premium schedule for the benefits under this subsection that is related to the participant's income. The minimum premium shall be twenty dollars per month. Recipients of this transitional benefit shall not be considered part of the general assistance caseload unless eligibility is established under standard reapplication procedures.

(22) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	\$11,202,000
General Fund--State Appropriation (FY 2007)	\$11,350,000
General Fund--Federal Appropriation	\$86,908,000
General Fund--Private/Local Appropriation	\$440,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,791,000
TOTAL APPROPRIATION	\$111,691,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	\$32,933,000
General Fund--State Appropriation (FY 2007)	

General Fund--Federal Appropriation	\$29,910,000
General Fund--Private/Local Appropriation	\$51,489,000
Public Safety and Education Account--State Appropriation	\$810,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$2,452,000
Domestic Violence Prevention Account--State Appropriation	\$1,791,000
	\$1,345,000
TOTAL APPROPRIATION	\$120,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) \$3,195,000 of the general fund--state appropriation for fiscal year 2006, \$639,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

(4) \$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006)	\$46,381,000
General Fund--State Appropriation (FY 2007)	\$46,380,000
General Fund--Federal Appropriation	\$45,103,000
TOTAL APPROPRIATION	\$137,864,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation	\$3,140,000
State Health Care Authority Administrative Account-- State Appropriation	\$29,394,000
Medical Aid Account--State Appropriation	\$171,000
Health Services Account--State Appropriation	\$456,207,000
TOTAL APPROPRIATION	\$488,912,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family

incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$19,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) The health care authority shall study alternatives for the provision of a high deductible health plan and health savings accounts for enrollees in the basic health and public employees' benefits board plans that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall submit a report to the legislature by December 1, 2005, on options for implementation of pilot programs for the basic health and public employees' benefits board plans and a full scale offering. The board's report shall include estimates of the fiscal impact of each option.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,596,000
General Fund--State Appropriation (FY 2007)	\$2,634,000
General Fund--Federal Appropriation	\$1,741,000

TOTAL APPROPRIATION

\$6,971,000

The appropriations in this section are subject to the following conditions and limitations: The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State
Appropriation

\$20,000

Accident Account--State Appropriation

\$16,399,000

Medical Aid Account--State Appropriation

\$16,398,000

TOTAL APPROPRIATION

\$32,817,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State
Appropriation

\$19,003,000

Death Investigations Account--State Appropriation

\$148,000

Municipal Criminal Justice Assistance Account--
Private/Local Appropriation

\$460,000

TOTAL APPROPRIATION

\$19,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)

\$7,554,000

General Fund--State Appropriation (FY 2007)

\$7,648,000

Public Safety and Education Account--State
Appropriation

\$27,277,000

Public Safety and Education Account--Federal
Appropriation

\$10,000,000

Asbestos Account--State Appropriation

\$808,000

Electrical License Account--State Appropriation

\$34,743,000

Farm Labor Revolving Account--Private/Local
Appropriation

Worker and Community Right-to-Know Account--State Appropriation	\$28,000
Public Works Administration Account--State Appropriation	\$1,836,000
Accident Account--State Appropriation	\$2,664,000
Accident Account--Federal Appropriation	\$206,490,000
Medical Aid Account--State Appropriation	\$13,621,000
Medical Aid Account--Federal Appropriation	\$205,011,000
Plumbing Certificate Account--State Appropriation	\$3,185,000
Pressure Systems Safety Account--State Appropriation	\$1,657,000
TOTAL APPROPRIATION	\$3,324,000
	\$525,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$27,227,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; and

(b) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2006)	\$1,092,000
General Fund--State Appropriation (FY 2007)	\$1,096,000
TOTAL APPROPRIATION	\$2,188,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	\$1,918,000
General Fund--State Appropriation (FY 2007)	\$1,880,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,808,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall participate in the health technology assessment program required in section 213(6) of this act.
- (b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.
- (c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.
- (d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	\$2,809,000
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	\$2,016,000
TOTAL APPROPRIATION	\$7,979,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.
- (b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$8,259,000
General Fund--State Appropriation (FY 2007)	\$8,238,000
General Fund--Federal Appropriation	\$31,436,000
General Fund--Private/Local Appropriation	

TOTAL APPROPRIATION	\$26,338,000
	\$74,271,000
<u>NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY</u>	
General Fund--State Appropriation (FY 2006)	\$919,000
General Fund--State Appropriation (FY 2007)	\$1,093,000
General Fund--Federal Appropriation	\$1,034,000
TOTAL APPROPRIATION	\$3,046,000

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

<u>NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH</u>	
General Fund--State Appropriation (FY 2006)	\$64,090,000
General Fund--State Appropriation (FY 2007)	\$64,485,000
General Fund--Federal Appropriation	\$455,467,000
General Fund--Private/Local Appropriation	\$101,479,000
Hospital Commission Account--State Appropriation	\$2,615,000
Health Professions Account--State Appropriation	\$51,659,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,578,000
Safe Drinking Water Account--State Appropriation	\$2,907,000
Drinking Water Assistance Account--Federal Appropriation	\$16,158,000
Waterworks Operator Certification--State Appropriation	\$1,098,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Water Quality Account--State Appropriation	\$3,680,000
State Toxics Control Account--State Appropriation	\$2,843,000
Medical Test Site Licensure Account--State Appropriation	\$1,790,000
Youth Tobacco Prevention Account--State Appropriation	

Public Health Supplemental Account--Private/Local Appropriation	\$1,806,000
Accident Account--State Appropriation	\$3,306,000
Medical Aid Account--State Appropriation	\$275,000
Health Services Account--State Appropriation	\$46,000
Tobacco Prevention and Control Account--State Appropriation	\$38,101,000
Patient Safety Account--State Appropriation	\$52,677,000
TOTAL APPROPRIATION	\$641,000
	\$878,625,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000 of the patient safety account appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve approximately 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(10) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(13) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(14) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(15) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(23) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	\$52,282,000
General Fund--State Appropriation (FY 2007)	\$41,838,000
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$26,000
Public Safety and Education Account--State Appropriation	\$2,768,000
Industrial Insurance Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	\$97,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$11,250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	\$516,992,000
General Fund--State Appropriation (FY 2007)	\$545,816,000
General Fund--Federal Appropriation	\$4,424,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$2,984,000
TOTAL APPROPRIATION	\$1,070,216,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following

factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)

\$82,210,000

General Fund--State Appropriation (FY 2007)

\$81,646,000

Public Safety and Education Account--State
Appropriation

\$16,736,000

TOTAL APPROPRIATION

\$180,592,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)

\$838,000

General Fund--State Appropriation (FY 2007)

\$882,000

TOTAL APPROPRIATION

\$1,720,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)

\$33,839,000

General Fund--State Appropriation (FY 2007)

\$33,838,000

TOTAL APPROPRIATION

\$67,677,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)

\$1,887,000

General Fund--State Appropriation (FY 2007)

\$1,939,000

General Fund--Federal Appropriation

General Fund--Private/Local Appropriation	\$15,326,000
	\$80,000
TOTAL APPROPRIATION	\$19,232,000
 <u>NEW SECTION. Sec. 224. FOR THE SENTENCING GUIDELINES COMMISSION</u>	
General Fund--State Appropriation (FY 2006)	\$864,000
General Fund--State Appropriation (FY 2007)	\$861,000
TOTAL APPROPRIATION	\$1,725,000
 <u>NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT</u>	
General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	\$259,865,000
General Fund--Private/Local Appropriation	\$31,857,000
Unemployment Compensation Administration Account-- Federal Appropriation	\$199,217,000
Administrative Contingency Account--State Appropriation	\$14,946,000
Employment Service Administrative Account--State Appropriation	\$24,411,000
TOTAL APPROPRIATION	\$530,416,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$471,000
General Fund--State Appropriation (FY 2007)	\$478,000
General Fund--Private/Local Appropriation	\$859,000
TOTAL APPROPRIATION	\$1,808,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006)	\$40,648,000
General Fund--State Appropriation (FY 2007)	\$40,344,000
General Fund--Federal Appropriation	\$73,911,000
General Fund--Private/Local Appropriation	\$13,287,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$2,646,000
Flood Control Assistance Account--State Appropriation	\$3,084,000
State Emergency Water Projects Revolving Account--State Appropriation	\$1,456,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$15,067,000
State Drought Preparedness Account--State Appropriation	\$221,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$384,000
Vessel Response Account--State Appropriation	\$2,876,000
Site Closure Account--State Appropriation	\$655,000
Water Quality Account--State Appropriation	\$28,021,000
Wood Stove Education and Enforcement Account--State Appropriation	\$357,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,142,000
State Toxics Control Account--State Appropriation	\$78,169,000
State Toxics Control Account--Private/Local	

Appropriation	\$379,000
Local Toxics Control Account--State Appropriation	\$5,258,000
Water Quality Permit Account--State Appropriation	\$31,909,000
Underground Storage Tank Account--State Appropriation	\$2,883,000
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation	\$851,000
Hazardous Waste Assistance Account--State Appropriation	\$5,153,000
Air Pollution Control Account--State Appropriation	\$11,199,000
Oil Spill Prevention Account--State Appropriation	\$10,219,000
Air Operating Permit Account--State Appropriation	\$2,679,000
Freshwater Aquatic Weeds Account--State Appropriation	\$2,534,000
Oil Spill Response Account--State Appropriation	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$413,000
Water Pollution Control Revolving Account--Federal Appropriation	\$1,995,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
TOTAL APPROPRIATION	\$386,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to

continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.

(10) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(11) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(12) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$34,527,000
General Fund--State Appropriation (FY 2007)	\$34,669,000
General Fund--Federal Appropriation	\$2,738,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State Appropriation	\$1,110,000
Off Road Vehicle Account--State Appropriation	\$225,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State Appropriation	\$345,000
Parks Renewal and Stewardship Account--State Appropriation	\$38,480,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$47,000

TOTAL APPROPRIATION

\$300,000

\$117,317,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2006)	\$1,401,000
General Fund--State Appropriation (FY 2007)	\$1,414,000
General Fund--Federal Appropriation	\$18,455,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$254,000
Water Quality Account--State Appropriation	\$200,000
Firearms Range Account--State Appropriation	\$24,000
Recreation Resources Account--State Appropriation	\$3,176,000
NOVA Program Account--State Appropriation	\$809,000

TOTAL APPROPRIATION

\$25,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other

capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,057,000
General Fund--State Appropriation (FY 2007)	\$1,064,000
TOTAL APPROPRIATION	\$2,121,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	\$2,253,000
Water Quality Account--State Appropriation	\$4,175,000
TOTAL APPROPRIATION	\$8,663,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	\$45,751,000
General Fund--State Appropriation (FY 2007)	\$44,545,000
General Fund--Federal Appropriation	\$42,261,000
General Fund--Private/Local Appropriation	\$36,025,000
Off Road Vehicle Account--State Appropriation	\$392,000
Aquatic Lands Enhancement Account--State Appropriation	\$5,813,000
Recreational Fisheries Enhancement--State Appropriation	\$3,547,000
Warm Water Game Fish Account--State Appropriation	\$2,898,000
Eastern Washington Pheasant Enhancement	

Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	\$62,776,000
Wildlife Account--Federal Appropriation	\$30,966,000
Wildlife Account--Private/Local Appropriation	\$10,379,000
Game Special Wildlife Account--State Appropriation	\$2,147,000
Game Special Wildlife Account--Federal Appropriation	\$8,858,000
Game Special Wildlife Account--Private/Local Appropriation	\$468,000
Public Safety and Education Account--State Appropriation	\$588,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$1,755,000
Oil Spill Prevention Account--State Appropriation	\$1,040,000
Recreation Resources Account--State Appropriation	\$36,000
Oyster Reserve Land Account--State Appropriation	\$411,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$750,000
TOTAL APPROPRIATION	\$302,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$1,900,000 of the state wildlife account--state is provided solely to implement Senate Bill No. 5234 (expanding hunter access to private lands). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a grant to the grizzly bear outreach project to disseminate accurate information about grizzly bears and the grizzly bear recovery process in the north Cascades mountains.

(12) \$750,000 of the freshwater aquatic algae control account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$50,000 of the wildlife account--state appropriation is provided solely for reimbursements for damage to commercial livestock caused by cougars.

(15) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(16) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(17) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(18) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(19) \$120,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	\$49,220,000
General Fund--State Appropriation (FY 2007)	\$43,757,000
General Fund--Federal Appropriation	\$15,202,000
General Fund--Private/Local Appropriation	\$1,275,000
Forest Development Account--State Appropriation	\$54,441,000
Off-Road Vehicle Account--State Appropriation	\$3,986,000
Surveys and Maps Account--State Appropriation	\$2,436,000
Aquatic Lands Enhancement Account--State Appropriation	

Resources Management Cost Account--State Appropriation	\$8,344,000
Surface Mining Reclamation Account--State Appropriation	\$85,941,000
Disaster Response Account--State Appropriation	\$1,841,000
Water Quality Account--State Appropriation	\$5,000,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$2,630,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$652,000
State Toxics Control Account--State Appropriation	\$34,000
Air Pollution Control Account--State Appropriation	\$2,155,000
Derelict Vessel Removal Account--State Appropriation	\$555,000
Agricultural College Trust Management Account--State Appropriation	\$1,137,000
TOTAL APPROPRIATION	\$1,962,000
	\$280,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$953,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) \$10,635,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in the consent

decree and settlement agreement in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2005 and \$4,000 of the general fund--state appropriation for fiscal year 2006 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)

\$11,000,000

General Fund--State Appropriation (FY 2007)

\$10,443,000

General Fund--Federal Appropriation	\$10,608,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	\$1,986,000
Water Quality Account--State Appropriation	\$968,000
State Toxics Control Account--State Appropriation	\$3,416,000
Water Quality Permit Account--State Appropriation	\$238,000
TOTAL APPROPRIATION	\$39,072,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) \$466,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM Pollution Liability Insurance Program Trust
Account--State Appropriation

\$861,000

(End of part)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING
General Fund--State Appropriation (FY 2006)

\$1,886,000

General Fund--State Appropriation (FY 2007)	\$1,787,000
Architects' License Account--State Appropriation	\$728,000
Cemetery Account--State Appropriation	\$224,000
Professional Engineers' Account--State Appropriation	\$3,179,000
Real Estate Commission Account--State Appropriation	\$7,583,000
Master License Account--State Appropriation	\$11,593,000
Uniform Commercial Code Account--State Appropriation	\$2,936,000
Real Estate Education Account--State Appropriation	\$275,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,345,000
Business and Professions Account--State Appropriation	\$7,927,000
Real Estate Research Account--State Appropriation	\$301,000
Wildlife Account--State Appropriation	\$13,000
Funeral Directors and Embalmers Account--State Appropriation	\$534,000
Geologists' Account--State Appropriation	\$34,000
Data Processing Revolving Account--State Appropriation	\$29,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	\$40,405,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006)	\$36,089,000
General Fund--State Appropriation (FY 2007)	\$30,702,000
General Fund--Federal Appropriation	\$4,356,000
General Fund--Private/Local Appropriation	\$595,000
Death Investigations Account--State Appropriation	\$5,615,000
Public Safety and Education Account--State Appropriation	\$4,941,000
Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance Account--State Appropriation	\$2,883,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,154,000
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	\$7,550,000
State Toxics Control Account--State Appropriation	\$468,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$313,000
Fingerprint Identification Account--State Appropriation	\$6,257,000
Disaster Response Account--State Appropriation	\$2,000
DNA Data Base Account--State Appropriation	\$150,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$222,000
TOTAL APPROPRIATION	\$102,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$222,000 of the aquatic invasive species prevention account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006)	\$12,946,000
General Fund--State Appropriation (FY 2007)	\$12,870,000
General Fund--Federal Appropriation	\$30,248,000
TOTAL APPROPRIATION	\$56,064,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,836,000 of the general fund--state appropriation for fiscal year 2006 and \$10,910,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and \$428,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may

examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$78,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$10,192,000
General Fund--State Appropriation (FY 2007)	\$10,155,000
General Fund--Federal Appropriation	\$47,465,000
TOTAL APPROPRIATION	\$67,812,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$11,600,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program

provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$548,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,521,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$8,292,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) \$19,587,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006) \$4,180,957,000

General Fund--State Appropriation (FY 2007) \$4,243,010,000

TOTAL APPROPRIATION

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 10.90 percent in the 2005-06 school year and 11.90 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.57 percent in the 2005-06 school year and 15.82 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,285 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$22,802 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$17,692 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$7,621,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$523,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,035,000 for the 2007 fiscal year;

(c) A maximum of \$365,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$787,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 3.4 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 18, 2005, at 10:00 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 6, 2005, at 10:00 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.26 percent for school year 2005-06 and 11.26 percent for school year 2006-07 for certificated staff and for classified staff 11.07 percent for school year 2005-06 and 12.32 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794

6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006)

\$73,981,000

General Fund--State Appropriation (FY 2007)

Education Legacy Trust Account--State Appropriation	\$186,968,000
General Fund--Federal Appropriation	\$470,000
	\$864,000
TOTAL APPROPRIATION	\$262,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$135,669,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 1.7 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.26 percent for the 2005-06 school year and 11.26 percent for the 2006-07 school year for certificated staff and 11.07 percent for the 2005-06 school year and 12.32 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.28	\$0.68
Highly Capable (per formula student)	\$2.96	\$7.26
Transitional Bilingual Education (per eligible bilingual student)	\$7.92	\$19.44
Learning Assistance (per formula student)	\$1.69	\$4.14

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and \$676,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) \$126,614,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$679.39 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.88
Highly Capable (per formula student)	\$2.89	\$5.97
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$15.69
Learning Assistance (per formula student)	\$1.49	\$3.11

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	\$242,170,000
General Fund--State Appropriation (FY 2007)	\$248,575,000
TOTAL APPROPRIATION	\$490,745,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$812,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$41.51 per weighted mile in the 2005-06 school year and \$42.01 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	\$288,774,000
TOTAL APPROPRIATION	\$295,080,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	\$460,032,000
General Fund--State Appropriation (FY 2007)	\$471,961,000
General Fund--Federal Appropriation	\$435,464,000
TOTAL APPROPRIATION	\$1,367,457,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)	\$3,694,000
General Fund--State Appropriation (FY 2007)	\$3,724,000
TOTAL APPROPRIATION	\$7,418,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	\$174,465,000
General Fund--State Appropriation (FY 2007)	\$182,702,000
TOTAL APPROPRIATION	\$357,167,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	\$19,084,000
General Fund--State Appropriation (FY 2007)	\$19,673,000
TOTAL APPROPRIATION	\$38,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$219,000 of the general fund--state appropriation for fiscal year 2006 and \$219,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	\$6,860,000
General Fund--State Appropriation (FY 2007)	\$6,926,000
TOTAL APPROPRIATION	\$13,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.24 per funded student for the 2005-06 school year and \$349.48 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$22,084,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	\$43,076,000
General Fund--State Appropriation (FY 2007)	\$40,427,000
General Fund--Federal Appropriation	\$123,345,000
TOTAL APPROPRIATION	\$206,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

\$19,810,000 of the general fund--state appropriation for fiscal year 2006, \$16,105,000 of the general fund--state appropriation for fiscal year 2007, and \$16,111,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,010,000 of the general fund--state appropriation for fiscal year 2006 and \$4,018,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$90,399,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(3) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$16,758,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(4) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(5) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on

school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006)	\$59,673,000
General Fund--State Appropriation (FY 2007)	\$63,535,000
General Fund--Federal Appropriation	\$45,561,000
TOTAL APPROPRIATION	\$168,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$757.72 per eligible bilingual student in the 2005-06 school year and \$763.70 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	\$65,434,000
General Fund--State Appropriation (FY 2007)	\$65,367,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
General Fund--Federal Appropriation	\$343,227,000
TOTAL APPROPRIATION	\$498,633,000

(1) The general fund--state and education legacy trust account appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.29 per funded student for the 2005-06 school year and \$186.03 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through twelve. Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation

\$629,356,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.

State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in sections 603 and 949 through 980 of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2005-06 and 2006-07 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2005-06 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2004-05 academic year.

For the 2006-07 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six

percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2005-06 academic year.

(4) For the 2005-07 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2005-07 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2005-07 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2005-2007 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) Pursuant to RCW 43.135.055, the governing boards of the state universities, regional universities, and The Evergreen State College are authorized to increase application fees in excess of the fiscal growth factor during the 2005-2007 biennium. The application fee levels increased pursuant to this subsection shall not exceed fifty dollars per application.

NEW SECTION. Sec. 602. (1) The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average	2006-07 Annual Average
University of Washington		
Main campus	33,037	33,217
Bothell branch	1,340	1,540
Tacoma branch	1,644	1,869
Washington State University		
Main campus	18,695	18,910
Tri-Cities branch	675	700
Vancouver branch	1,353	1,678
Central Washington University	8,323	8,649
Eastern Washington University	8,593	8,919
The Evergreen State College	4,038	4,143
Western Washington University	11,559	11,729
State Board for Community and Technical Colleges	130,905	133,040

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006)	\$556,499,000
General Fund--State Appropriation (FY 2007)	\$556,220,000
Administrative Contingency Account--State Appropriation	\$2,950,000
Education Legacy Trust--State Appropriation	\$46,669,000
TOTAL APPROPRIATION	\$1,172,338,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;
- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(11) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006)	\$336,644,000
General Fund--State Appropriation (FY 2007)	\$344,118,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	\$6,204,000
Medical Aid Account--State Appropriation	\$6,141,000
Education Legacy Trust--State Appropriation	\$10,748,000
TOTAL APPROPRIATION	\$704,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007

biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
 - (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
 - (c) Improve freshman retention rates;
 - (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
 - (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received;
- and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and \$146,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$350,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$206,494,000
General Fund--State Appropriation (FY 2007)	\$211,870,000
Education Legacy Trust--State Appropriation	\$11,162,000
TOTAL APPROPRIATION	\$429,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$46,137,000
General Fund--State Appropriation (FY 2007)	\$47,069,000
Education Legacy Trust--State Appropriation	\$6,461,000
TOTAL APPROPRIATION	\$99,667,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and \$213,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$45,379,000
General Fund--State Appropriation (FY 2007)	\$46,739,000
Education Legacy Trust--State Appropriation	\$6,461,000
TOTAL APPROPRIATION	\$98,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	\$25,586,000
General Fund--State Appropriation (FY 2007)	\$26,174,000
Education Legacy Trust--State Appropriation	\$2,116,000
TOTAL APPROPRIATION	\$53,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$140,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	\$58,896,000
General Fund--State Appropriation (FY 2007)	\$60,514,000
Education Legacy Trust--State Appropriation	\$3,475,000
TOTAL APPROPRIATION	\$122,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006)	\$2,665,000
General Fund--State Appropriation (FY 2007)	\$2,684,000
General Fund--Federal Appropriation	\$4,289,000
TOTAL APPROPRIATION	\$9,638,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006)	\$159,363,000
General Fund--State Appropriation (FY 2007)	\$164,634,000
General Fund--Federal Appropriation	\$13,073,000
Education Legacy Trust--State Appropriation	\$62,910,000
TOTAL APPROPRIATION	\$399,980,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for the state need grant program. After April 1st of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement House Bill No. 1345 (part-time student financial aid). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. The board may not expend more than the amount provided in this subsection to implement the bill.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to support the future teachers' conditional scholarship and loan repayment program.

(8) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for the state work study program. After April 1st of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (11) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(9) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(10) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

(11) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(12) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

(13) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$4,265,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004.

(14) \$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)

\$1,225,000

General Fund--State Appropriation (FY 2007)	\$1,231,000
General Fund--Federal Appropriation	\$53,890,000
TOTAL APPROPRIATION	\$56,346,000

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	\$1,446,000
General Fund--State Appropriation (FY 2007)	\$1,476,000
TOTAL APPROPRIATION	\$2,922,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,322,000
General Fund--State Appropriation (FY 2007)	\$2,349,000
General Fund--Federal Appropriation	\$1,300,000
General Fund--Private/Local Appropriation (FY 2007)	\$1,000
TOTAL APPROPRIATION	\$5,972,000

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	\$3,408,000
General Fund--State Appropriation (FY 2007)	\$2,757,000
TOTAL APPROPRIATION	\$6,165,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	\$1,636,000
General Fund--State Appropriation (FY 2007)	\$1,630,000
TOTAL APPROPRIATION	\$3,266,000
<u>NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND</u>	
General Fund--State Appropriation (FY 2006)	\$5,133,000
General Fund--State Appropriation (FY 2007)	\$5,251,000
General Fund--Private/Local Appropriation	\$1,335,000
TOTAL APPROPRIATION	\$11,719,000
<u>NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF</u>	
General Fund--State Appropriation (FY 2006)	\$8,419,000
General Fund--State Appropriation (FY 2007)	\$8,613,000
General Fund--Private/Local Appropriation	\$232,000
TOTAL APPROPRIATION	\$17,264,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

<u>NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT</u>	
General Fund--State Appropriation (FY 2006)	\$694,444,000
General Fund--State Appropriation (FY 2007)	\$668,119,000
State Building Construction Account--State Appropriation	\$3,924,000
State Taxable Building Construction Account--State Appropriation	\$139,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$1,215,000
Debt-limit General Fund Bond Retirement Account--State Appropriation	\$4,113,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,583,000
TOTAL APPROPRIATION	\$1,374,537,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation	\$29,411,000
Accident Account--State Appropriation	\$5,111,000
Medical Aid Account--State Appropriation	\$5,111,000
TOTAL APPROPRIATION	\$39,633,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006)	\$24,588,000
General Fund--State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$131,844,000
TOTAL APPROPRIATION	\$183,175,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006)	\$1,357,000
General Fund--State Appropriation (FY 2007)	\$1,357,000
State Building Construction Account--State Appropriation	\$1,080,000
State Taxable Building Construction Account--State Appropriation	\$13,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
TOTAL APPROPRIATION	\$4,259,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation	\$4,000,000
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The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2006)	
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General Fund--State Appropriation (FY 2007) \$850,000

TOTAL APPROPRIATION

\$850,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT General Fund--State Appropriation (FY 2006)

\$45,000

General Fund--State Appropriation (FY 2007)

TOTAL APPROPRIATION

\$792,000

\$837,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SMALL AGENCY INFORMATION TECHNOLOGY POOL

General Fund--State Appropriation (FY 2006)

\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the data processing revolving account.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2006)

\$600,000

General Fund--State Appropriation (FY 2007)

TOTAL APPROPRIATION

\$1,000,000

\$1,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for deposit in the capitol building construction account.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation

\$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2006	FY 2007	FY 2005-07 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056

Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--INDIVIDUAL DEVELOPMENT ACCOUNT

General Fund--State Appropriation (FY 2006)

\$510,000

General Fund--State Appropriation (FY 2007)

\$511,000

TOTAL APPROPRIATION

\$1,021,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the individual development account. If House Bill No. 1408 is not enacted by June 30, 2005, these amounts shall lapse.

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW. (1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006)

General Fund--State Appropriation (FY 2007) \$32,450,000

\$38,550,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006)

\$6,000,000

General Fund--State Appropriation (FY 2007)

\$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006)

\$300,000

General Fund--State Appropriation (FY 2007)

\$300,000

TOTAL APPROPRIATION

\$83,600,000

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2006)

\$6,840,000

General Fund--State Appropriation (FY 2007)

\$6,840,000

TOTAL APPROPRIATION

\$13,680,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BASE REALIGNMENT AND CLOSURE ASSISTANCE

General Fund--State Appropriation (FY 2006)

\$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is at risk of being identified for closure on the federal base realignment and closure process. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management.

NEW SECTION. Sec. 716. FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006)

\$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a grant to the life sciences discovery fund authority to be used in accordance with Engrossed Second Substitute Senate Bill No. 5581 (life sciences). If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.

NEW SECTION. Sec. 717. DOUBLE-FILLED PERSONNEL POSITIONS. From appropriations in this act, the director of financial management shall reduce general fund--state appropriations for fiscal year 2006 by \$1,333,000 and general

fund--state appropriations for fiscal year 2007 by \$2,667,000 to reflect the elimination of double-filled personnel positions in which two or more persons occupy the same position in the state personnel system. The allotment reductions shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 718. CRITICAL HIGH DEMAND EMPLOYEES. From the funds placed in unallotted status under section 717 of this act, the office of financial management may allot up to \$1,333,000 for fiscal year 2006 and \$2,667,000 for fiscal year 2007 to meet critical staffing needs of state agencies, particularly need for employees with high degrees of technical skill in high-demand nonmanagerial occupations. In no event may any of these funds be used, directly or indirectly, to increase employee compensation.

NEW SECTION. Sec. 719. FOR THE OFFICE OF THE GOVERNOR--JOINT TASK FORCE ON MENTAL HEALTH General Fund--State Appropriation (FY 2006)

\$25,000

General Fund--State Appropriation (FY 2007)

\$25,000

TOTAL APPROPRIATION

\$50,000

The appropriations in this section are subject to the following conditions and limitations: Amounts are provided for the task force created in House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 720. STRATEGIC PURCHASING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of \$50,000,000, of which \$25,000,000 shall be from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$8 million for fiscal year 2006 and by \$17 million for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of \$50,000,000 without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

NEW SECTION. Sec. 721. WASHINGTON MANAGEMENT SERVICES MIDDLE MANAGEMENT REDUCTION. (1) Appropriations made in this act assume the reduction of 1,000 middle managers.

(2) The office of financial management shall report to the fiscal committees of the legislature on the implementation of reduction no later than June 30, 2006, and again no later than June 30, 2007. The report will include the following information for each position eliminated: (a) Job classification; (b) date the position was eliminated; (c) the amount saved by fund source; (d) whether the employee who previously held the vacated position still works in another position within the agency; and (e) whether the employee who previously held the vacated position still works in any other state agency.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

Public Safety and Education Account--State
Appropriation (FY 2006)

\$70,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following county in the amounts designated for extraordinary criminal justice costs:

Grant

\$70,000

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE EMERGENCY WATER PROJECTS REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2006)

\$725,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the state emergency water projects revolving account.

NEW SECTION. Sec. 724. INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 725. INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 726. NONREPRESENTED EMPLOYEE SALARY SURVEY. For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided within agency appropriations for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS. Funding is provided within agency appropriations solely for funding agency pension changes as set forth in Substitute House Bill No. 1044 (pension funding methodology).

NEW SECTION. Sec. 728. STATE EMPLOYEE INSURANCE BENEFIT RESERVE. \$20,000,000 in the public employees' and retirees' insurance account shall be held in reserve and may be expended only to the extent that it is required to prevent the average employee share of medical insurance premiums from rising above 12% due to inflation above the assumed rate and shall not be used to expand benefits or to reduce the average employee share of medical insurance premium costs to less than 12%. If additional funds beyond the amount held in reserve by this section are needed, the legislature intends to appropriate additional funds to cover the cost of inflation, up to a maximum of 11%, in order to maintain the average employee share of medical premiums at no more than 12%.

NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM General Fund--State Appropriation (FY 2007)

\$4,400,000

Special Account Retirement Contribution Increase

Revolving Account Appropriation

(\$3,900,000)

TOTAL APPROPRIATION

\$500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$6,577,000
General Fund Appropriation for public utility district excise tax distributions	\$45,422,000
General Fund Appropriation for prosecuting attorney distributions	\$3,457,000
General Fund Appropriation for boating safety and education distributions	\$4,430,000
General Fund Appropriation for other tax distributions	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$71,110,000
County Criminal Justice Assistance Appropriation	\$53,914,000
Municipal Criminal Justice Assistance Appropriation	\$21,104,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$37,413,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$76,186,000
City-County Assistance Account Appropriation for local government financial assistance distribution	\$20,100,000
TOTAL APPROPRIATION	\$350,527,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation	\$1,913,400
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The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter

209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation

\$1,275,600

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution

\$1,632,000

General Fund Appropriation for federal flood control funds distribution

\$68,000

Forest Reserve Fund Appropriation for federal forest reserve fund distribution

\$84,500,000

TOTAL APPROPRIATION

\$86,200,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund,
\$5,150,000 for fiscal year 2006 and \$5,150,000
for fiscal year 2007

\$10,300,000

General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007

\$300,000

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007

\$1,557,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006

\$8,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account	\$185,823,000
Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006	\$45,000,000
Health Services Account: For transfer to the tobacco prevention and control account	\$23,366,000
Health Services Account: For transfer to the water quality account	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account	\$6,932,000
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007	\$85,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006	\$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007	\$500,000
State Treasurer's Service Account: For transfer to the state general fund, \$5,500,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007	\$10,500,000
General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007	\$637,000
State Toxics Control Account: For transfer to the water quality account	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account	\$10,534,000
Pollution Liability Insurance Trust Account: For transfer to the state general fund	\$7,500,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007	\$15,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006	\$2,000,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006	\$4,500,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006	\$3,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007	\$1,000,000
Education Legacy Trust Account: For transfer to the student achievement account, \$35,541,000 for fiscal year 2006 and \$102,697,000 for fiscal year 2007	\$3,000,000
Tobacco Prevention and Control Account: For transfer to the state general fund, \$13,910,000 for fiscal year 2006	\$138,238,000
	\$13,910,000
<u>NEW SECTION. Sec. 806. FOR THE STATE TREASURER--TRANSFERS.</u> For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.	
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2006 and \$12,000,000 for fiscal year 2007	\$17,000,000
General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007	\$300,000

(End of part)

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal

loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2003-05 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. BUSINESS CONTINUITY AND DISASTER RECOVERY. State agencies shall comply with the business continuity and disaster recovery policies, guidelines, and statements of direction developed by the department of information services and the information services board in consultation with state agencies. To ensure that agency

business continuity and disaster recovery activities identify the primary risks across state agencies, account for dependencies between agencies, capitalize on economies of scale, and avoid unnecessary duplication of costs and efforts, state agencies shall receive the prior approval of the department of information services before implementing business continuity and disaster recovery strategies and expending funds for business continuity activities.

NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 905. PROGRAM COST SHIFTS. Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2006.

NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2007, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2005-07 biennium.

NEW SECTION. Sec. 911. AGENCY EXPENDITURES FOR MOTOR VEHICLES. The use of hybrid motor vehicles reduces air contaminants, greenhouse gas emissions and reliance on imported sources of petroleum. To foster the use of hybrid motor vehicles, beginning July 1, 2005, before the purchase or lease of a motor vehicle, state agencies should first consider the feasibility of hybrid motor vehicles. State agencies should strive to purchase or lease a hybrid motor vehicle when the use of such vehicle is consistent with and can accomplish the agency's mission and when the purchase is financially reasonable. The financial assessment should include savings accruing from reduced fuel purchases over the life of the vehicle. Agencies shall report on their purchases of hybrid vehicles in their biennial sustainability plans as required under executive order 02-03.

Sec. 912. RCW 28A.160.195 and 2004 c 276 s 904 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. In fiscal (~~(year 2005)~~) years 2006 and 2007, the superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and shall (a) except in fiscal (~~(year 2005)~~) years 2006 and 2007, establish a list of the lowest competitive price quotes obtained under this subsection, and (b) in fiscal (~~(year 2005)~~) years 2006 and 2007, establish a list of all accepted price quotes in each category obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who is providing the lowest competitive price quote on the list established under subsection (2) of this section and in fiscal (~~(year 2005)~~) years 2006 and 2007 from any dealer on the list established under subsection (2)(b) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state. For the (~~(2003-05)~~) 2005-2007 fiscal biennium, school districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted pursuant to RCW 28A.335.190 or through the state bid process established by this section.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Sec. 913. RCW 28A.305.210 and 2003 1st sp.s. c 25 s 911 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the (~~(2003-05)~~) 2005-2007 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 914. RCW 28A.500.030 and 2003 1st sp.s. c 25 s 912 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

- (b) The statewide average twelve percent levy rate.
- (2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:
 - (a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by
 - (b) The district's twelve percent levy rate.
- (3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.
- (4) From January 1, 2004, to ~~((June 30,))~~ December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.
- (5) From January 1, 2006, to June 30, 2007, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563.

Sec. 915. RCW 28A.600.110 and 2004 c 275 s 46 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

- (1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers, except that during fiscal year 2007, no more than two seniors plus one alternate may be selected.
- (2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.
- (3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.
- (4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.
- (5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.
- (6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.76.660.

Sec. 916. RCW 28A.600.150 and 1999 c 159 s 2 are each amended to read as follows:

Each year, three Washington scholars and one Washington scholars-alternate shall be selected from the students nominated under RCW 28A.600.140, except that during fiscal year 2007, no more than two scholars plus one alternate may be selected. The higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars and the Washington scholars-alternates. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 917. RCW 28B.76.660 and 2004 c 275 s 24 are each amended to read as follows:

(1) Recipients of the Washington scholars award or the Washington scholars-alternate award under RCW 28A.600.100 through 28A.600.150 who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) The higher education coordinating board shall establish rules that provide for the annual awarding of grants, if moneys are available, to three Washington scholars per legislative district except for fiscal year 2007 when no more than two scholars per district shall be selected; and, if not used by an original recipient, to the Washington scholars-alternate from the same legislative district.

Beginning with scholars selected in the year 2000, if the recipients of grants fail to demonstrate in a timely manner that they will enroll in a Washington institution of higher education in the fall term of the academic year following the award of the

grant or are deemed by the higher education coordinating board to have withdrawn from college during the first academic year following the award, then the grant shall be considered relinquished. The higher education coordinating board may then award any remaining grant amounts to the Washington scholars-alternate from the same legislative district if the grants are awarded within one calendar year of the recipient being named a Washington scholars-alternate. Washington scholars-alternates named as recipients of the grant must also demonstrate in a timely manner that they will enroll in a Washington institution of higher education during the next available term, as determined by the higher education coordinating board. The board may accept appeals and grant waivers to the enrollment requirements of this section based on exceptional mitigating circumstances of individual grant recipients.

To maintain eligibility for the grants, recipients must maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.76.665. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016.

Sec. 918. RCW 28B.102.040 and 2004 c 276 s 905, 2004 c 275 s 68, and 2004 c 58 s 4 are each reenacted and amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology, or special education.

~~((Subject to enactment of chapter 58, Laws of 2004,))~~ For fiscal years ~~((2005))~~ 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.

Sec. 919. RCW 41.05.050 and 2003 c 158 s 1 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, school district, educational service district, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups, except as provided in subsection (4) of this section.

(2) If the authority at any time determines that the participation of a county, municipal, or other political subdivision covered under this chapter adversely impacts insurance rates for state employees, the authority shall implement limitations on the participation of additional county, municipal, or other political subdivisions.

(3) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Beginning September 1, 2003, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of January 1, 2003. However, during the 2005-07 fiscal biennium, the authority shall collect from each participating school district

and educational service district an amount equal to the insurance benefit allocations provided in section 504 of this act, plus any additional funding provided by the legislature for school employee health benefits, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of July 1, 2005.

(b) For all groups of district employees enrolling in authority plans for the first time after September 1, 2003, the authority shall collect from each participating school district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to state employees, only if the authority determines that this method of billing the districts will not result in a material difference between revenues from districts and expenditures made by the authority on behalf of districts and their employees.

(c) If the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all district employees enrolled in authority plans.

(d) The authority may charge districts a one-time set-up fee for employee groups enrolling in authority plans for the first time.

(e) For the purposes of this subsection:

(i) "District" means school district and educational service district; and

(ii) "Tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.

(f) Notwithstanding this subsection and RCW 41.05.065(3), the authority may allow districts enrolled on a tiered rate structure prior to September 1, 2002, to continue participation based on the same rate structure and under the same conditions and eligibility criteria.

(5) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 920. RCW 41.05.065 and 2003 c 158 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board

shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(7) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

Sec. 921. RCW 41.05.120 and 1994 c 153 s 9 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, the remittance paid by school districts and educational service districts (~~under RCW 28A.400.400~~), reserves, dividends, and refunds, and for payment of premiums for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' insurance account.

(3) During the 2005-07 fiscal biennium, the legislature may transfer from the public employees' and retirees' insurance account such amounts as reflect the excess fund balance of the fund.

Sec. 922. RCW 41.50.110 and 2003 1st sp.s. c 25 s 914 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ((2003-)) 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 923. RCW 41.50.110 and 2004 c 242 s 46 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2003-))~~ 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 924. RCW 43.07.130 and 1994 c 211 s 1311 are each amended to read as follows:

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23B.01.220 (1)(e), (6) and (7), 23B.18.050, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

During the 2005-2007 fiscal biennium, the legislature may transfer from the secretary of state's revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 925. RCW 43.08.190 and 2003 1st sp.s. c 25 s 916 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW ~~((43.79.040))~~ 43.79A.040 or 43.84.092(4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the ~~((2003-))~~ 2005-2007 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 926. RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2005))~~ 2007, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community

public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

Sec. 927. RCW 43.10.180 and 2003 1st sp.s. c 25 s 917 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the (~~(2003-05)~~) 2005-2007 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 928. RCW 43.30.305 and 2003 c 334 s 120 are each amended to read as follows:

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. During the 2005-2007 fiscal biennium the legislature may transfer such amounts as represent the excess balance of the fund to the state general fund.

Sec. 929. RCW 43.43.944 and 2003 1st sp.s. c 25 s 919 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
- (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the (~~(2003-2005)~~) 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

Sec. 930. RCW 43.72.900 and 2003 c 259 s 1 are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

During the ((2001-2003)) 2005-2007 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account to the state general fund.

Sec. 931. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million

dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the ((2003-05)) 2005-2007 fiscal biennium.

Sec. 932. RCW 43.320.110 and 2003 1st sp.s. c 25 s 921 and 2003 c 288 s 1 are each reenacted and amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the 2005-2007 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 933. RCW 50.16.010 and 2003 2nd sp.s. c 4 s 23 and 2003 1st sp.s. c 25 s 925 are each reenacted and amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the ~~((2003-2005))~~ 2005-2007 fiscal biennium, the cost of the job skills program ~~((and the alliance for corporate education))~~ at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 934. RCW 50.20.190 and 2003 2nd sp.s. c 4 s 26 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives

back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of the individual's monthly payments either partially or in full. The interest penalty shall be used, first, to fully fund either social security number cross-match audits or other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid ~~((and))~~, second, to fund other detection and recovery of overpayment and collection activities, and third, during the 2005-07 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature.

Sec. 935. RCW 66.16.010 and 2003 1st sp.s. c 25 s 928 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five percent. Effective no later than ~~((September 1, 2003))~~ July 1, 2005, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military, and tribal sales. The intent of this surcharge is to raise ~~(((\$14,000,000 in additional))~~ revenue for the general fund-state ((revenue)) for the 2003-2005 and 2005-2007 bienniums. ((To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge.)) The board shall remove the surcharge ~~((once it generates \$14,000,000, but no later than))~~ June 30, ((2005)) 2007.

(2) The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

(3) The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the state of Washington, federal government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Sec. 936. RCW 67.40.040 and 2003 1st sp.s. c 25 s 929 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

(iii) For acquisition, design, and construction of the state convention and trade center; and

(iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the (~~2003-~~) 2005-2007 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 937. RCW 69.50.520 and 2004 c 276 s 912 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2003-2005 and 2005-2007 bienniums, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, transfers to the health services account, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 938. RCW 70.83.040 and 1999 c 76 s 1 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, (~~and~~) congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.

Sec. 939. RCW 70.93.180 and 1998 c 257 s 5 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs

under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 940. RCW 70.146.030 and 2004 c 277 s 909 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ((2003)) 2005, to June 30, ((2005)) 2007, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 941. RCW 70.146.080 and 2003 1st sp.s. c 25 s 935 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during

the ((2003-05)) 2005-2007 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 942. RCW 70.148.020 and 1999 c 73 s 1 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires June 1, ((2001-[2007])) 2007.

Sec. 943. RCW 72.11.040 and 2003 1st sp.s. c 25 s 936 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ((2003-2005)) 2005-2007 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 944. RCW 74.46.431 and 2004 c 276 s 913 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, direct care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, operations component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 945. RCW 79.64.040 and 2004 c 199 s 227 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) ~~Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall ((in no event)) not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.~~

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2005-2007 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased to thirty percent by the board. If so increased, the department must provide a report by January 9, 2006 to the appropriate committees of the legislature on the use of the increased amount.

Sec. 946. RCW 79.90.245 and 2004 c 276 s 914 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, ~~((2005))~~ 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.

Sec. 947. RCW 86.26.007 and 2003 1st sp.s. c 25 s 943 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ~~((1997-99 fiscal biennium and each))~~ 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 948. COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior

uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and \$55.73 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and \$55.73 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 949. NONREPRESENTED EMPLOYEE COMPENSATION. The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Salary Cost of Living Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified staff not covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 3.2% of pay effective September 1, 2005. Community and technical colleges shall provide to exempt professional staff an average salary increase of 3.2% of pay beginning September 1, 2005. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 3.2% effective September 1, 2005, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified and instructional staff not covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 1.6% of pay effective September 1, 2006, until June 30, 2007. Community and technical colleges shall provide to exempt professional staff an average salary increase of 1.6% of pay, beginning September 1, 2006, until June 30, 2007. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 1.6% effective September 1, 2006, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases. The appropriations are also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

NEW SECTION. Sec. 950. CLASSIFICATION REVISIONS. Funding is provided for partial implementation of classification consolidation and revisions under the personnel system reform act of 2002. Groups 2 and 3 of the department of personnel's initial class consolidation plan are affected.

NEW SECTION. Sec. 951. COLLECTIVE BARGAINING AGREEMENTS. Provisions of collective bargaining agreements contained in sections 948 and 950 through 980 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. Extraordinary challenges were presented to employers and employees in negotiating the initial collective bargaining agreements under the Personnel Services Reform Act of 2002. Several agreements not concluded by the October 1st statutory deadline are described in the following sections and funded within the respective agencies. The legislature does not intend to fund bargaining agreements concluded after the October 1st deadline in future biennia.

NEW SECTION. Sec. 952. COLLECTIVE BARGAINING AGREEMENT--WFSE. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 953. COLLECTIVE BARGAINING AGREEMENT--WPEA. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 954. COLLECTIVE BARGAINING AGREEMENT--UFCW. Funding is provided for the collective bargaining agreement reached between the governor and the united food and commercial workers under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006 until June 30, 2007.

NEW SECTION. Sec. 955. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS. Funding is provided for the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 2.9% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 956. COLLECTIVE BARGAINING--COALITION. Funding is provided for the collective bargaining agreement reached between the governor and the coalition under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 957. COLLECTIVE BARGAINING--IFPTE. Funding is provided for the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers local 17 under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 958. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199. Funding is provided for the collective bargaining agreement reached between the governor and the service employees international union, local 1199 NW under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for negotiated changes to the "N" range salary schedule.

NEW SECTION. Sec. 959. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 960. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July

1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 961. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU A. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit A under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 962. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU B. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit B under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 963. COLLECTIVE BARGAINING AGREEMENT--WPEA/PROFESSIONAL LOCAL 365 UNIT C--WESTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington Public Employees Association bargaining unit C under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 964. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY, WFSE BU E. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit E under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 1.6% increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 965. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WSU POLICE GUILD. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington State University police guild bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 2.9% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 966. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WFSE BU 1 AND 11. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 1--research and extension units west of the Cascades, bargaining unit 5--library and bargaining unit 11--intercollegiate college of nursing under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 2% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 967. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, SEIU 925. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the service employees international union university-wide nonsupervisory, university-wide supervisory, research technologist, research technologist supervisor, and medical/laboratory technologist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, implementation of a University of Washington salary survey, and adjustment to the salary grid.

NEW SECTION. Sec. 968. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, WFSE. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees campus-wide, library, custodial supervisor, Harborview medical center, and Harborview medical center public safety officers bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of a University of Washington salary survey.

NEW SECTION. Sec. 969. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON, WFSE, SKILLED TRADES. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees, skilled trades bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a \$1.00 per hour increase effective July 1, 2005, an increase in shift differential pay, and an adjustment to the grid.

NEW SECTION. Sec. 970. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW PROFESSIONAL AND TECHNICAL. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center professional and technical bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 1.5% salary increase effective January 1, 2006, a 1.5% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 971. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW NURSES. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center registered nurse bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 972. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW SOCIAL WORK. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the service employee international union Harborview medical center social work and health care specialist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 1.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 973. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON POLICE OFFICERS ASSOCIATION. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the University of Washington police officers association bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, and longevity pay increases.

NEW SECTION. Sec. 974. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON WFSE UW POLICE MANAGEMENT. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees police management bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 15% supervisory differential effective July 1, 2006.

NEW SECTION. Sec. 975. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON WASHINGTON STATE NURSES ASSOCIATION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the Washington state nurses association university medical center registered nurses bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 976. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON INLAND BOATMEN'S UNION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the inland boatmen's union of the Pacific Thompson research vessel crew bargaining unit under the personnel system return act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2006, and a 1.6% salary increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 977. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 2 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% salary increase effective July 1, 2006, until June 30, 2007, and for a \$500 lump-sum payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005.

NEW SECTION. Sec. 978. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 1 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a \$500 lump-sum payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005, and a lump sum payment of 1.6% of annual salary effective July 1, 2006.

NEW SECTION. Sec. 979. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 2 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform

act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 980. COLLECTIVE BARGAINING AGREEMENT--WFSE UNIT 1 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

(End of part)

**PART X
GENERAL GOVERNMENT**

Sec. 1001. 2004 c 276 s 106 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2004)	\$2,049,000
General Fund--State Appropriation (FY 2005)	((<u>\$2,050,000</u>))
	<u>\$2,089,000</u>
TOTAL APPROPRIATION	((<u>\$4,099,000</u>))
	<u>\$4,138,000</u>

Sec. 1002. 2004 c 276 s 107 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2004)	\$12,523,000
General Fund--State Appropriation (FY 2005)	((<u>\$12,931,000</u>))
	<u>\$12,986,000</u>
TOTAL APPROPRIATION	((<u>\$25,454,000</u>))
	<u>\$25,509,000</u>

Sec. 1003. 2004 c 276 s 108 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004)	\$17,374,000
General Fund--State Appropriation (FY 2005)	((<u>\$18,036,000</u>))
	<u>\$17,998,000</u>
Public Safety and Education Account--State Appropriation	((<u>\$43,534,000</u>))
	<u>\$43,588,000</u>
Judicial Information Systems Account--State Appropriation	

TOTAL APPROPRIATION

\$31,803,000

((~~\$110,747,000~~))

\$110,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(3) \$16,172,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. Of this amount, \$1,100,000 is provided solely for disaster recovery planning, equipment, and testing for the judicial information system.

(4) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(6) The distributions made under subsection (6) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

Sec. 1004. 2004 c 276 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2004)

\$3,773,000

General Fund--State Appropriation (FY 2005)

((~~\$4,011,000~~))

General Fund--Federal Appropriation	<u>\$4,183,000</u>
Water Quality Account--State Appropriation	\$1,140,000
	\$3,854,000
TOTAL APPROPRIATION	((<u>\$12,778,000</u>))

\$12,950,000

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

Sec. 1005. 2004 c 276 s 111 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2004)	\$24,336,000
General Fund--State Appropriation (FY 2005)	((<u>\$17,092,000</u>))
	<u>\$18,946,000</u>
General Fund--Federal Appropriation	\$6,967,000
Archives and Records Management Account--State Appropriation	((<u>\$8,414,000</u>))
	<u>\$8,460,000</u>
Department of Personnel Service Account--State Appropriation	\$699,000
Election Account--State Appropriation	\$3,140,000
Election Account--Federal Appropriation	\$33,121,000
Local Government Archives Account--State Appropriation	\$9,010,000
TOTAL APPROPRIATION	((<u>\$96,741,000</u>))

\$104,679,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel

television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$252,000 of the archives and records management account--state appropriation and \$1,504,000 of the local government archives account--state appropriation are provided solely for additional facility capital costs, digital archive technology architecture costs, and additional digital archive staff and operational costs, associated with the new eastern regional archives and digital archives facility.

(6) The entire election account--state appropriation in this section is provided solely as state match funding for federal moneys provided under the Help America Vote act (P.L. 107-252). Of the state match funding provided, the secretary of state may expend only the amount required to match the federal funding received, and any amount that is not necessary to match the federal funding shall lapse. After receipt of the federal moneys, the office of the secretary of state shall notify the appropriations committee of the house of representatives and the ways and means committee of the senate of the amount of federal funding received and the associated required state match.

(7) \$953,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for attorneys' fees and costs associated with litigation regarding the blanket primary, including costs already awarded by the U.S. Court of Appeals for the Ninth Circuit.

(8) \$451,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to reimburse counties for fifty percent of the costs of the manual recount in the 2004 gubernatorial election.

Sec. 1006. 2004 c 276 s 115 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2004)	\$4,345,000
General Fund--State Appropriation (FY 2005)	((\$4,166,000))
	<u>\$4,518,000</u>
General Fund--Federal Appropriation	\$2,845,000
Public Safety and Education Account--State Appropriation	\$2,001,000
Tobacco Prevention and Control Account--State Appropriation	\$270,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,180,000
Legal Services Revolving Account--State Appropriation	

((\$166,624,000))

\$170,746,000

TOTAL APPROPRIATION

((\$181,431,000))

\$185,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$818,000 of the legal services revolving account--state appropriation is provided solely for legal defense costs associated with *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

(4) \$70,000 of the legal services revolving account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1007. 2004 c 276 s 117 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2004)

\$61,805,000

General Fund--State Appropriation (FY 2005)

((\$66,566,000))

\$66,760,000

General Fund--Federal Appropriation

\$236,264,000

General Fund--Private/Local Appropriation

\$15,075,000

Public Safety and Education Account--State
Appropriation

\$10,095,000

Public Works Assistance Account--State
Appropriation

\$2,088,000

Building Code Council Account--State
Appropriation

\$1,061,000

Administrative Contingency Account--State
Appropriation

\$1,776,000

Low-Income Weatherization Assistance Account--State
Appropriation

\$8,293,000

Violence Reduction and Drug Enforcement Account--
State Appropriation

\$9,013,000

Manufactured Home Installation Training Account--
State Appropriation

\$256,000

Community Economic Development Account--
State Appropriation

Washington Housing Trust Account--State Appropriation	\$1,581,000
	\$((16,740,000))
	<u>\$17,415,000</u>
Public Facility Construction Loan Revolving Account--State Appropriation	\$622,000
Lead Paint Account--State Appropriation	\$6,000
Developmental Disabilities Endowment Trust Fund-- State Appropriation	\$120,000
Homeless Families Services Fund--State Appropriation	\$150,000
TOTAL APPROPRIATION	<u>\$432,380,000</u>
	((431,511,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,705 to the department to continue the governor's council on substance abuse;

(k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(l) \$572,919 to the office of financial management for criminal history records improvement; and

(m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these

moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$369,000 of the community economic development account appropriation and \$120,000 of the developmental disabilities endowment trust fund appropriation are provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$475,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities. In administering new and existing funding for the business retention and expansion program, the department shall ensure the existing local programs are funded at levels that meet or exceed the funding provided in the 2001-2003 biennium.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services. In administering this funding, the department shall solicit recommendations from a statewide economic development organization representing associate development organizations.

(14) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the

southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(22) \$10,208,818 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2005 as follows:

- (a) \$3,533,522 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$608,002 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$1,336,624 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$196,130 to the department for grants to support tribal law enforcement needs;
- (e) \$971,823 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$296,697 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$683,586 to the department to continue domestic violence legal advocacy;
- (h) \$885,526 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (i) \$59,688 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (j) \$89,239 to the department to continue the governor's council on substance abuse;
- (k) \$97,084 to the department to continue evaluation of Byrne formula grant programs;
- (l) \$650,846 to the office of financial management for criminal history records improvement; and
- (m) \$800,051 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold those moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(23) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the purpose of grants to support the base realignment and closure process. The department shall develop and implement criteria and procedures such as the types of activities that can be funded by the grants and requirements for local matching funds for the issuance of grants to one organization within: Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county. The department shall use a portion of the funding provided to support the related activities of state agencies as identified by the governor.

(24) \$163,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for pass through to community voice mail agencies as identified in this subsection, in order for these agencies to provide people in crisis and transition free and personalized voice mail services:

- (a) The Opportunity Council, Bellingham, \$15,000;
- (b) Skagit Community Action, Skagit county, \$12,000;
- (c) The Opportunity Council, Island county, \$11,000;
- (d) Volunteers of America, Snohomish county, \$10,616;
- (e) Fremont Public Association, Seattle, \$27,909;

- (f) Metropolitan Development Council, Tacoma, \$10,475;
- (g) Community Voice Mail National, Olympia, \$18,000;
- (h) Council on Homelessness, Vancouver, \$12,500;
- (i) Chelan-Douglas Community Action, north central Washington, \$13,000;
- (j) Benton-Franklin Community Action, south central Washington, \$17,500; and
- (k) SNAP, Spokane, \$15,000.

(25) \$634,000 of the general fund--state appropriation for fiscal year 2004, \$634,000 of the general fund--state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the northwest orthopaedic institute to develop additional organizational infrastructure to assist community-based musculoskeletal health research.

(27) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(28) \$99,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the retired senior volunteer program.

(29) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for increased civil legal services for the indigent. Of this amount, \$100,000 shall be allocated to a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

(30) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the homeless families services fund created in section 718 of this act.

(31) The entire homeless families services fund--state appropriation is provided solely to administer the homeless families fund and program created in section 718 of this act. It is the intent of the legislature that beginning with the 2005-07 biennium, the department choose a qualified contractor to administer the homeless families services fund program.

(32) \$421,000 of the general fund--state appropriation for fiscal year 2004 and \$193,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to coordinate the state's efforts in siting the 7E7 final assembly plant.

(33) \$60,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study under (a) through (i) of this subsection. Expenditure of this amount is contingent upon a \$60,000 match from a county with a population exceeding one million. The department shall conduct a study to:

(a) Detail the progress in each of the buildable land counties to date in achieving annexation or incorporation of its urban growth area since adoption of the county's county-wide planning policies to the present time by documenting:

- (i) The number of acres annexed;
- (ii) The number of acres incorporated;
- (iii) The number of residents annexed, incorporated, and remaining in urban unincorporated areas; and
- (iv) The characteristic of urban land remaining unincorporated in terms of assessed value, infrastructure deficits, service needs, land use, commercial development, and residential development;

(b) Determine the characteristics of remaining urban unincorporated areas and current statutes, and estimate when all urban unincorporated areas in each county will be annexed or incorporated, based on the rate of progress to date;

(c) Survey the counties to identify those obstacles which, in their experience, slow or prohibit annexation;

(d) Survey the cities in each of the subject counties to identify obstacles, which in their experience, slow or prohibit annexation;

(e) Survey residents of urban unincorporated areas in each of the subject counties to identify their attitudes towards annexation or incorporation;

(f) Propose possible changes to city and county taxing authority which will serve to aid the transfer of annexation of remaining urban growth areas in a timely manner;

(g) Identify and discuss the need for funding of capital improvement projects needed to provide urban levels of service;

(h) Assess the role and statutory authority of the boundary review board and how altering their role and authority might facilitate annexation; and

(i) Propose possible changes to growth management or annexation processes which will facilitate annexation.

The department shall report to the local government committees of the legislature no later than December 1, 2004.

If a county does not wish to participate in this study, the county administrative officer shall submit those intentions, in writing, to the department no later than July 1, 2004.

(34) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the small business incubator account to implement Engrossed Substitute House Bill No. 2784 (small business incubator program). If this bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(35) ~~(\$75,000)~~ \$54,000 of the general fund--state appropriation for fiscal year ~~(2004)~~ 2005 is provided solely to implement Substitute Senate Bill No. 6488 (agricultural lands study). ~~((If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1008. 2004 c 276 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2004)

\$12,617,000

General Fund--State Appropriation (FY 2005)

~~(\$12,860,000)~~

\$12,905,000

General Fund--Federal Appropriation

\$23,924,000

Violence Reduction and Drug Enforcement

Account--State Appropriation

\$242,000

State Auditing Services Revolving

Account--State Appropriation

\$25,000

TOTAL APPROPRIATION

~~(\$49,668,000)~~

\$49,713,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,000 of the general fund--state appropriation for fiscal year 2004 and \$232,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system) and Second Substitute Senate Bill No. 6217 (regulatory improvement center). If Second Substitute Senate Bill No. 6217 is not enacted by June 30, 2004, \$50,000 of the general fund--state appropriation for fiscal year 2005 shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office of financial management to contract for an evaluation of the costs and benefits of additional efforts aimed at encouraging K-12 employee collective bargaining units to elect coverage under public employee benefits board (PEBB) administered health care plans. This evaluation will include, but is not limited to, the following: A review of current processes for the procurement of health benefit coverage by K-12 employees; an assessment of the costs and benefits for the state, local school districts, and K-12 employees of moving to PEBB administered health care plans; and options for creating incentives for K-12 employee collective bargaining units moving to PEBB administered plans. The office of financial management shall report regarding the results of this study to the governor and the fiscal committees of the legislature by December 1, 2004.

(4)(a) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a task force on noneconomic damages. On or before October 31, 2005, the task force shall prepare a study and develop, for consideration by the legislature, a proposed plan for implementation of an advisory schedule of noneconomic damages in actions for injuries resulting from health care under chapter 7.70 RCW. Implementation of any proposed plan is contingent upon statutory authorization by the legislature.

(b) The task force shall develop a proposed plan for use of an advisory schedule of noneconomic damages, as defined in RCW 4.56.250, that will increase the predictability and proportionality of settlements and awards for noneconomic damages in actions for injuries resulting from health care. The task force shall consider:

(i) The information that can most appropriately be used to provide guidance to the trier of fact regarding noneconomic damage awards, giving consideration to past noneconomic damage awards for similar injuries, considering severity and duration of the injuries, and other factors deemed appropriate by the task force; past noneconomic damage awards for similar claims for damages; and such other information the task force finds appropriate;

(ii) The most appropriate format in which to present the information to the trier of fact; and

(iii) When and under what circumstances an advisory schedule should be utilized in alternative dispute resolution settings and presented to the trier of fact at trial.

(c) A proposed implementation plan shall include, at a minimum:

(i) The information developed under subsection (b) of this section;

(ii) Identification of statutory, regulatory, or court rule changes necessary to implement the advisory schedule, as well as forms or other documents necessary to implement the schedule; and

(iii) Identification of the time required to implement an advisory schedule authorized by the legislature.

(d) The task force is composed of fourteen members, as follows: (i) One member from each of the two largest caucuses in the senate, to be appointed by the president of the senate, and one member from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives; (ii) one health care ethicist; (iii) one economist; (iv) one actuary; (v) two attorneys with expertise or significant experience in medical malpractice actions, one representing the plaintiff's bar and one representing the insurance defense bar; (vi) two superior court judges; (vii) one representative of a hospital; (viii) one physician; (ix) one representative of a medical malpractice insurer; and (x) two consumers. The governor shall appoint the nonlegislative members of the task force and select a chair.

(e) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(f) The office of financial management shall provide support to the task force with the assistance of staff from the administrative office of the courts, the house of representatives office of program research, and senate committee services.

(5) \$252,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office to study land use and local government finance and make recommendations on the impact that current trends in city and county revenue sources and expenditures may have on land use decisions made by counties and cities and meeting goals of the growth management act. Among the areas to be studied: Local government revenue sources and expenditures over the past decade; the relationship between local government finances and land use decisions including commercial, residential, and industrial development; cooperation or competition of adjoining jurisdictions over land use and annexation; the relationship new development has to existing commercial and residential areas and its effect on a community's infrastructure and quality of life. The study shall include recommendations for state and local government fiscal partnerships that encourage cooperation among jurisdictions to meet the goals of the growth management act, and how the state and local government fiscal structure can better meet the responsibilities of providing services to citizens and meeting the goals of the growth management act.

(6) \$45,000 of the general fund--state appropriation in fiscal year 2005 is provided solely for implementation of Substitute House Bill No. 1380 or Engrossed Second Substitute Senate Bill No. 5441 (education finance study). If neither bill is enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 1009. 2003 1st sp.s. c 25 s 119 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2004)

\$228,000

General Fund--State Appropriation (FY 2005)

~~(\$239,000)~~

\$250,000

TOTAL APPROPRIATION

~~(\$467,000)~~

\$478,000

Sec. 1010. 2004 c 276 s 120 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation

~~(\$16,247,000)~~

Higher Education Personnel Services Account--State
Appropriation \$18,854,000

TOTAL APPROPRIATION

\$1,612,000
~~(\$17,859,000)~~

\$20,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to \$38,911,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

Sec. 1011. 2004 c 276 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE
General Fund--State Appropriation (FY 2004)

General Fund--State Appropriation (FY 2004) \$82,644,000
General Fund--State Appropriation (FY 2005) ~~(\$82,036,000)~~

\$82,606,000

Timber Tax Distribution Account--State
Appropriation

\$5,327,000

Waste Education/Recycling/Litter Control--State
Appropriation

\$101,000

State Toxics Control Account--State
Appropriation

\$67,000

Oil Spill Administration Account--State
Appropriation

\$14,000

TOTAL APPROPRIATION

~~(\$170,189,000)~~

\$170,759,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Senate Bill No. 5034 (senior citizen property tax exemption). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) \$136,000 of the timber tax distribution account appropriation is provided solely to implement Engrossed Substitute House Bill No. 2693 (taxation of timber). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1012. 2004 c 276 s 123 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State

Appropriation

~~(\$1,990,000))~~

\$2,334,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office's revolving fund charges to state agencies may not exceed \$1,534,000.

(2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(3) During the 2003-05 biennium, the office may raise fees in excess of the fiscal growth factor.

Sec. 1013. 2004 c 276 s 124 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2004)

\$235,000

General Fund--State Appropriation (FY 2005)

\$233,000

General Fund--Federal Appropriation

\$3,865,000

General Administration Services Account--State

Appropriation

~~(\$38,856,000))~~

\$39,310,000

TOTAL APPROPRIATION

~~(\$43,189,000))~~

\$43,643,000

Sec. 1014. 2004 c 276 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2004)

\$1,000,000

General Fund--State Appropriation (FY 2005)

~~(\$1,650,000))~~

\$1,771,000

Data Processing Revolving Account--State Appropriation

\$3,569,000

TOTAL APPROPRIATION

~~(\$6,219,000))~~

\$6,340,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$1,650,000))~~ \$1,771,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses

and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

(1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.

(2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.

(3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.

(4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons shall submit a report to the governor and the appropriate legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

Sec. 1015. 2004 c 276 s 129 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2004)	\$1,454,000
General Fund--State Appropriation (FY 2005)	\$1,455,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	((<u>\$5,717,000</u>))
	<u>\$10,217,000</u>
Liquor Revolving Account--State Appropriation	((<u>\$135,303,000</u>))
	<u>\$135,635,000</u>
TOTAL APPROPRIATION	((<u>\$143,929,000</u>))
	<u>\$148,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the merchandising business system, with priority placed on the point-of-sale component of the system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with the merchandising business system solution, with priority placed on the point-of-sale component of the system. These costs include hiring system-related staff and procuring system-related hardware and software.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise ~~(((\$14,000,000 in))~~ additional revenue for the 2003-05 biennium. ~~((To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.))~~

(4) During the 2003-2005 fiscal biennium, the board may increase the fee for the certificate of approval in excess of the fiscal growth factor under RCW 43.135.055 if the increase is necessary to fully fund the costs of administering the certificate of approval program under Substitute Senate Bill No. 6655, as amended. If the bill is not enacted by June 30, 2004, this subsection is null and void.

(5) \$385,000 of the liquor revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6655 (beer/wine manufacturers). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(6) \$4,500,000 of the liquor control board construction and maintenance account is provided solely for a three-level pick module, a pick module conveyor, additional deck lanes, associated material handling system equipment, and architectural and engineering/project management consulting fees to increase the liquor distribution center's shipping capacity.

Sec. 1016. 2004 c 276 s 131 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2004)	\$8,578,000
General Fund--State Appropriation (FY 2005)	((<u>\$8,466,000</u>))
	<u>\$8,494,000</u>
General Fund--Federal Appropriation	((<u>\$143,243,000</u>))
	<u>\$143,620,000</u>
General Fund--Private/Local Appropriation	((<u>\$371,000</u>))
	<u>\$421,000</u>
Enhanced 911 Account--State Appropriation	\$33,955,000
Disaster Response Account--State Appropriation	((<u>\$3,387,000</u>))
	<u>\$2,811,000</u>
Disaster Response Account--Federal Appropriation	((<u>\$7,857,000</u>))
	<u>\$6,256,000</u>
Worker and Community Right to Know Fund--State Appropriation	\$290,000
Nisqually Earthquake Account--State Appropriation	((<u>\$17,869,000</u>))
	<u>\$11,656,000</u>
Nisqually Earthquake Account--Federal Appropriation	((<u>\$62,403,000</u>))
	<u>\$35,637,000</u>
TOTAL APPROPRIATION	((<u>\$286,119,000</u>))
	<u>\$251,718,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The

amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) ~~(\$14,869,000)~~ \$8,656,000 of the Nisqually earthquake account--state appropriation and ~~(\$62,103,000)~~ \$35,637,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004, \$200,000 of the general fund--state appropriation for fiscal year 2005, and \$105,952,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004, \$200,000 of the general fund--state appropriation for fiscal year 2005, and \$2,713,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$674,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$89,677,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

Sec. 1017. 2004 c 276 s 132 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2004)

\$2,362,000

General Fund--State Appropriation (FY 2005)

~~(\$2,437,000)~~

Department of Personnel Service Account--State
Appropriation

\$2,396,000

\$2,542,000

TOTAL APPROPRIATION

~~(\$7,341,000)~~

\$7,300,000

~~((The appropriations in this section are subject to the following conditions and limitations: \$41,000 of the general fund state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute House Bill No. 2295 or Second Engrossed Substitute Senate Bill No. 5012 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1018. 2003 1st sp.s. c 25 s 152 (uncodified) is amended to read as follows:

FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2004)

\$1,536,000

General Fund--State Appropriation (FY 2005)

~~(\$1,467,000)~~

\$1,522,000

TOTAL APPROPRIATION

~~(\$3,003,000)~~

\$3,058,000

(End of part)

**PART XI
HUMAN SERVICES**

Sec. 1101. 2004 c 276 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2004, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2004 among programs after approval by the director of financial management; and after May 1, 2005, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2005 in this act and in chapter 278, Laws of 2004 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2004 and fiscal year 2005 caseload forecasts and utilization assumptions in the medical assistance, long-term

care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this subsection.

(4) After consultation and coordination with local elected officials and community groups to assure there will be no degradation in existing services as a result of implementing the Washington medicaid integration project, the department shall report its progress to the appropriate committees of the legislature during the 2004 September committee assembly days and is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

Sec. 1102. 2004 c 276 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2004)	\$219,291,000
General Fund--State Appropriation (FY 2005)	((\$229,924,000))
	<u>\$230,779,000</u>
General Fund--Federal Appropriation	((\$422,870,000))
	<u>\$424,700,000</u>
General Fund--Private/Local Appropriation	\$400,000
Public Safety and Education Account-- State Appropriation	\$21,488,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$1,488,000
TOTAL APPROPRIATION	<u>(\$895,461,000)</u>
	<u>\$898,146,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents

accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to increase shelter and other services for victims of domestic violence, including \$65,000 for domestic violence shelter operating costs in Shelton.

(9) \$1,773,000 of the general fund--state appropriation for fiscal year 2005 and \$531,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6642 (case conferences), CAMIS user interface improvements, and family team decision meetings, as part of the department's program improvement plan implementation.

(10) The department shall convene regional and local department staff and community-based agency staff to develop recommended policies and protocols concerning collaborative decision making, including contracting, referrals, and resource allocation. The department shall submit these recommendations to the governor and the appropriate committees of the legislature by December 1, 2004.

Sec. 1103. 2004 c 276 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004)	\$72,362,000
General Fund--State Appropriation (FY 2005)	((\$72,697,000))
	<u>\$73,253,000</u>
General Fund--Federal Appropriation	((\$6,260,000))
	<u>\$6,160,000</u>
General Fund--Private/Local Appropriation	\$1,098,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$7,300,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$37,699,000
TOTAL APPROPRIATION	((\$195,284,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,065,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,204,000 of the general fund--state appropriation for fiscal year 2004, \$1,204,000 of the general fund--state appropriation for fiscal year 2005, and \$5,262,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,544,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(6) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program.

(7) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(8) \$158,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$580,000)~~ \$211,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(9) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation

administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

Sec. 1104. 2004 c 276 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2004)

\$200,251,000

General Fund--State Appropriation (FY 2005)

~~(\$214,010,000)~~

\$208,328,000

General Fund--Federal Appropriation

~~(\$405,549,000)~~

\$399,700,000

General Fund--Local Appropriation

\$1,970,000

TOTAL APPROPRIATION

~~(\$821,780,000)~~

\$810,249,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse division and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(f) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004)	\$86,607,000
General Fund--State Appropriation (FY 2005)	((\$87,592,000))
	<u>\$89,683,000</u>
General Fund--Federal Appropriation	((\$146,945,000))
	<u>\$146,844,000</u>
General Fund--Private/Local Appropriation	((\$29,063,000))
	<u>\$28,743,000</u>
TOTAL APPROPRIATION	((\$350,207,000))
	<u>\$351,877,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) \$124,000 of the general fund--state appropriation for fiscal year 2005, \$19,000 of the general fund--private/local appropriation, and \$17,000 of the general fund--federal appropriation are provided solely for implementation of Senate Bill No. 6358 (treatment orders). If Senate Bill No. 6358 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004)	\$29,194,000
General Fund--State Appropriation (FY 2005)	((\$34,400,000))
	<u>\$38,295,000</u>
TOTAL APPROPRIATION	((\$63,594,000))
	<u>\$67,489,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund--state appropriation for fiscal year 2004 and ~~((~~\$300,000~~))~~ \$229,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for public safety mitigation funding for jurisdictions affected by the placement of the secure community transition facility on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection services provided by the city at Western State Hospital and adjacent areas. Of the remaining ~~((~~\$255,000 per year~~))~~ amounts, the department shall reimburse the affected jurisdictions for their documented costs that have been negotiated in an interagency agreement between the department and each jurisdiction, as follows:

(i) Up to \$125,000 per year shall be provided to Pierce county for its additional public safety costs as defined in RCW 71.09.344(2).

(ii) Up to \$45,000 per year shall be provided to affected jurisdictions other than Pierce county for the costs of training their law enforcement and administrative personnel as defined in RCW 71.09.344(2)(a).

(iii) The remaining amounts are for affected jurisdictions other than Pierce county for reimbursement of their documented public safety costs as defined in RCW 71.09.344(2) (b), (c), and (d).

(b) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$354,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation costs associated with the development and occupancy of the secure community transition facility in Seattle, as described in the settlement agreement dated February 3, 2004, between the department and the city of Seattle. If *City of Seattle v. DSHS*, King County Superior Court Cause No. 03-2-37882-SEA is not dismissed with prejudice by July 1, 2004, this appropriation shall lapse. If the proceeding requested by the city under RCW 71.09.342(5) is not withdrawn or dismissed with prejudice by July 1, 2004, this appropriation shall lapse.

(c) \$1,212,000 of the general fund--state appropriation for fiscal year 2004 and \$1,260,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal fees charged to the special commitment program, including increased hourly rates.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation

\$2,082,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004)

\$3,124,000

General Fund--State Appropriation (FY 2005)

~~(\$3,208,000)~~

\$3,334,000

General Fund--Federal Appropriation

~~(\$5,918,000)~~

\$6,026,000

TOTAL APPROPRIATION

~~(\$12,250,000)~~

\$12,484,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

(c) \$53,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation for fiscal year 2005 are provided solely for development of a plan for maintaining and increasing the number of beds available for treatment of persons experiencing acute psychiatric emergencies. The plan is to provide an estimate of the number of state hospital and community acute care beds needed in different areas of the state, and to estimate the construction and operating cost of meeting that need under alternative operating arrangements.

Sec. 1105. 2004 c 276 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM (1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2004)

\$250,633,000

General Fund--State Appropriation (FY 2005)

~~(\$274,414,000)~~

General Fund--Federal Appropriation	<u>\$272,837,000</u>
	((<u>\$453,434,000</u>))
Health Services Account--State Appropriation	<u>\$450,747,000</u>
	\$971,000
TOTAL APPROPRIATION	((<u>\$979,452,000</u>))
	<u>\$975,188,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and \$971,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more.

(i) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan.

(ii) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(c) \$562,000 of the general fund--state appropriation for fiscal year 2004, \$1,767,000 of the general fund--state appropriation for fiscal year 2005, and \$2,266,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) \$563,000 of the general fund--state appropriation for fiscal year 2004, \$1,390,000 of the general fund--state appropriation for fiscal year 2005, and \$1,905,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs

such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department shall provide a status report on the transition, implementation, and operation of the four home and community-based waivers that will replace the community alternatives program waiver. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter for the quarters through December 2004, the following information for each home and community-based waiver: Total projected state and federal fiscal year expenditures, year-to-date actual expenditures compared to projected expenditures, year-to-date unduplicated clients compared to projected clients, actual average per capita costs compared to projected per capita costs, number of transfers between waivers, amount of emergency funds spent to date compared to projected emergency costs, state and federal funds transferred from the medicaid personal care program to the four home and community-based waiver programs, and the year-to-date number of new clients added to a waiver program.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(g) \$3,202,000 of the general fund--state appropriation for fiscal year 2004, \$4,472,000 of the general fund--state appropriation for fiscal year 2005, and \$7,633,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) \$213,000 of the general fund--state appropriation for fiscal year 2004, \$289,000 of the general fund--state appropriation for fiscal year 2005, and \$500,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(i) \$1,000,000 of the general fund--state appropriation for fiscal year 2005 and \$300,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided proportionately between waiver and nonwaiver clients. Federal funds may be used to enhance this funding only to the extent that a client is already on a home and community-based waiver. This funding shall not be used to add new clients to a home and community-based waiver.

(j) ~~(\$312,000)~~ \$347,000 of the general fund--state appropriation for fiscal year 2005 and ~~(\$290,000)~~ \$322,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004)	\$67,708,000
General Fund--State Appropriation (FY 2005)	\$70,794,000
General Fund--Federal Appropriation	\$148,998,000
General Fund--Private/Local Appropriation	\$11,228,000
TOTAL APPROPRIATION	\$298,728,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004)

General Fund--State Appropriation (FY 2005)	\$2,474,000
General Fund--Federal Appropriation	\$3,208,000
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation	\$4,209,000
TOTAL APPROPRIATION	\$891,000
	\$10,782,000

The appropriation in this subsection is subject to the following conditions and limitations: \$245,000 of the general fund--state appropriation for fiscal year 2004, \$996,000 of the general fund--state appropriation for fiscal year 2005, and \$1,258,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities who are clients of the department and shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation	\$13,604,000
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Sec. 1106. 2004 c 276 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004)	\$523,896,000
General Fund--State Appropriation (FY 2005)	(\$578,270,000)
General Fund--Federal Appropriation	<u>\$561,504,000</u>
	(\$1,187,250,000)
General Fund--Private/Local Appropriation	<u>\$1,173,125,000</u>
Health Services Account--State Appropriation	\$18,644,000
TOTAL APPROPRIATION	\$4,888,000
	(\$2,312,948,000)
	<u>\$2,282,057,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, ~~(\$1,043,000)~~ \$3,838,000 of the general fund--state appropriation for fiscal year 2005, and ~~(\$6,851,000)~~ \$9,924,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week.

(a) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level.

(b) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(2) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$142.04 for fiscal year 2004, and no more than (~~(\$148.11)~~) \$145.81 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003, and by an additional 2.4 percent effective July 1, 2004.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waivers, how those services were being paid for, and an assessment of their adequacy.

(e) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(7) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may expand the number of boarding home beds participating in the dementia pilot project by up to 200. These additional beds shall provide persons with Alzheimer's disease or related dementias who might otherwise require nursing home care accommodation in licensed boarding home facilities that specialize in caring for such conditions.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) \$6,418,000 of the general fund--state appropriation for fiscal year 2004, \$8,620,000 of the general fund--state appropriation for fiscal year 2005, and \$15,038,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(11) \$2,294,000 of the general fund--state appropriation for fiscal year 2004, \$3,266,000 of the general fund--state appropriation for fiscal year 2005, and \$5,560,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(12) ~~(\$1,952,000)~~ \$2,114,000 of the general fund--state appropriation for fiscal year 2005 and ~~(\$1,941,000)~~ \$2,103,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services for grandparents and other formal and informal kinship caregivers of children throughout the state.

(a) Support services shall include but not be limited to assistance in gaining access to those services, counseling, organization of support groups, and respite care.

(b) In providing support services under the kinship caregivers support program, area agencies on aging shall give priority to kinship caregivers who are at the greatest risk of being unable to maintain the caregiving role.

(c) In carrying out the kinship caregivers support program, each area agency on aging shall coordinate the activities of the agency, or entities with which the agency contracts, with the activities of other public and private agencies or organizations providing similar services for kinship caregivers.

Sec. 1107. 2004 c 276 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2004)

\$445,968,000

General Fund--State Appropriation (FY 2005)

~~(\$437,720,000)~~

\$457,208,000

General Fund--Federal Appropriation

~~(\$1,208,746,000)~~

\$1,216,706,000

General Fund--Private/Local Appropriation

~~(\$33,891,000)~~

\$32,673,000

TOTAL APPROPRIATION

~~(\$2,126,325,000)~~

\$2,152,555,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, ~~(\$273,695,000)~~ \$278,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

(2) \$57,547,000 of the general fund--state appropriation for fiscal year 2004 and ((~~\$59,953,000~~)) \$73,424,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$936,000 of the general fund--state appropriation for fiscal year 2004 and \$936,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(5) \$9,142,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to maintain specialized employment services through the WorkFirst/LEP pathway program for refugees and other limited-English-proficient (LEP) families and individuals that receive temporary assistance for needy families, state family assistance, or refugee cash assistance benefits. These employment services include but are not limited to English as a second language (ESL), job placement assistance, and work support services.

(8) \$96,000 of the general fund--state appropriation for fiscal year 2005, \$16,000 of the general fund--federal appropriation, and \$11,000 of the general fund--local appropriation are provided solely for the implementation of Engrossed Senate Bill No. 6411 (reducing hunger), including section 2 of the act. If the bill is not enacted by June 30, 2004, the amounts provided in this section shall lapse.

(9) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a subsidy rate increase for child care providers in urban areas of region 1.

Sec. 1108. 2004 c 276 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2004)	\$39,979,000
General Fund--State Appropriation (FY 2005)	\$41,201,000
General Fund--Federal Appropriation	((\$94,105,000))
	<u>\$98,359,000</u>
General Fund--Private/Local Appropriation	\$630,000
Public Safety and Education Account--State Appropriation	\$2,060,000
Criminal Justice Treatment Account--State Appropriation	\$8,950,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$49,142,000
((Problem Gambling Treatment Account--State Appropriation	

TOTAL APPROPRIATION

\$500,000))
 ((~~\$236,567,000~~))
\$240,321,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided for the Washington state mentoring partnership.

~~((3) \$500,000 of the problem gambling treatment account appropriation is provided solely to implement Second Substitute House Bill No. 2776 (problem gambling). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1109. 2004 c 276 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004)

\$1,119,073,000

General Fund--State Appropriation (FY 2005)

~~((~~\$1,248,580,000~~))~~

\$1,346,308,000

General Fund--Federal Appropriation

~~((~~\$3,892,248,000~~))~~

\$3,903,616,000

General Fund--Private/Local Appropriation

~~((~~\$278,296,000~~))~~

\$294,744,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation

\$14,004,000

Health Services Account--State Appropriation

~~((~~\$708,854,000~~))~~

\$687,951,000

TOTAL APPROPRIATION

~~((~~\$7,261,055,000~~))~~

\$7,365,696,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$493,000 of the health services account appropriation for fiscal year 2004, ~~((~~\$748,000~~))~~ \$1,184,000 of the health services account appropriation for fiscal year 2005, and ~~((~~\$1,241,000~~))~~ \$1,438,000 of the general fund--federal appropriation are

provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

- (a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;
 - (b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;
 - (c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and
 - (d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.
- (5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.
- (6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.
- (7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.
- (8) In accordance with RCW 74.46.625, \$35,953,000 of the fiscal year 2004 health services account appropriation, \$20,577,000 of the fiscal year 2005 health services account appropriation, and \$61,037,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by ~~((the association of public hospital districts and))~~ participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 91.9 percent of the supplemental payments; and (b) ~~((a contractual commitment by the association of public hospital districts to return at least 8.1 percent of the supplemental payments to the participating rural hospital districts; and~~ (c)) amounts intergovernmentally transferred to the state treasurer to be included in the nursing home cost report as expenditures or settlement against payments to be used for medicaid nursing home rate setting. It is the legislature's intent that the payments provided in this subsection shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs to improve access to healthcare at nursing facilities otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. A ~~((hospital))~~ nursing home which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal year 2004. The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.
- (9) \$12,318,000 of the health services account appropriation for fiscal year 2004, \$10,738,000 of the health services account appropriation for fiscal year 2005, and \$23,056,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.
- (10) \$3,178,000 of the health services account appropriation, \$4,208,000 of the general fund--local appropriation, and \$7,308,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.
- (11) \$36,002,000 of the health services account appropriation and \$26,080,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(12) \$302,000 of the general fund--state appropriation for fiscal year 2004, ~~(\$1,671,000)~~ \$1,633,000 of the general fund--state appropriation for fiscal year 2005, and ~~(\$17,757,000)~~ \$17,410,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The medicaid management information system replacement project shall comply with section 902, chapter 25, Laws of 2003 1st sp. sess.

(13) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(14) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(15) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(16) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(17) The department shall establish managed care rates within available funds, in a manner that promotes health plan efficiency, encourages continuity of service, and assures access in underserved areas.

(18) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(19) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge ~~(ee-)~~ premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

(20) ~~((For purposes of RCW 74.09.800(2), \$8,017,000 of the general fund--state appropriation for fiscal year 2004, \$8,454,000 of the general fund--state appropriation for fiscal year 2005, and \$30,588,000 of the general fund--federal appropriation are provided solely to provide prenatal care services to low income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.~~

~~(21))~~ \$13,588,000 of the health services account appropriation for fiscal year 2004, \$11,008,000 of the health services account appropriation for fiscal year 2005, and \$24,595,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. The payments shall be conditioned upon a contractual commitment by the participating hospital districts to make an intergovernmental transfer to the health services account equal to at least 86.5 percent of the additional disproportionate share payment. The participating districts shall retain no more than \$6,607,000 of the total additional amount paid.

~~((22) \$10,000,000)~~ (21) \$20,000,000 of the general fund--federal and ~~(\$10,000,000)~~ \$20,000,000 of the general fund--local funds are provided solely to increase payments in the inpatient upper payment limit program for the state's teaching hospitals. Payments shall be made to the extent allowable under federal medicaid rule and law. The department shall work with the teaching hospitals to identify allowable sources of funding for the required match and to assure that the teaching hospitals are responsible for repayment of any disallowed federal matching funds.

Sec. 1110. 2004 c 276 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2004)

\$37,620,000

General Fund--State Appropriation (FY 2005)	((<u>\$29,382,000</u>))
	<u>\$29,417,000</u>
General Fund--Federal Appropriation	((<u>\$52,580,000</u>))
	<u>\$52,599,000</u>
General Fund--Private/Local Appropriation	\$810,000
Public Safety and Education Account--State Appropriation	\$2,444,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$4,152,000
TOTAL APPROPRIATION	((<u>\$126,988,000</u>))
	<u>\$127,042,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund--state appropriation for fiscal year 2004, \$769,000 of the general fund--state appropriation for fiscal year 2005, and \$1,236,000 of the general fund--federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;
- (b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;
- (c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;
- (d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and
- (e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(4) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

Sec. 1111. 2004 c 276 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2004)	\$43,454,000
General Fund--State Appropriation (FY 2005)	

	((<u>\$43,493,000</u>))
	<u>\$45,175,000</u>
General Fund--Federal Appropriation	((<u>\$43,321,000</u>))
	<u>\$43,981,000</u>
TOTAL APPROPRIATION	((<u>\$130,268,000</u>))
	<u>\$132,610,000</u>
Sec. 1112. 2004 c 276 s 213 (uncodified) is amended to read as follows:	
FOR THE STATE HEALTH CARE AUTHORITY	
State Health Care Authority Administrative	
Account--State Appropriation	
	((<u>\$18,942,000</u>))
	<u>\$19,570,000</u>
Health Services Account--State Appropriation	((<u>\$417,890,000</u>))
	<u>\$417,333,000</u>
General Fund--Federal Appropriation	((<u>\$3,875,000</u>))
	<u>\$3,804,000</u>
Medical Aid Account--State Appropriation	\$213,000
TOTAL APPROPRIATION	\$440,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,500,000 of the health services account--state appropriation is provided solely to increase funding for health care services provided through local community clinics.

(2) The health services account--state appropriation contains funding to provide dental care at community clinics for persons who are not current medicaid recipients, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(3) \$50,000 of the health services account--state appropriation is provided solely to support the operation of an innovative clinic model for the delivery of health services to uninsured or publicly insured persons that is located in an urban underserved area and operated as a department or subsidiary of a hospital located in that underserved area; has been in operation for fewer than six months as of the effective date of this act; utilizes an innovative service delivery model that relies upon midlevel practitioners, volunteers, and students enrolled in health education programs and offers group visits for common conditions; and has a sliding fee schedule that assumes that every patient of the clinic will make some contribution towards the cost of his or her care.

(4) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

(5) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(6) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(7) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(8) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

Sec. 1113. 2004 c 276 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004)	\$5,863,000
General Fund--State Appropriation (FY 2005)	\$6,145,000
Public Safety and Education Account--State Appropriation	\$22,391,000
Public Safety and Education Account--Federal Appropriation	\$8,462,000
Asbestos Account--State Appropriation	\$717,000
Electrical License Account--State Appropriation	\$29,589,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,557,000
Public Works Administration Account--State Appropriation	\$2,477,000

Accident Account--State Appropriation	\$188,181,000
Accident Account--Federal Appropriation	\$13,396,000
Medical Aid Account--State Appropriation	\$186,408,000
Medical Aid Account--Federal Appropriation	\$2,960,000
Plumbing Certificate Account--State Appropriation	\$1,490,000
Pressure Systems Safety Account--State Appropriation	\$2,878,000
TOTAL APPROPRIATION	\$473,542,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) ~~(\$578,000)~~ \$1,031,000 of the accident account--state appropriation is provided solely for the purpose of:

(a) Contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides(~~(, and)~~);

(b) To collect and analyze data related to such monitoring(~~(-~~

~~(3) \$453,000 of the accident account--state appropriation is provided solely for the purpose of reimbursing);~~

(c) To reimburse agricultural employers for the costs of training, record-keeping, and travel related to cholinesterase medical monitoring of farm workers who handle cholinesterase(~~-inhibiting pesticides~~).

~~((4))~~ (3) The department shall report to the office of financial management and the appropriate fiscal and policy committees of the legislature detailed information regarding administrative staffing levels and services by October 1, 2004, and prior to implementing phase II of the indirect cost study.

~~((5))~~ (4) \$399,000 of the accident account--state appropriation and \$399,000 of the medical aid account--state appropriation are provided solely for the expansion of workers' compensation fraud investigation activities. The department shall report quarterly to the office of financial management and the appropriate policy and fiscal committees of the legislature regarding the cost effectiveness of fraud activities, including the total dollars expended compared to total dollars recovered.

(5) If the department estimates that expenditures for crime victims compensation will exceed the appropriations, including any amounts provided in Senate Bill No. 5993, the department shall take steps, including but not limited to reduction of rates or elimination of optional services, to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

Sec. 1114. 2004 c 276 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS (1) HEADQUARTERS

General Fund--State Appropriation (FY 2004)	\$1,531,000
General Fund--State Appropriation (FY 2005)	\$1,536,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$11,000

TOTAL APPROPRIATION **\$3,078,000**

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004)	\$2,588,000
General Fund--State Appropriation (FY 2005)	

General Fund--Federal Appropriation	\$2,596,000
General Fund--Private/Local Appropriation	\$309,000
TOTAL APPROPRIATION	\$1,668,000
(3) INSTITUTIONAL SERVICES	\$7,161,000
General Fund--State Appropriation (FY 2004)	\$7,380,000
General Fund--State Appropriation (FY 2005)	(\$6,020,000)
	<u>\$6,136,000</u>
General Fund--Federal Appropriation	(\$27,365,000)
	<u>\$29,051,000</u>
General Fund--Private/Local Appropriation	(\$27,822,000)
TOTAL APPROPRIATION	<u>\$26,345,000</u>
	(\$68,587,000)
	<u>\$68,912,000</u>
Sec. 1115. 2004 c 276 s 217 (uncodified) is amended to read as follows:	
FOR THE DEPARTMENT OF HEALTH	
General Fund--State Appropriation (FY 2004)	\$57,853,000
General Fund--State Appropriation (FY 2005)	\$60,346,000
Health Services Account--State Appropriation	(\$36,989,000)
	<u>\$34,163,000</u>
General Fund--Federal Appropriation	(\$392,762,000)
	<u>\$395,950,000</u>
General Fund--Private/Local Appropriation	(\$93,601,000)
	<u>\$99,368,000</u>
Hospital Commission Account--State Appropriation	\$2,490,000
Health Professions Account--State Appropriation	\$40,285,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,558,000
Safe Drinking Water Account--State	

Appropriation	\$2,728,000
Drinking Water Assistance Account--Federal Appropriation	\$15,654,000
Waterworks Operator Certification--State Appropriation	\$1,053,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Water Quality Account--State Appropriation	\$3,359,000
Accident Account--State Appropriation	\$258,000
Medical Aid Account--State Appropriation	\$46,000
State Toxics Control Account--State Appropriation	\$2,761,000
Medical Test Site Licensure Account--State Appropriation	\$1,718,000
Youth Tobacco Prevention Account--State Appropriation	\$1,806,000
Tobacco Prevention and Control Account--State Appropriation	\$52,510,000
TOTAL APPROPRIATION	(\$779,103,000)
	<u>\$785,232,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, newborn screening programs, psychiatrically impaired children and youth residential treatment, and in-home services in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,337,000 of the general fund--state fiscal year 2004 appropriation and \$1,338,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) ~~(\$24,350,000)~~ \$21,524,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2004, \$19,000 of the general fund--state appropriation for fiscal year 2005, and \$987,000 of the general fund--local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(8) \$188,000 of the health professions account--state appropriation is provided solely to increase the regulation of sales of precursor drugs that are often used to illegally manufacture methamphetamine to implement Senate Bill No. 6478 (ephedrine). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health care costs. A report shall be provided to the appropriate committees of the legislature by June 30, 2005, on the program effectiveness and cost savings. This funding shall be matched by an equal amount of local funding.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to implement a multiyear pilot project in Yakima county for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot project will serve approximately 1,000 women annually. The department will provide a preliminary report to the appropriate committees of the legislature by December 1, 2005.

Sec. 1116. 2004 c 276 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~((2004))~~ 2005, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2004))~~ 2005 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2004)	\$36,534,000
General Fund--State Appropriation (FY 2005)	((38,835,000))
	<u>\$41,461,000</u>
Public Safety and Education Account--State Appropriation	\$3,657,000
Violence Reduction and Drug Enforcement Account Appropriation	\$26,000
TOTAL APPROPRIATION	((79,052,000))
	<u>\$81,678,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2004 and ~~((2,550,000))~~ \$5,050,000 of the general fund--state appropriation for fiscal

year 2005 are provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. These amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2004)	\$458,402,000
General Fund--State Appropriation (FY 2005)	(\$477,061,000)
	<u>\$489,605,000</u>
General Fund--Federal Appropriation	(\$4,090,000)
	<u>\$4,507,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$3,008,000
TOTAL APPROPRIATION	(\$942,561,000)
	<u>\$955,522,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(f) \$7,272,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the purposes of settling all claims in *Stamey, et al. v. State of Washington Department of Corrections*, Pierce County Superior Court Cause No. 03-2-06201-1. The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this subsection (f). If settlement is not executed by June 30, 2005, the appropriation in this subsection (f) shall lapse.

(g) \$810,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the purposes of settling all claims in *Arrasmith, et al. v. State of Washington Department of Corrections*, Pierce County Superior Court Cause No. 04-2-07177-7. The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this subsection (g). If settlement is not executed by June 30, 2005, the appropriation in this subsection (g) shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2004)	\$87,626,000
General Fund--State Appropriation (FY 2005)	

((~~\$88,564,000~~))

\$84,711,000

Public Safety and Education

Account--State Appropriation

\$15,492,000

TOTAL APPROPRIATION

((~~\$191,682,000~~))

\$187,829,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004)

\$626,000

General Fund--State Appropriation (FY 2005)

\$626,000

TOTAL APPROPRIATION

\$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004)	\$26,259,000
General Fund--State Appropriation (FY 2005)	\$26,288,000
TOTAL APPROPRIATION	\$52,547,000

The appropriations in this subsection are subject to the following conditions and limitations: \$70,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1117. 2004 c 276 s 219 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$267,586,000
General Fund--Private/Local Appropriation	\$30,103,000
Unemployment Compensation Administration Account-- Federal Appropriation	\$192,366,000
Administrative Contingency Account--State Appropriation	\$11,221,000
Employment Service Administrative Account--State Appropriation	\$23,184,000
TOTAL APPROPRIATION	\$524,460,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$100,000 of the administrative contingency account appropriation is provided solely to the employment security department for manufacturing economic research and surveys with findings reported to relevant legislative committees, business, and labor.

(2) \$3,988,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are provided to replace obsolete information technology infrastructure.

(3) \$3,500,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized for employer outreach activities, employment service activities, and to prevent, detect, and collect unemployment insurance benefit overpayments.

(4) \$1,881,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to build an electronic delivery system to improve the collection, storage, and access of claimant and employer documents used by the department.

(5) \$2,065,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide technology to collect information from unemployment insurance applicants at the beginning of the telephone interview.

(6) \$4,337,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART XII
NATURAL RESOURCES**

Sec. 1201. 2004 c 276 s 301 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004)	\$35,828,000
General Fund--State Appropriation (FY 2005)	(\$35,911,000)
	<u>\$36,184,000</u>
General Fund--Federal Appropriation	\$57,143,000
General Fund--Private/Local Appropriation	\$3,696,000
Special Grass Seed Burning Research Account-- State Appropriation	\$14,000
Reclamation Revolving Account--State Appropriation	\$2,760,000
Flood Control Assistance Account-- State Appropriation	\$2,159,000
State Emergency Water Projects Revolving Account-- State Appropriation	\$725,000
Waste Reduction/Recycling/Litter Control Account-- State Appropriation	\$13,714,000
State Drought Preparedness Account--State Appropriation	\$1,858,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$593,000
Site Closure Account--State Appropriation	(\$629,000)
	<u>\$653,000</u>
Water Quality Account--State Appropriation	\$25,252,000
Wood Stove Education and Enforcement Account-- State Appropriation	\$356,000
Worker and Community Right-to-Know Account-- State Appropriation	\$3,348,000
State Toxics Control Account--State Appropriation	(\$59,427,000)

	<u>\$60,039,000</u>
State Toxics Control Account--Private/Local Appropriation	\$353,000
Local Toxics Control Account--State Appropriation	\$4,878,000
Water Quality Permit Account--State Appropriation	\$25,741,000
Underground Storage Tank Account--State Appropriation	\$2,710,000
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation	\$784,000
Hazardous Waste Assistance Account--State Appropriation	\$4,535,000
Air Pollution Control Account--State Appropriation	\$1,654,000
Oil Spill Prevention Account--State Appropriation	\$7,889,000
Air Operating Permit Account--State Appropriation	\$3,693,000
Freshwater Aquatic Weeds Account--State Appropriation	\$2,503,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$19,000
Water Pollution Control Revolving Account-- State Appropriation	\$387,000
Water Pollution Control Revolving Account-- Federal Appropriation	\$1,901,000
TOTAL APPROPRIATION	((\$308,042,000))
	<u>\$308,951,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill

prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) \$730,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$1,270,000)~~ \$1,543,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

(9) \$144,000 of the oil spill prevention account--state appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6641 (oil spills). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$536,000 of the water quality permit account--state appropriation is provided solely to implement the provisions of Engrossed Substitute Senate Bill No. 6415 (storm water discharge permits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$218,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement the provisions of Engrossed Second Substitute Senate Bill No. 5957 (water quality data). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to support the initial phase of the federal United States Geological Survey study of the Spokane Valley-Rathdrum Prairie aquifer.

(13) \$65,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Engrossed Substitute House Bill No. 2488 (electronic products). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(14) \$1,043,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for (a) establishing instream flows by rule for main stem rivers and their key tributaries. In watersheds where planning is not being conducted pursuant to chapter 90.82 RCW, the department shall follow the procedures and applicable requirements of chapters 90.22 and 90.54 RCW, and shall create a process of public involvement similar to that of a watershed planning unit under the provisions of chapter 90.82 RCW, in order to ensure that citizens are informed and afforded the opportunity to participate in the development of instream flow recommendations in collaboration with the department; (b) working with counties that have existing geographic information systems to map existing water rights and document current ownership and evaluating alternative administrative systems for determining existing water rights; and (c) assigning one water master to a basin that has been adjudicated.

(15) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a one-time payment to settle all claims in a suit against the state in the *Envirotest v. Department of Ecology*, Thurston Co. Sup. Ct. Case No. 02-2-00255-0.

(16) \$350,000 of the hazardous waste assistance account appropriation is provided solely for rulemaking to require closure plans, liability coverage, and financial assurances for hazardous waste management facilities.

(17) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to assist in watershed planning efforts. Of this amount, \$200,000 is provided solely for mediation efforts with the Lummi nation to pursue resolution of federal and tribal rights to water in Washington state consistent with comprehensive state water resources planning under chapter 90.54 RCW and \$100,000 is provided solely for coordination and staff support for the Nisqually river council watershed initiative program.

(18)(a) \$166,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for rulemaking and development of chemical action plans for persistent bioaccumulative toxins. Of this amount:

(i) \$83,000 is provided solely for the development of a chemical action plan for the chemical compounds known as PBDE (polybrominated diphenyl ethers); and

(ii) \$83,000 is provided solely for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins and establish criteria for selecting chemicals for chemical action plans. The department shall develop the criteria and list consistent with the administrative procedure act provided under chapter 34.05 RCW and shall not adopt the rule prior to the adjournment of the 2005 legislative session. The department shall make recommendations to the legislature by December 31, 2004, regarding future funding alternatives to address persistent bioaccumulative toxins.

(b) \$159,000 of the state toxics control account appropriation is provided solely to implement the mercury chemical action plan. Of this amount: (i) \$84,000 is provided for development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and (ii) \$75,000 is provided for ongoing fluorescent lamp recycling.

Any pesticide with a valid registration on or after the effective date of this act issued by the environmental protection agency under the federal insecticide, fungicide and rodenticide act, 7 U.S.C. 136 et seq., or any fertilizer regulated under the Washington fertilizer act, chapter 15.54 RCW, shall not be included in a persistent bioaccumulative toxin rulemaking process, list, or chemical action plan undertaken by the department of ecology.

(19) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a wetland mitigation banking pilot project. The department shall work with representatives from involved state agencies, the army corps of engineers, business, mitigation banking organizations, and environmental organizations to develop and implement a wetland banking rule. The department shall report to the appropriate committees of the legislature on the progress of the rule by December 2004.

(20) Within the amounts appropriated in this section the department shall convene and provide staff support for a water resources administration and funding task force. The task force shall develop proposals for and recommend several options for funding the state's water resource programs, including both operating programs and capital costs for water program implementation. The task force must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 15, 2004. The task force shall include representatives of each of the following interests, selected by the associations representing those interests:

(i) One representative from each of the following interests: Agriculture, industry, environmental, fisheries, water utilities, and power utilities;

(ii) One representative of cities and one representative of counties;

(iii) Two representatives of Indian tribes, one from eastern Washington and one from western Washington;

(iv) Three representatives of the executive branch of state government; and

(v) The department of ecology shall invite a representative of the United States bureau of reclamation to participate as a member of the task force.

Sec. 1202. 2004 c 276 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2004)	\$30,015,000
General Fund--State Appropriation (FY 2005)	(\$30,034,000)
	<u>\$30,398,000</u>
General Fund--Federal Appropriation	\$2,666,000
General Fund--Private/Local Appropriation	\$63,000
Winter Recreation Program Account--State Appropriation	\$1,079,000
Off Road Vehicle Account--State Appropriation	\$285,000
Snowmobile Account--State Appropriation	\$4,790,000

Aquatic Lands Enhancement Account--State Appropriation	\$332,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account-- Private/Local Appropriation	\$300,000
Parks Renewal and Stewardship Account-- State Appropriation	(\$34,431,000)
	<u>\$34,744,000</u>
TOTAL APPROPRIATION	(\$104,042,000)
	<u>\$104,719,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+RC-02.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

(5) \$72,000 of the parks renewal and stewardship account--state appropriation is provided solely for one-time and ongoing computer system improvements and technical support.

(6) \$106,000 of the general fund--state appropriation for fiscal year 2005 and \$158,000 of the parks renewal and stewardship account--state appropriation are provided solely for employee retirement buyout costs.

Sec. 1203. 2004 c 276 s 304 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2004)	\$934,000
General Fund--State Appropriation (FY 2005)	(\$998,000)
	<u>\$1,021,000</u>
TOTAL APPROPRIATION	(\$1,932,000)
	<u>\$1,955,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$20,000)~~ \$43,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

Sec. 1204. 2004 c 276 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004)	\$41,600,000
General Fund--State Appropriation (FY 2005)	(\$40,584,000)

General Fund--Federal Appropriation	<u>\$40,634,000</u>
	(\$40,316,000))
General Fund--Private/Local Appropriation	<u>\$41,816,000</u>
	(\$29,420,000))
Off Road Vehicle Account--State Appropriation	<u>\$34,345,000</u>
	\$501,000
Aquatic Lands Enhancement Account--State Appropriation	\$5,620,000
Public Safety and Education Account--State Appropriation	\$562,000
Recreational Fisheries Enhancement Account-- State Appropriation	<u>\$3,692,000</u>
	(\$3,467,000))
Warm Water Game Fish Account--State Appropriation	\$2,568,000
Eastern Washington Pheasant Enhancement Account-- State Appropriation	\$750,000
Wildlife Account--State Appropriation	<u>\$59,382,000</u>
	(\$58,922,000))
Wildlife Account--Federal Appropriation	\$29,532,000
Wildlife Account--Private/Local Appropriation	\$10,038,000
Special Wildlife Account--State Appropriation	\$2,068,000
Special Wildlife Account--Federal Appropriation	<u>\$7,720,000</u>
	(\$450,000))
Special Wildlife Account--Private/Local Appropriation	<u>\$1,450,000</u>
Environmental Excellence Account--State Appropriation	\$15,000

Regional Fisheries Salmonid Recovery Account--
Federal Appropriation

((\$1,750,000))

\$2,750,000

Oil Spill Prevention Account--State
Appropriation

\$981,000

Oyster Reserve Land Account--State
Appropriation

\$411,000

TOTAL APPROPRIATION

((\$278,275,000))

\$286,435,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.

(2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) \$1,016,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.

(4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.

(5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.

(8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.

(9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(14) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(15) \$75,000 of the recreational fisheries enhancement account and \$75,000 of the state wildlife account--state appropriation are provided solely to implement additional selective recreational fisheries to include one additional fishery each in

eastern and western Washington. The department shall determine the eastern Washington fishery, and the western Washington fishery shall be for Lake Washington sockeye.

(16) \$16,000 of the wildlife account--state appropriation is provided solely for implementation of Substitute House Bill No. 2621 (razor clam license). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(17) \$417,000 of the wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 2431 (Dungeness crab card). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(18) \$112,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to buy back purse seine fishing licenses.

(19) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

~~(20) ((\$122,000 of the wildlife account--state appropriation is provided solely to reimburse the department of natural resources for fire suppression costs incurred on department of fish and wildlife lands.~~

~~(21))~~ (21) \$150,000 of the general fund--state appropriation for fiscal year 2005 and \$150,000 of the wildlife account--state appropriation are provided solely to complete phase II of the contract management system (CAPS). The CAPS system phase II shall be operational no later than June 30, 2005.

~~((22))~~ (21) From within existing funding, the department shall provide a report to the appropriate committees of the legislature identifying options for reducing future allocations for the harvest of salmon in the event that a group's actual catch exceeds a current allocation. The report shall identify any statutory changes that would be required to implement such an accountability system.

~~((23))~~ (22) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for lease payments for the Vancouver hatchery staff residence and for the development of plans for an educational facility in cooperation with the Columbia Springs environmental education center.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for pheasant brood stock replacement and follow up sanitation and clean up of the Lewis county game farm.

Sec. 1205. 2004 c 276 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2004)

\$54,189,000

General Fund--State Appropriation (FY 2005)

~~(\$36,554,000)~~

\$47,583,000

General Fund--Federal Appropriation

~~(\$5,116,000)~~

\$5,281,000

General Fund--Private/Local Appropriation

\$2,482,000

Forest Development Account--State
Appropriation

\$52,075,000

Off Road Vehicle Account--State
Appropriation

\$4,029,000

Surveys and Maps Account--State
Appropriation

\$2,761,000

Aquatic Lands Enhancement Account--State
Appropriation

\$8,925,000

Resources Management Cost Account--State
Appropriation

\$70,418,000

Surface Mining Reclamation Account--State Appropriation	\$2,293,000
Disaster Response Account--State Appropriation	\$7,200,000
State Toxics Control Account--State Appropriation	(\$750,000)
	<u>\$890,000</u>
Water Quality Account--State Appropriation	\$2,479,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,311,000
Natural Resource Conservation Areas Stewardship Account Appropriation	\$83,000
Air Pollution Control Account--State Appropriation	\$526,000
Agricultural College Trust Management Account Appropriation	\$1,868,000
Derelict Vessel Removal Account--State Appropriation	\$1,130,000
TOTAL APPROPRIATION	(\$254,189,000)
	<u>\$265,523,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$24,674,000 of the general fund--state appropriation for fiscal year 2004, ~~(\$8,358,000)~~ \$19,087,000 of the general fund--state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. These funds shall not be allocated to cover any portion of agency indirect and administrative expenses. The legislature finds that general fund and disaster response account support for emergency fire suppression is a significant and direct subsidy of the costs to administer and manage various trust lands. It would be an unintended additional subsidy if a portion of the general fund and disaster response account amounts provided in this subsection were used to fund agency indirect and administrative expenses. To avoid this unintended additional subsidy, agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation (~~(is)~~) and \$140,000 of the state toxics control account--state appropriation are provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(10) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(11) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(13) \$2,700,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government.

(14) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for habitat restoration work in the Loomis natural resource area.

(16) \$200,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for providing public access to camp sites and trails maintained by the department. This additional funding, along with existing funding from the off road vehicle account is intended to fully fund current access to camp sites and trails. If additional funding is required to avoid closures to camp sites and trails during the 2003-05 biennium, the department shall reduce expenditures for agency administration by five percent and redeploy those general fund resources to the recreation program prior to closing any camp sites or trails.

(17) \$40,000 of the aquatic lands enhancement account appropriation is provided solely for the department to (a) calculate the rent for DNR-leased marinas based on a percentage of a marina's income and (b) recommend an appropriate formula to the 2005 legislature.

(18)(a) \$2,000,000 of the general fund--state appropriation for fiscal year 2005, \$750,000 of the state toxics control account--state appropriation, and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purpose of settling *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad, et al.* In the event: (i) A final settlement agreement is not signed by the port of Seattle, Pacific Sound Resources, and the department of natural resources by March 25, 2004; or (ii) the U.S. environmental protection agency, or the department of justice if necessary, fail to settle with the state and the department and provide a covenant not to sue and contribution protection with no additional consideration required, then \$550,000 of the general fund--state appropriation for fiscal year 2005 shall be available to use to fund the existing PSR litigation and the remainder of the amounts provided in this subsection (a) shall lapse.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for legal defense costs in *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

Sec. 1206. 2004 c 276 s 308 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2004)	\$7,636,000
General Fund--State Appropriation (FY 2005)	((<u>\$10,941,000</u>))
	<u>\$11,019,000</u>
General Fund--Federal Appropriation	\$10,068,000
General fund--Private/Local Appropriation	\$1,110,000
Aquatic Lands Enhancement Account--State Appropriation	((<u>\$2,027,000</u>))
	<u>\$2,149,000</u>
Water Quality Account--State Appropriation	\$692,000
State Toxics Control Account--State Appropriation	\$2,780,000
Water Quality Permit Account--State Appropriation	\$165,000
TOTAL APPROPRIATION	((<u>\$35,419,000</u>))
	<u>\$35,619,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account--state appropriation and \$692,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

(5) \$42,000 of the general fund--state appropriation for fiscal year 2004 and \$287,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for animal identification, food safety, and commercial feed inspection programs.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for response costs to the discovery of bovine spongiform encephalopathy in a Washington dairy cow.

(7) \$630,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the "from the heart of Washington" campaign, southeast Asia/China trade representatives, domestic marketing/economic development, food and agriculture industry security, and for the small farm and direct marketing program.

(8) \$85,000 of the aquatic lands enhancement account appropriation is provided solely for spartina eradication efforts in Willapa Bay and Grays Harbor.

(9) \$330,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to contract with Washington State University for research and development activities related to asparagus harvesting and automation technology.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the purchase of agricultural products packing equipment. The department shall negotiate an appropriate agreement with the agricultural industry for the use of the equipment.

(11) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for control of Japanese knotweed in Washington state.

(End of part)

**PART XIII
TRANSPORTATION**

Sec. 1301. 2004 c 276 s 402 (uncodified) is amended to read as follows:
FOR THE STATE PATROL

General Fund--State Appropriation (FY 2004)	\$20,005,000
General Fund--State Appropriation (FY 2005)	(\$18,855,000)
	<u>\$21,702,000</u>
General Fund--Federal Appropriation	(\$4,240,000)
	<u>\$4,490,000</u>
General Fund--Private/Local Appropriation	\$378,000
Death Investigations Account--State Appropriation	\$4,489,000
Public Safety and Education Account--State Appropriation	\$21,969,000
Enhanced 911 Account--State Appropriation	\$612,000
County Criminal Justice Assistance Account--State Appropriation	\$2,649,000
Municipal Criminal Justice Assistance Account-- State Appropriation	\$1,087,000
Fire Service Trust Account--State Appropriation	\$125,000
Fire Service Training Account--State Appropriation	\$7,374,000
State Toxics Control Account--State Appropriation	\$436,000
Violence Reduction and Drug Enforcement Account-- State Appropriation	\$286,000
Fingerprint Identification Account--State Appropriation	\$5,393,000
TOTAL APPROPRIATION	(\$87,898,000)

\$90,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) \$376,000 of the public safety and education account--state appropriation is provided solely for additional DNA testing kits.

(4) \$276,000 of the fingerprint identification account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532 (modifying commercial driver's license provisions). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(End of part)

**PART XIV
EDUCATION**

Sec. 1401. 2004 c 276 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2004)

\$11,615,000

General Fund--State Appropriation (FY 2005)

~~(\$11,846,000)~~

\$12,011,000

General Fund--Federal Appropriation

~~(\$26,968,000)~~

\$28,635,000

TOTAL APPROPRIATION

~~(\$50,429,000)~~

\$52,261,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,771,000 of the general fund--state appropriation for fiscal year 2004 and \$10,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and \$476,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided, the Washington professional educator standards board (WPESB) shall submit a report regarding specific implementation strategies to strengthen mathematics initiatives by improving teacher knowledge and

skill development including: (i) Teacher preparation program approval standard changes; (ii) teacher certification requirement changes and the development of new expertise credentials; (iii) state-established standards to guide the approval of professional development providers and offerings related to mathematics; and (iv) other related recommendations. The WPESB shall base the recommendations on determinations of the status of teacher preparation and professional development opportunities and work with appropriate parties. The WPESB shall submit the report to the governor, superintendent of public instruction, state board of education, and the education and fiscal committees of the legislature by November 1, 2004.

~~(d) (\$130,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.~~

~~(e))~~ The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

~~((f))~~ ~~(e)~~ \$44,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Substitute Senate Bill No. 6171 (complaints against school employees) or Second Substitute Senate Bill No. 5533 (disclosure of misconduct). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(f) \$295,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004)	\$8,676,000
General Fund--State Appropriation (FY 2005)	\$9,885,000
General Fund--Federal Appropriation	(\$61,656,000)
	<u>\$63,394,000</u>
TOTAL APPROPRIATION	(\$80,217,000)
	<u>\$81,955,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$12,917,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(v) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$16,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,097,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the school safety center advisory committee to identify instructional materials and resources for students, parents, and teachers that are designed to prevent the abduction of children.

(x) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the natural science, wildlife, and environmental partnership account--state for the grant program established in chapter 22, Laws of 2003 (ESHB 1466).

(xi) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely as one-time funding for the Washington virtual classroom consortium administered by the Quillayute valley school district.

(xii) \$1,650,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiii) \$9,953,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xiv) (~~(\$12,941,000)~~) \$14,679,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

Sec. 1402. 2004 c 276 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2004)

\$3,976,507,000

General Fund--State Appropriation (FY 2005)

~~(\$3,988,649,000)~~

\$3,987,326,000

TOTAL APPROPRIATION

~~(\$7,965,156,000)~~

\$7,963,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in

grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and ~~((9.69))~~ 9.66 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and ~~((12.25))~~ 12.22 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,855 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,746 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$16,873 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition.

Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,385,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$499,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of \$351,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

~~((12) \$401,000 of the general fund state appropriation for fiscal year 2005 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1403. 2004 c 276 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and ~~((9.05))~~ 9.02 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and ~~((8.75))~~ 8.72 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

2003-04 School Year									
Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9		36,272	37,266	38,591	41,443	43,481	41,656	44,510	46,548
10			38,477	39,898	42,788	44,894	42,964	45,855	47,960
11				41,243	44,196	46,344	44,309	47,263	49,410
12				42,545	45,642	47,854	45,707	48,708	50,921
13					47,123	49,401	47,154	50,189	52,467
14					48,611	51,006	48,644	51,775	54,073
15					49,876	52,333	49,908	53,121	55,479
16 or More					50,873	53,379	50,906	54,183	56,588

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year									
Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9		36,272	37,266	38,591	41,443	43,481	41,656	44,510	46,548
10			38,477	39,898	42,788	44,894	42,964	45,855	47,960
11				41,243	44,196	46,344	44,309	47,263	49,410

12	42,545	45,642	47,854	45,707	48,708	50,921
13		47,123	49,401	47,154	50,189	52,467
14		48,611	51,006	48,644	51,775	54,073
15		49,876	52,333	49,908	53,121	55,479
16 or More		50,873	53,379	50,906	54,183	56,588

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

Sec. 1404. 2004 c 276 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2004)

\$28,604,000

General Fund--State Appropriation (FY 2005)

~~(\$132,202,000)~~

\$132,232,000

General Fund--Federal Appropriation

~~(\$663,000)~~

\$655,000

TOTAL APPROPRIATION

~~(\$161,469,000)~~

\$161,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,944,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$20,339,000)~~) \$20,366,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and (~~(9.05)~~) 9.02 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) (~~(\$5,452,000)~~) \$5,443,000 of the general fund--state appropriation is provided solely to provide a salary adjustment for state formula classified units of one percent effective September 1, 2004, and (~~(\$126,598,000)~~) \$126,605,000 is provided solely for adjustments to insurance benefit allocations.

(a)(i) In order to receive funding provided in this subsection for salary adjustments for state formula classified units, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. Funds provided in this subsection for this purpose shall be used exclusively for providing the percentage increases specified in this subsection to classified staff units and shall not be used to supplant any other state or local funding for compensation for these staff.

(ii) The appropriations include associated incremental fringe benefit allocations at rates of (~~(8.75)~~) 8.72 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$582.47 per month for the 2004-05 school year.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.00	\$0.22
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	\$2.94

(4) The adjustments to insurance benefit allocations are at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	\$1.14
Highly Capable (per formula student)	\$1.52	\$7.72
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	\$20.30
Learning Assistance (per entitlement unit)	\$3.08	\$15.95

(5) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1405. 2004 c 276 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2004)	\$215,454,000
General Fund--State Appropriation (FY 2005)	(\$219,899,000)
	<u>\$232,295,000</u>
TOTAL APPROPRIATION	(\$435,353,000)
	<u>\$447,749,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$774,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and \$39.30 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2003, and June 30, 2004, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

Sec. 1406. 2004 c 276 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2004)	\$3,100,000
General Fund--State Appropriation (FY 2005)	

	\$3,100,000
General Fund--Federal Appropriation	(((\$252,128,000))
	<u>268,293,000</u>
TOTAL APPROPRIATION	(((\$258,328,000))
	<u>\$274,493,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 1407. 2004 c 276 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004)	\$435,061,000
General Fund--State Appropriation (FY 2005)	(((\$426,802,000))
	<u>\$430,000,000</u>
General Fund--Federal Appropriation	(((\$426,450,000))
	<u>\$426,218,000</u>
TOTAL APPROPRIATION	(((\$1,288,313,000))
	<u>\$1,291,279,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

- (i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

Sec. 1408. 2004 c 276 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS General Fund--State Appropriation (FY 2004)

	\$3,538,000
General Fund--State Appropriation (FY 2005)	((<u>\$3,538,000</u>))
	<u>\$3,537,000</u>
TOTAL APPROPRIATION	((<u>\$7,076,000</u>))
	<u>\$7,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 1409. 2004 c 276 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE General Fund--State Appropriation (FY 2004)

	\$163,049,000
General Fund--State Appropriation (FY 2005)	((<u>\$165,578,000</u>))
	<u>\$164,860,000</u>
TOTAL APPROPRIATION	((<u>\$328,627,000</u>))
	<u>\$327,909,000</u>

Sec. 1410. 2004 c 276 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS General Fund--State Appropriation (FY 2004)

	\$18,207,000
General Fund--State Appropriation (FY 2005)	((<u>\$18,176,000</u>))
	<u>\$18,313,000</u>
TOTAL APPROPRIATION	((<u>\$36,383,000</u>))
	<u>\$36,520,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$190,000 of the general fund--state appropriation for fiscal year 2004 and \$142,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1411. 2004 c 276 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2004)

\$6,620,000

General Fund--State Appropriation (FY 2005)

~~(\$6,632,000)~~

\$6,683,000

TOTAL APPROPRIATION

~~(\$13,252,000)~~

\$13,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and ~~(\$334.94)~~ \$334.85 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 1412. 2004 c 276 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS
General Fund--
State Appropriation (FY 2004)

\$38,417,000

General Fund--State Appropriation (FY 2005)

~~(\$37,709,000)~~

\$37,270,000

General Fund--Federal Appropriation

~~(\$164,087,000)~~

\$128,906,000

TOTAL APPROPRIATION

~~(\$240,213,000)~~

\$204,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$15,486,000 of the general fund--state appropriation for fiscal year 2004, \$13,103,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$12,310,000)~~) \$14,009,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL, development of alternative assessments or appeals procedures to implement the certificate of academic achievement, and independent research on the alignment and technical review of reading, writing, and science.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to

evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) \$1,313,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$2,473,000)~~ \$2,034,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(16) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Tukwila school district and the Selah school district for a two-year project designed to improve the districts' performance in reading and math and to close the achievement gap within the district, subject to the following conditions and limitations:

(a) Funds shall be allocated to all schools within the Tukwila school district and Selah school district to implement proven, research-based reading and math intervention software for low-performing students in grades K-12.

(b) The programs may be implemented before, during, or after the regular school day, on Saturdays, or summer intersessions.

(c) A program is eligible for funding if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable research and best practices;

(ii) The program design is comprehensive and includes instruction, ongoing student assessment, professional development, and program management aligned with the district's reading and math curriculum;

(iii) The program provides quality professional development and training for teachers, staff, and volunteer mentors or tutors;

(iv) The program contains an evaluation component to determine the effectiveness of the program, which will be reported to the legislature and the superintendent of public instruction on an annual basis for the duration of the project.

(d) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements, shall be available for each program.

(e) All materials related to the project shall be retained by the district at the end of the two-year term.

(17) \$515,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the math initiative. The office of the superintendent of public instruction shall evaluate textbooks and other instructional materials for math to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math programs and shall work with mentor teachers from around the state to develop guidelines for eligibility, training, and professional development for mentor math teachers.

(18) (~~(\$87,901,000)~~) \$88,942,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(19) \$25,955,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

Sec. 1413. 2004 c 276 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2004)	\$50,678,000
General Fund--State Appropriation (FY 2005)	(\$54,050,000)
	<u>\$54,138,000</u>
General Fund--Federal Appropriation (FY 2005)	\$44,544,000
TOTAL APPROPRIATION	(\$149,272,000)
	<u>\$149,360,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and (~~(\$725.17)~~) \$724.99 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 1414. 2004 c 276 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004)	\$64,366,000
General Fund--State Appropriation (FY 2005)	(\$62,929,000)
	<u>\$62,966,000</u>
General Fund--Federal Appropriation	(\$301,322,000)
TOTAL APPROPRIATION	<u>\$310,314,000</u>
	(\$428,617,000)
	<u>\$437,646,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and (~~(\$432.53)~~) \$432.44 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 1415. 2004 c 276 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAMS Student Achievement Fund--State

Appropriation (FY 2004)

\$214,107,000

Student Achievement Fund--State

Appropriation (FY 2005)

(~~(\$195,535,000)~~)

\$195,512,000

TOTAL APPROPRIATION

(~~(\$409,642,000)~~)

\$409,619,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$219.32 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

- (a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;
 - (b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;
 - (c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;
 - (d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;
 - (e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or
 - (f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).
- (3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 1416. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2005, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2005 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART XV
HIGHER EDUCATION**

Sec. 1501. 2004 c 276 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON General Fund--State Appropriation (FY 2004)	\$311,628,000
General Fund--State Appropriation (FY 2005)	\$325,668,000
General Fund--Private/Local Appropriation	\$300,000
((Death Investigations Account--State Appropriation	\$261,000))
Accident Account--State Appropriation	\$5,937,000
Medical Aid Account--State Appropriation	\$5,960,000
TOTAL APPROPRIATION	(\$649,754,000))
	<u>\$649,493,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

~~(3) ((The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.~~

~~(4))~~ (4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

~~((5))~~ (4) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

~~((6))~~ (5) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

~~((7))~~ (6) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

~~((8))~~ (7) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

~~((9))~~ (8) \$2,275,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a proteomics center and an autism center. Of the amount provided in this subsection, \$1,600,000 is provided solely for the University of Washington school of medicine for recruitment of biosciences research faculty to establish a proteomics center and \$675,000 is provided solely as one-time funding to establish an autism center at the University of Washington Tacoma campus. The amount provided for the proteomics center is contingent on receipt of \$6,000,000 in one-time, nonstate matching funds. If the nonstate matching funds are not received by June 30, 2005, \$1,600,000 of the amount provided in this subsection shall lapse.

~~((10))~~ (9) \$1,897,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the training and support of primary care physicians and primary care providers through the network of family practice residency programs. All of the funding provided in this section shall be distributed directly to the family practice residency programs to assist with cost increases experienced by the programs, including the cost of medical malpractice premiums.

~~((11))~~ (10) The University of Washington shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

Sec. 1502. 2003 1st sp.s. c 25 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND General Fund--State Appropriation (FY 2004)

\$4,614,000

General Fund--State Appropriation (FY 2005)

~~(((\$4,641,000))~~

\$4,656,000

General Fund--Private/Local Appropriation	\$1,335,000
TOTAL APPROPRIATION	(\$10,590,000)
	<u>\$10,605,000</u>

(End of part)

**PART XVI
SPECIAL APPROPRIATIONS**

Sec. 1601. 2004 c 276 s 701 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2004)	\$655,886,000
General Fund--State Appropriation (FY 2005)	(\$528,766,000)
	<u>\$527,566,000</u>
Debt-Limit General Fund Bond Retirement Account-- State Appropriation	\$17,300,000
State Building Construction Account--State Appropriation	(\$8,922,000)
	<u>\$7,922,000</u>
Debt-Limit Reimbursable Bond Retirement Account-- State Appropriation	\$2,587,000
State Taxable Building Construction Account-- State Appropriation	\$465,000
Gardner-Evans Higher Education Construction Account-- State Appropriation	\$2,087,000
TOTAL APPROPRIATION	(\$1,216,013,000)
	<u>\$1,213,813,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

Sec. 1602. 2004 c 276 s 702 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2004)	\$26,394,000
General Fund--State Appropriation (FY 2005)	(\$24,805,000)

Capitol Historic District Construction Account--State Appropriation	<u>\$24,605,000</u>
Higher Education Construction Account--State Appropriation	\$323,000
State Vehicle Parking Account--State Appropriation	\$238,000
Nondebt-Limit Reimbursable Bond Retirement Account-- State Appropriation	\$102,000
	(\$128,375,000)
TOTAL APPROPRIATION	<u>\$126,775,000</u>
	(\$180,237,000)
	<u>\$178,437,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 1603. 2004 c 276 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2004)	\$526,000
General Fund--State Appropriation (FY 2005)	\$526,000
Higher Education Construction Account--State Appropriation	\$35,000
State Building Construction Account--State Appropriation	(\$2,083,000)
	<u>\$1,083,000</u>
State Vehicle Parking Account--State Appropriation	\$17,000
Capitol Historic District Construction Account--State Appropriation	\$45,000
State Taxable Building Construction Account-- State Appropriation	\$60,000
Gardner-Evans Higher Education Construction Account-- State Appropriation	\$180,000
TOTAL APPROPRIATION	(\$3,472,000)
	<u>\$2,472,000</u>

Sec. 1604. 2004 c 276 s 709 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the office of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:	
(a) Kelly C. Schwartz, claim number SCJ 03-10	\$18,250
(b) Clinton Johnston, claim number SCJ 04-02	\$8,225
(c) Johnny Riley, claim number SCJ 04-05	\$1,500
(d) Gregory Nichols, claim number SCJ 04-06	\$3,995
(e) William Poll, claim number SCJ 04-07	\$31,106
(f) John Obert, claim number SCJ 04-09	\$15,957
(g) David McCown, claim number SCJ 04-10	\$2,900
<u>(h) Frank Leyendekker, claim number SCJ 05-01</u>	<u>\$2,325</u>
<u>(i) Todd Richardson, claim number SCJ 05-02</u>	<u>\$32,934</u>
<u>(j) Jason Fakih, claim number SCJ 05-03</u>	<u>\$100,774</u>
<u>(k) Mickey J. Martin, claim number SCJ 05-04</u>	<u>\$3,187</u>
<u>(l) Marty Lynch, claim number SCJ 05-05</u>	<u>\$3,000</u>
<u>(m) Jeffery Shauers, claim number SCJ 05-06</u>	<u>\$12,734</u>
(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:	
(a) Circle S Landscape Supplies, claim number SCG 03-05	\$49,380
(b) Marilyn Lund Farms, claim number SCG 03-08	\$17,175
(c) Paul Gibbons, claim number SCG 03-09	\$12,414
(d) Bud Hamilton, claim number SCG 03-10	\$15,591
(e) Richard Anderson, claim number SCG 03-11	\$75,933
(f) Neil Ice, claim number SCG 03-12	\$73,474
(g) Carl Anderson, claim number SCG 03-13	\$120,943
(h) Lafe Wilson, claim number SCG 04-02	\$626
(i) Richard Anderson, claim number SCG 04-04	\$28,998
<u>(j) Circle S Landscape, claim number SCG 04-05</u>	<u>\$20,000</u>
<u>(k) Ralland Wallace, claim number SCG 05-02</u>	

<u>(l) A & A Ranches, Inc., claim number SCG 05-04</u>	<u>\$20,592</u>
<u>(m) Roger Gibbons, claim number SCG 05-05</u>	<u>\$42,809</u>
<u>(n) Paul Gibbons, claim number SCG 05-06</u>	<u>\$12,326</u>
	<u>\$11,242</u>

NEW SECTION. Sec. 1605. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS
 General Fund--State Appropriation (FY 2005)

	-\$381,000
General Fund--Federal Appropriation	-\$63,000
General Fund--Private/Local Appropriation	-\$7,000
Special Account Retirement Contribution Increase Revolving Account Appropriation	-\$267,000
TOTAL APPROPRIATION	-\$718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect the 0.03 percent decrease in employer contributions for the department of retirement systems administrative expense rate that was effective September 1, 2004.

(2) The appropriations from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2005-39, a computerized tabulation developed by the legislative evaluation and accountability program committee on March 18, 2005, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2005-39, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 1606. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC SAFETY AND EDUCATION ACCOUNT
 General Fund--State Appropriation (FY 2005)

	\$11,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the public safety and education account.

NEW SECTION. Sec. 1607. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--VIOLENCE REDUCTION AND DRUG ENFORCEMENT ACCOUNT
 General Fund--State Appropriation (FY 2005)

	\$250,000,000
--	---------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the violence reduction and drug enforcement account.

Sec. 1608. 2003 1st sp.s. c 25 s 706 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND
 General Fund--State Appropriation (FY 2004)

	\$850,000
--	-----------

General Fund--State Appropriation (FY 2005)

	(((\$850,000))
TOTAL APPROPRIATION	<u>\$1,000,000</u>
	(((\$1,700,000))

\$1,850,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency or local government agency.

(End of part)

**PART XVII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1701. 2004 c 276 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund

\$10,000,000

County Sale/Use Tax Equalization Account:

For transfer to the state general fund for
fiscal year 2004

\$74,000

Financial Services Regulation Fund: For transfer
to the state general fund at the beginning
of fiscal year 2005

\$7,285,000

Municipal Sale/Use Tax Equalization Account:

For transfer to the state general fund for
fiscal year 2004

\$374,000

Asbestos Account: For transfer to the state
general fund

\$200,000

Electrical License Account: For transfer
to the state general fund

\$7,000,000

Local Toxics Control Account: For transfer
to the state toxics control account

\$4,059,000

Pressure Systems Safety Account: For transfer
to the state general fund

\$1,000,000

Health Services Account: For transfer
to the water quality account

\$8,182,000

State Treasurer's Service Account: For
transfer to the general fund

\$14,000,000

Public Works Assistance Account: For
transfer to the drinking water
assistance account

\$8,387,000

Tobacco Settlement Account: For transfer
to the health services account, in an
amount not to exceed the actual balance
of the tobacco settlement account

Health Service Account: For transfer to the violence reduction and drug enforcement account	\$181,000,000
Nisqually Earthquake Account: For transfer to the disaster response account	\$7,789,000
Industrial Insurance Premium Refund Account: For transfer to the state general fund	\$6,200,000
Public Service Revolving Account: For transfer to the state general fund	\$577,000
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005	\$1,600,000
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005	\$500,000
Water Quality Account: For transfer to the water pollution control account	\$2,700,000
	<u>(\$14,034,513)</u>
	<u>\$14,000,000</u>
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005	\$8,427,000
Insurance Commissioner's Regulatory Account: For transfer to the state general fund	\$2,500,000
Health Services Account: For transfer to the tobacco prevention and control account	\$23,796,000
From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund. This transfer is intended to liquidate the emergency reserve fund	\$58,100,000
Department of Retirement Systems Expense Account: For transfer to the state general fund	\$5,500,000
Woodstove Education and Enforcement Account: For transfer to the air pollution control account	\$600,000
Multimodal Transportation Account: For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated	

<p>subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount on a quarterly basis</p>	\$4,170,726
<p>Multimodal Transportation Account: For transfer to the vessel response account for fiscal year 2004</p>	\$1,213,704
<p>Resource Management Cost Account: For transfer to the contract harvesting revolving account</p>	\$250,000
<p>Forest Development Account: For transfer to the contract harvesting revolving account</p>	\$250,000
<p>Site Closure Account: For transfer to the state general fund</p>	\$13,800,000
<p>Health Services Account: For transfer to the general fund--state for fiscal year 2005</p>	((\$46,250,000))
	<u>\$296,250,000</u>
<p>K-20 Technology Account: For transfer to the state general fund</p>	\$1,281
<p>Gambling Revolving Fund, Nontribal Sources: For transfer to the state general fund</p>	\$2,500,000
<p>State Building Construction Account: For transfer to the conservation assistance revolving account</p>	\$500,000
<p>Wildlife Account: For transfer to the special wildlife account, \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005</p>	\$500,000
<p>Education Technology Revolving Account: For transfer to the data processing revolving account</p>	\$296,000
<p>Digital Government Revolving Account: For transfer to the data processing revolving account</p>	\$154,000
<p><u>Election Account: For transfer to the state general fund</u></p>	<u>\$780,000</u>
<p><u>Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, not to exceed the actual loan repayments to this account</u></p>	<u>\$20,000,000</u>
<p><u>Violence Reduction and Drug Enforcement Account:</u></p>	

For transfer to the health services account
in fiscal year 2005

\$250,000,000

(End of part)

**PART XVIII
MISCELLANEOUS**

Sec. 1801. RCW 43.185.050 and 2002 c 294 s 6 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

- (a) New construction, rehabilitation, or acquisition of low and very low-income housing units;
- (b) Rent subsidies;
- (c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;
- (d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;
- (e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;
- (f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;
- (g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;
- (h) Mortgage insurance guarantee or payments for eligible projects;
- (i) Down payment or closing cost assistance for eligible first-time home buyers;
- (j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and
- (k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program, except in fiscal year 2005 when administrative costs shall not exceed five percent.

Sec. 1802. RCW 43.185.070 and 1994 sp.s. c 3 s 9 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed four percent of annual revenues available for distribution to housing trust fund projects, except in fiscal year 2005 when administrative costs shall not exceed five percent. In awarding funds under this chapter, the department shall provide for a geographic distribution on a statewide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing

publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
 - (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
 - (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
 - (d) Local government project contributions in the form of infrastructure improvements, and others;
 - (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
 - (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;
 - (g) The applicant has the demonstrated ability, stability and resources to implement the project;
 - (h) Projects which demonstrate serving the greatest need;
 - (i) Projects that provide housing for persons and families with the lowest incomes;
 - (j) Projects serving special needs populations which are under statutory mandate to develop community housing;
 - (k) Project location and access to employment centers in the region or area;
 - (l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and
 - (m) Project location and access to available public transportation services.
- (4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

Sec. 1803. RCW 43.185A.030 and 1994 c 160 s 3 are each amended to read as follows:

- (1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.
- (2) Activities eligible for assistance include, but are not limited to:
 - (a) New construction, rehabilitation, or acquisition of housing for low-income households;
 - (b) Rent subsidies in new construction or rehabilitated multifamily units;
 - (c) Down payment or closing costs assistance for first-time home buyers;
 - (d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and
 - (e) Mortgage insurance guarantee or payments for eligible projects.
- (3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.
- (4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.
- (5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program, except in fiscal year 2005 when administrative costs shall not exceed five percent.

NEW SECTION. Sec. 1804. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1805. Except for sections 923 and 931 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1806. Section 923 (RCW 41.50.110) of this act takes effect July 1, 2006.

NEW SECTION. Sec. 1807. Section 922 (RCW 41.50.110) of this act expires July 1, 2006.

NEW SECTION. Sec. 1808. Section 931 (RCW 43.135.045) of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2005.

(End of part)

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WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

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On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28A.160.195, 28A.305.210, 28A.500.030, 28A.600.110, 28A.600.150, 28B.76.660, 41.05.050, 41.05.065, 41.05.120, 41.50.110, 41.50.110, 43.07.130, 43.08.190, 43.08.250, 43.10.180, 43.30.305, 43.43.944, 43.72.900, 43.135.045, 50.20.190, 66.16.010, 67.40.040, 69.50.520, 70.83.040, 70.93.180, 70.146.030, 70.146.080, 70.148.020, 72.11.040, 74.46.431, 79.64.040, 79.90.245, 86.26.007, 43.185.050, 43.185.070, and 43.185A.030; amending 2004 c 276 ss 106, 107, 108, 110, 111, 115, 117, 118, 120, 121, 123, 124, 126, 129, 131, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 217, 218, 219, 301, 302, 304, 306, 307, 308, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 603, 701, 702, 703, 709, 802 (uncodified); amending 2003 1st sp.s. c 25 ss 119, 152, 617, and 706 (uncodified); reenacting and amending RCW 28B.102.040, 43.320.110, and 50.16.010; adding new sections to 2003 1st sp.s. c 25 (uncodified); creating new sections; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Prentice and Doumit; Representatives Sommers and Fromhold.

MOTION

Senator Prentice moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6090 be adopted.

Senators Prentice, Hargrove, Keiser and Doumit spoke in favor of the motion.

Senators Zarelli and Finbeiner spoke against the motion.

MOTION

Senator Delvin demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Delvin that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the motion by Senator Prentice that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6090 be adopted.

The motion by Senator Prentice carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6090, as recommended by the Conference Committee.

Senator Kohl-Welles and McAuliffe spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator McAuliffe: "Will the Senator from the Eleventh District yield to a question? Senator, concerns have been raised about the legislative intent regarding K-12 employees in section 728 of the conference budget agreement. Could you explain the legislative intent regarding these issues?"

Senator Prentice: "Yes, I'd be happy to. Section 728 of the conference budget agreement sets aside \$20,000,000 of the public employee and retirees insurance account as a contingency to fund higher employee health care contribution rates if health care inflation is higher than the amounts assumed in the budget. If additional funds are needed, the legislature intends to appropriate additional funds to cover the cost of inflation up to a maximum of eleven percent. While this section primarily deals with state employee health care inflation, it is also the legislative intent to appropriate sufficient funds in the supplemental budget for this same percentage increase in K-12 employer health care contribution rates. And I believe now its time to vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6090, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE Substitute Senate BILL NO. 6090, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "Well, because I talk to much and too long and use too many words, I was remiss in not thanking the incredible staff that we have. I can't thank them enough. They worked with a rookie like me and they tolerated my questions and I wish they would come forward. I know they're hanging around there. But I can't go by without thanking the incredible staff that, I think, is hiding behind the pillars. Thank you."

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

PERSONAL PRIVILEGE

Senator Hewitt: "I want to speak behind the last speaker. Those of us on this side of the aisle also appreciate the Ways & Means staff. They're absolutely incredible. Regardless of who they work for, they do a tremendous job. I've never seen anybody follow orders that are politically different from one session to the next, but they do it well and they are absolutely wonderful. So, from our side of the aisle, we want to say thank you as well."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Jarrett)

Issuing general obligation bonds. Revised for 1st Substitute: Issuing general obligation bonds. (REVISED FOR ENGROSSED: Concerning general obligation bonds.)

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2299 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454

MESSAGE FROM THE HOUSE

April 22, 2005

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6094, and has passed the bill as recommended by the Conference Committee. And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute Senate Bill No. 6094

April 22, 2005

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6094, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings (report 03-1) including any necessary revisions and/or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the joint legislative audit and review committee shall consult the office of financial management and the higher education coordinating board about its workplan to ensure timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the joint legislative audit and review committee to complete the above task and oversight so assigned.

Reappropriation:

State Building Construction Account--State

\$120,000

Appropriation:

Education Construction Account--State

\$200,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$320,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

TVW - Digital Equipment (06-4-003)

Appropriation:

State Building Construction Account--State

\$3,000,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,000,000

NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State

\$558,000

Rural Washington Loan Account--State

\$3,522,235

Subtotal Reappropriation

\$4,080,235

Prior Biennia (Expenditures)

\$3,570,132

Future Biennia (Projected Costs)

\$0

TOTAL

\$7,650,367

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Rural Washington Loan Fund (06-4-010)

Appropriation:

Rural Washington Loan Account--State

	\$4,126,905
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$32,096,207
TOTAL	
	\$36,223,112
<u>NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Drinking Water Assistance Program (00-2-007)	
Reappropriation:	
Drinking Water Assistance Account--State	
	\$2,792,784
Prior Biennia (Expenditures)	
	\$4,907,216
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,700,000
<u>NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Drinking Water Assistance Program (02-4-008)	
Reappropriation:	
Drinking Water Assistance Account--State	
	\$4,475,621
Prior Biennia (Expenditures)	
	\$3,224,379
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,700,000
<u>NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Drinking Water Assistance Account (04-4-002)	
The reappropriations in this section are subject to the following conditions and limitations:	
(1) Expenditures of the reappropriation must comply with RCW 70.119A.170.	
(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.	
(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.	
Reappropriation:	
Drinking Water Assistance Account--State	
	\$8,500,000
State Building Construction Account--State	
	\$3,749,753
Drinking Water Assistance Repayment Account--State	
	\$4,200,000
Subtotal Reappropriation	

Prior Biennia (Expenditures)	\$16,449,753
Future Biennia (Projected Costs)	\$250,247
TOTAL	\$0
	\$16,700,000
<u>NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)	
Reappropriation:	
Drinking Water Assistance Repayment Account--State	
Prior Biennia (Expenditures)	\$15,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$15,200,000
<u>NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Drinking Water Assistance Program (06-4-003)	
Appropriation:	
Drinking Water Assistance Account--State	
Drinking Water Assistance Repayment Account--State	\$8,100,000
Subtotal Appropriation	\$11,500,000
Prior Biennia (Expenditures)	\$19,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$78,400,000
	\$98,000,000
<u>NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Water System Acquisition and Rehabilitation Program (06-4-850)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.	
Appropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$2,000,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Building for the Arts (04-4-007)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the project list in section 104, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State	\$1,750,000
Prior Biennia (Expenditures)	\$2,718,000
Future Biennia (Projected Costs)	\$0

TOTAL

\$4,468,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
African-American museum	Seattle	\$700,000
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000
Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000
Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		\$5,390,000

Appropriation:

State Building Construction Account--State	\$5,390,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL

\$21,390,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Cancer Research Facility Grant (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided as a grant for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center and must be matched by an equal amount from nonstate sources.

(2) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State

\$668,000

Prior Biennia (Expenditures)

\$2,332,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,000,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Fox Theatre Project (01-S-006)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State

\$2,093,031

Prior Biennia (Expenditures)

\$1,406,969

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,500,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT West Central Community Center (01-S-016)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State

\$493,750

Prior Biennia (Expenditures)

\$106,250

Future Biennia (Projected Costs)

\$0

TOTAL

\$600,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Public Works Trust Fund (04-4-001)

Reappropriation:

Public Works Assistance Account--State

\$350,000,000

Prior Biennia (Expenditures)

\$66,200,000

Future Biennia (Projected Costs)

TOTAL	\$0
	\$416,200,000
<u>NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Public Works Trust Fund (06-4-004)	
Appropriation:	
Public Works Assistance Account--State	\$288,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,400,000,000
TOTAL	\$1,688,900,000
	\$1,688,900,000
<u>NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Highline School District Aircraft Noise Mitigation (03-H-001)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003 1st sp. sess.	
(2) This reappropriation does not commit the state to make future appropriations for this program.	
Reappropriation:	
State Building Construction Account--State	\$7,517,598
Prior Biennia (Expenditures)	\$7,482,402
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000
	\$15,000,000
<u>NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> City of Woodland Infrastructure Development (04-4-959)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.	
(2) The reappropriation is provided for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.	
Reappropriation:	
State Building Construction Account--State	\$262,451
Prior Biennia (Expenditures)	\$37,549
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000
	\$300,000
<u>NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT</u> Community Economic Revitalization Board (04-4-008)	
The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation in section 105, chapter 277, Laws of 2004 may be used for grants.	
Reappropriation:	
Public Facility Construction Loan Revolving Account--State	\$11,437,000
Prior Biennia (Expenditures)	\$11,437,000

Future Biennia (Projected Costs)	\$54,000
	\$0
TOTAL	

\$11,491,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Community Economic Revitalization Board (CERB) (06-4-011)

The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State	\$20,448,657
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL	\$54,990,055

\$75,438,712

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Community Services Facilities Program (04-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.125.
- (2) The reappropriation is subject to the project list in section 128, chapter 26, Laws of 2003 1st sp. sess.

Reappropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$5,131,280
Future Biennia (Projected Costs)	\$0
TOTAL	

\$5,931,280

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Community Services Facilities Program (06-4-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.125.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Abused deaf women's advocacy services	Seattle	\$400,000
YouthCare	Seattle	\$350,000
Pike market senior center	Seattle	\$310,000
Friends of gladish	Pullman	\$25,000
FareStart	Seattle	\$400,000
Denise Louie education center	Seattle	\$400,000
Rural resources community action	Newport	\$170,000
Jumping mouse children's center	Port Townsend	\$45,000
Compass center	Seattle	\$400,000
Neighborhood house	Seattle	\$550,000

Behavioral health resources	Olympia	\$400,000
Salvation Army Renton corp	Renton	\$350,000
Metropolitan development council	Tacoma	\$110,000
Lutheran community services	SeaTac	\$400,000
Olympia childcare center	Olympia	\$90,000
Kitsap Community Resources	Bremerton	\$735,000
Northwest Youth Services	Bellingham	\$210,000
Total		\$5,345,000

Appropriation:

State Building Construction Account--State	\$5,345,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$21,345,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Greenbank Farm (04-4-950)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$550,000
Prior Biennia (Expenditures)	\$950,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(6) Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation

provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.

Reappropriation:

State Taxable Building Construction Account--State	
	\$25,780,000
Prior Biennia (Expenditures)	
	\$55,220,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$81,000,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(6) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to identify sufficient farmworker housing projects to support a goal of providing \$16,000,000 for farmworker housing, and to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(7) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State	
	\$100,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$320,000,000
TOTAL	
	\$420,000,000

NEW SECTION. Sec. 127. \$2,500,000 of the state taxable building construction account--state appropriation in section 126 of this act is provided solely for on-farm infrastructure improvements that directly support the creation or preservation of housing for low-income migrant, seasonal, or temporary farmworkers. Future loan repayments shall be used for the same purpose as specified in this section.

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Japanese-American Memorial (04-4-951)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State

Prior Biennia (Expenditures)	\$475,000
Future Biennia (Projected Costs)	\$1,025,000
TOTAL	\$0

\$1,500,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Lewis and Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$4,337,500
Future Biennia (Projected Costs)	\$662,500
TOTAL	\$0

\$5,000,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$5,228,345
Future Biennia (Projected Costs)	\$8,086,155
TOTAL	\$0

\$13,314,500

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.
- (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.
- (3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000

Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school	\$500,000
Columbia breaks fire interpretive center	\$150,000
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Foster creek	\$150,000
Fox theater	\$2,398,000
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000
Granite Falls museum expansion	\$50,000
Greenbridge plaza in White Center	\$200,000
Habitat park south hill	\$400,000
Hidden river environmental	\$50,000

education center	
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joel Pritchard park	\$2,500,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Julia Butler Hansen home restoration	\$10,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$1,500,000
McCaw hall	\$2,000,000
MOBIUS/Inland Northwest science and technology center	\$1,500,000
Mt. Baker theater	\$200,000
Mt. Vernon Jasper Gates statue	\$12,000
Multicultural center of Kitsap county	\$250,000
Nathaniel Orr home site museum interpretive center	\$29,000
New Lakewood clinic	\$350,000
Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Relocation of Sieke Japanese gardens	\$250,000

River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
Seattle community center (1115 E. Pike street)	\$13,000
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
Total	\$39,391,000

Appropriation:

State Building Construction Account--State

Prior Biennia (Expenditures)	\$39,391,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0

\$39,391,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT PBS Digital Upgrade (04-4-958)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) \$345,625 is provided to public television station KYVE for the costs to convert to digital transmission capability and the upgrading and replacement of equipment, studio facilities, and contents.

(3) The remaining reappropriation is available for public television stations based outside central Puget Sound metropolitan areas.

Reappropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$363,548
Future Biennia (Projected Costs)	\$336,452
TOTAL	\$0

\$700,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Washington State Games (04-4-850)

Reappropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$97,597
Future Biennia (Projected Costs)	\$102,403
TOTAL	\$0

\$200,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Wing Luke Asian Art Museum (04-4-952)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$316,202
Future Biennia (Projected Costs)	\$1,183,798
TOTAL	\$0

\$1,500,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Yakima Ball Fields (04-2-952)

The reappropriation in this section is subject to the following conditions and limitations: \$119,990 of the reappropriation is provided solely to Yakima Valley Community College for the purchase of Noel field from the city of Yakima,

and \$230,000 is provided solely to the city of Yakima to replace and relocate ballfields. It is intended that no funds be distributed to the city of Yakima until the transfer of the Noel field property is complete.

Reappropriation:

State Building Construction Account--State	\$346,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Youth Recreational Facilities Program (06-4-007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.135.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Clinton and Gloria John clubhouse	Vancouver	\$300,000
Greenbridge youth and family center	Seattle	\$300,000
Mount Angeles clubhouse remodel	Port Angeles	\$40,000
Mukilteo family YMCA skate park	Mukilteo	\$200,000
Girl scouts program center	Spokane	\$300,000
Federal Way Ex3 teen center	Federal Way	\$300,000
Granite Falls clubhouse renovation	Granite Falls	\$120,000
Monroe teen center	Monroe	\$100,000
Springwood youth center	Kent	\$300,000
Lummi youth recreation	Bellingham	\$40,000
H.O.P.E. center	Gig Harbor	\$200,000
South Whidbey commons	Langley	\$200,000
H.O.P.E. center	Lakewood	\$500,000
Tumwater boys and girls club	Tumwater	\$400,000
Total		\$3,300,000

Appropriation:

State Building Construction Account--State	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$11,300,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Historic Courthouse Rehabilitation (06-4-009)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,550,000 of the appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations completed since January 1, 2003, and improvements to access and accommodations for persons with disabilities. The office of archaeology and historic preservation within the department of community, trade, and economic development shall administer the historic county courthouse grant program. By October 1, 2005, the department shall establish eligibility criteria and a grant application process. A historic

courthouse advisory committee shall be established to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall minimize the amount of these funds that are utilized for program administration.

(2) \$450,000 of the appropriation is provided solely for rehabilitation of the Jefferson county clock tower.

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Job/Economic Development Grants (06-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
Belfair sewer improvements	\$8,000,000
Bellingham waterfront restoration	\$2,000,000
Bremerton Harborside	\$4,000,000
Burien town square	\$2,000,000
Carnation sewer	\$2,000,000
City of Covington	\$1,000,000
Infrastructure for Renton Boeing property	\$5,000,000
Military communities infrastructure projects	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,000,000
Rainier court	\$1,500,000
Redevelop Snohomish riverfront	\$1,500,000
Ridgefield employment center project	\$2,000,000
Tukwila Southcenter parkway infrastructure	\$6,000,000
Yakima town center restoration	\$4,000,000
Total	\$50,000,000

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the appropriation for military communities infrastructure projects is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the

military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Coastal Erosion Grants (01-S-019)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided for coastal erosion grants in southeast Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Jobs in Communities (06-4-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The appropriation is provided solely for the following list of projects:

Projects

Belfair sewer improvements	\$8,000,000
LeMay museum	\$1,000,000
Port of Walla Walla wine incubator	\$1,000,000
Wine and culinary arts center in Prosser	\$2,250,000
Total	\$12,250,000

Appropriation:

State Building Construction Account--State	\$12,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,250,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East Plaza Repairs (96-1-002)

Reappropriation:

State Vehicle Parking Account--State	\$5,000,000
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Prior Biennia (Expenditures)	\$36,567,200
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,567,200
<u>NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Legislative Building: Rehabilitation and Capital Addition (01-1-008)	
Reappropriation:	
Thurston County Capital Facilities Account--State	\$100,000
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	\$106,380,442
<u>NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Cherberg Building: Rehabilitation (02-1-005)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.	
(2) The appropriations in this section are subject to the following conditions and limitations:	
(a) Funding is provided solely for design, construction, and other costs related to the relocation efforts associated with this project.	
(b) The construction contract award shall be made to the general contractor offering written and oral materials demonstrating the greatest value for attainment of the program objectives considering a number of evaluation criteria, including cost.	
(c) Project oversight is delegated to the senate. Of this appropriation, \$750,000 is provided to the senate for management costs. Costs incurred by the department for this project shall be negotiated with the senate as reimbursable project agreements and approved by the senate. The department shall make available to the senate such personnel, facilities, and other assistance as the senate may request for this project.	
(d) The department may negotiate agreements with the senate for additional fees to manage the John A. Cherberg building rehabilitation project.	
(e) Upon completion of the project, the temporary modular buildings shall be sold and removed, and the parking lot shall be restored and landscaped.	
Reappropriation:	
State Building Construction Account--State	\$2,500,000
Appropriation:	
State Building Construction Account--State	\$12,253,000
Thurston County Capital Facilities Account--State	\$1,439,000
Subtotal Appropriation	\$13,692,000
Prior Biennia (Expenditures)	\$3,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,292,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Infrastructure Preservation: Capital Campus (04-1-003)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation shall not be used for studies.

Reappropriation:

Thurston County Capital Facilities Account--State	\$750,000
Prior Biennia (Expenditures)	\$1,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Facility Preservation: Statewide (04-1-004)

Reappropriation:

Thurston County Capital Facilities Account--State	\$200,000
Prior Biennia (Expenditures)	\$5,345,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,545,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Historic Buildings - Exterior Preservation (04-1-012)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$1,225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,475,000

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (02-1-008)

Appropriation:

Thurston County Capital Facilities Account--State	\$5,190,000
Prior Biennia (Expenditures)	\$2,939,116
Future Biennia (Projected Costs)	\$12,818,000
TOTAL	\$20,947,116

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Security (04-2-950)

Reappropriation:

Thurston County Capital Facilities Account--State	\$60,000
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Prior Biennia (Expenditures)	\$1,119,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,179,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Repairs (06-1-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety.

Appropriation:

State Building Construction Account--State	\$350,000
Thurston County Capital Facilities Account--State	\$900,000
General Administration Service Account--State	\$150,000
Subtotal Appropriation	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Infrastructure Projects - Savings (06-1-008)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (06-2-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2007, with individual total project values up to \$20,000,000.

(2) The community and technical capital projects account shall be used to provide services to six community and technical colleges projects that require separate reimbursable project management agreements.

(3) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20,000,000, or for the nonstate funded portion of projects with mixed funding sources.

(4) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2,500,000 for inclusion in the 2006 supplemental capital budget and the 2007-09 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$145,000
State Vehicle Parking Account--State	\$132,815
State Building Construction Account--State	\$9,216,771
Community/Technical College Capital Projects Account--State	\$1,723,892
Thurston County Capital Facilities Account--State	\$461,307
General Administration Service Account--State	\$103,839
Subtotal Appropriation	\$11,783,624
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$43,464,100
TOTAL	\$55,247,724

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building Rehabilitation (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum. Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$65,500,000
TOTAL	

	\$66,250,000
<u>NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Highway-License Building Repair and Renewal (06-1-013)	
Appropriation:	
Thurston County Capital Facilities Account--State	\$925,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,600,000
TOTAL	\$5,525,000
<u>NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Natural Resources Building Repairs and Renewal (06-1-014)	
Appropriation:	
Thurston County Capital Facilities Account--State	\$502,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,950,000
TOTAL	\$8,452,000
<u>NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Infrastructure: Preservation Minor Works (06-1-004)	
The appropriations in this section are subject to the following conditions and limitations: The department shall contract with the department of transportation for the repair of the hillside trail. The department shall provide all documents, engineering reports, and any other plans to the department of transportation so that their engineers may determine the best approach for a long-term solution to the erosion problem. The department shall reserve at least \$600,000 for this repair. If the hillside survives the 2005-06 rainy season without a significant slide, the unspent balance of this reserved money may be used for other purposes.	
Appropriation:	
State Vehicle Parking Account--State	\$34,000
State Building Construction Account--State	\$1,000,000
Thurston County Capital Facilities Account--State	\$2,033,600
Subtotal Appropriation	\$3,067,600
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,585,000
TOTAL	\$14,652,600
<u>NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Office Facilities: Preservation Minor Works (06-1-003)	
Appropriation:	
Thurston County Capital Facilities Account--State	\$2,965,000
General Administration Service Account--State	\$1,850,000
Subtotal Appropriation	\$4,815,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,239,000
TOTAL	\$21,054,000
 <u>NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Statewide Parking Facilities: Preservation Minor Works (06-1-007)	
Appropriation:	
State Vehicle Parking Account--State	\$880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,585,000
TOTAL	\$2,465,000
 <u>NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,270,000
TOTAL	\$3,270,000
 <u>NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Heritage Park Complete Development (01-H-004)	
Appropriation:	
State Building Construction Account--State	\$1,600,000
Prior Biennia (Expenditures)	\$15,535,774
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,135,774
 <u>NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
State Capitol Campus Master Plan (06-2-850)	
The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for completion of the capitol campus master plan. The master plan shall consider transportation needs of state employees and visitors. The department shall develop the master plan in consultation with the state capitol committee and a legislative buildings committee consisting of four members as follows: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; and two members of the senate, one from each major caucus, appointed by the president of the senate.	
Appropriation:	
General Administration Services Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$0
	\$200,000
<u>NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Legislative Building Omnibus (06-1-005)	
The appropriations in this section are subject to the following conditions and limitations: The department shall assist in the relocation of the statute law committee offices from the legislative building to the Pritchard building. The vacated space is intended for additional offices for the house of representatives.	
Appropriation:	
State Building Construction Account--State	\$1,100,000
Thurston County Capital Facilities Account--State	\$878,000
Subtotal Appropriation	\$1,978,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,978,000
	\$1,349,000
<u>NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
ADA Access Between Legislative, Cherberg, O'Brien, and Pritchard Buildings (06-1-951)	
Appropriation:	
State Building Construction Account--State	\$1,349,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,349,000
	\$1,349,000
<u>NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</u>	
Capitol Lake: Environmental Preservation and Planning (00-1-007)	
Appropriation:	
State Building Construction Account--State	\$270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$270,000
	\$270,000
<u>NEW SECTION. Sec. 164. FOR THE MILITARY DEPARTMENT</u>	
Bremerton Readiness Center (02-2-004)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.	
Reappropriation:	
State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$11,023,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$11,823,000
<u>NEW SECTION. Sec. 165. FOR THE MILITARY DEPARTMENT</u>	
Construct Spokane Readiness Center (04-2-003)	
Reappropriation:	
General Fund--Federal	\$7,800,000
State Building Construction Account--State	\$3,300,000
Subtotal Reappropriation	\$11,100,000
Prior Biennia (Expenditures)	\$2,468,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,568,000
<u>NEW SECTION. Sec. 166. FOR THE MILITARY DEPARTMENT</u>	
Omnibus Support to Federal Preservation Projects (04-1-003)	
Reappropriation:	
General Fund--Federal	\$6,300,000
State Building Construction Account--State	\$1,100,000
Subtotal Reappropriation	\$7,400,000
Prior Biennia (Expenditures)	\$6,548,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,948,000
<u>NEW SECTION. Sec. 167. FOR THE MILITARY DEPARTMENT</u>	
Preservation Projects - Statewide (04-1-001)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$513,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,113,000
<u>NEW SECTION. Sec. 168. FOR THE MILITARY DEPARTMENT</u>	
Alteration of Building No. 2, Camp Murray (05-1-001)	
Reappropriation:	
General Fund--Federal	\$140,000
Appropriation:	
General Fund--Federal	\$1,260,000
Prior Biennia (Expenditures)	\$1,260,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$1,400,000
<u>NEW SECTION. Sec. 169. FOR THE MILITARY DEPARTMENT</u>	
Courseware Development Support Facility (05-2-002)	
Reappropriation:	
General Fund--Federal	\$138,000
Appropriation:	
General Fund--Federal	\$1,237,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,375,000
<u>NEW SECTION. Sec. 170. FOR THE MILITARY DEPARTMENT</u>	
Design and Construct Olympia Area Readiness Center (06-2-002)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is for a predesign to develop alternatives for the consolidation of the Olympia and Centralia readiness centers.	
Appropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,062,000
TOTAL	\$23,312,000
<u>NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT</u>	
Auditorium and Instructor Support Facility (06-2-003)	
Appropriation:	
General Fund--Federal	\$1,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,390,000
<u>NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT</u>	
Infrastructure Projects-Savings (06-1-022)	
The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$0
	\$1
<u>NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT</u>	
Kent Readiness Center Preservation (06-1-001)	
Appropriation:	
General Fund--Federal	\$750,000
State Building Construction Account--State	\$386,000
Subtotal Appropriation	\$1,136,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,136,000
<u>NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT</u>	
National Guard Headquarter's Building Preservation (06-1-002)	
Appropriation:	
State Building Construction Account--State	\$643,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$643,000
<u>NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT</u>	
Omnibus Preservation Projects - Statewide (06-1-003)	
Appropriation:	
State Building Construction Account--State	\$2,723,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,723,000
<u>NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT</u>	
Omnibus Support for Federal Minor Works Projects - Statewide (06-2-001)	
Appropriation:	
General Fund--Federal	\$15,851,000
State Building Construction Account--State	\$2,000,000
Subtotal Appropriation	\$17,851,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$77,571,000
TOTAL	\$77,571,000

\$95,422,000

NEW SECTION. Sec. 177. FOR THE STATE CONVENTION AND TRADE CENTER

Minor Works: Facility Preservation (06-1-001)

The appropriation in the section is subject to the following conditions and limitations: \$40,000 of this appropriation shall be used to contract for services to conserve or maintain existing pieces of the state art collection located at the Washington state convention and trade center.

Appropriation:

State Convention and Trade Center Account--State	
	\$3,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$6,770,000
TOTAL	\$9,770,000

(End of part)

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (06-1-100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system. Mapping of public buildings, including school buildings, shall be undertaken under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The criminal justice training commission shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects and shall develop policies and procedures to ensure efficient use and implementation of such procedures.

Appropriation:

Education Construction Account--State	
	\$4,500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 202. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Washington State Criminal Justice Training Commission Omnibus Minor Works (06-1-003)

Appropriation:

State Building Construction Account--State	
	\$100,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$925,000
State Building Construction Account--State	\$830,000
Subtotal Reappropriation	\$1,755,000
Prior Biennia (Expenditures)	\$5,654,300
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,409,300
 <u>NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Western State Hospital: Legal Offender Unit (98-2-052)	
Reappropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$50,794,341
Future Biennia (Projected Costs)	\$0
TOTAL	\$51,294,341
 <u>NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)	
Reappropriation:	
State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000
 <u>NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)	
Reappropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$5,605,495
Future Biennia (Projected Costs)	\$16,100,000
TOTAL	\$22,205,495
 <u>NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)	

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds reappropriated in this section may be transferred to minor works-health, safety, and code requirements (project No. 06-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$27,359,008
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,559,008
<u>NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health: Omnibus Programmatic Projects (04-2-365)	
Reappropriation:	
State Building Construction Account--State	\$450,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000
<u>NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Facility Preservation (04-1-112)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Health, Safety, and Code Requirements (04-1-111)	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Infrastructure Preservation (04-1-113)	
Reappropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Rainier School - Wastewater Treatment Plant: Construction (Buckley) (04-1-950)	

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$60,000
Prior Biennia (Expenditures)	\$190,000
Future Biennia (Projected Costs)	\$4,350,000
TOTAL	\$4,600,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Residential Habilitation Center Consolidation (04-1-958)

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$2,100,000
State Building Construction Account--State	\$2,000,000
Subtotal Reappropriation	\$4,100,000
Prior Biennia (Expenditures)	\$1,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Regional Secure Community Transition Facility: New 12 Bed Facility (04-2-502)

Reappropriation:	
State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Emergency and Unanticipated Repair Projects (04-1-116)

Reappropriation:	
State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)

Appropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	

	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Capital Project Management (06-1-110)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$2,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL	\$11,100,000
	\$13,350,000
<u>NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Eastern State Hospital - Westlake Building: Fire Alarm Upgrade (06-1-370)	
Appropriation:	
State Building Construction Account--State	\$1,650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL	\$0
	\$1,650,000
<u>NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Fircrest School - Health and Safety Improvements (06-1-852)	
The appropriation in this section is subject to the following conditions and limitations: The department is directed to resolve the issues with the tenants at the Fircrest campus that impair their ability to provide services to food banks. A report shall be submitted on the status of the food bank tenant by the department to the house of representatives capital budget and senate ways and means committees by December 31, 2005.	
Appropriation:	
State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL	\$0
	\$750,000
<u>NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL	\$0

	\$1,000,000
<u>NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Lakeland Village - Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)	
Appropriation:	
State Building Construction Account--State	
	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$5,100,000
TOTAL	
	\$7,500,000
<u>NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - Clark County: Center for Community Health (06-4-351)	
Appropriation:	
State Building Construction Account--State	
	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$3,000,000
<u>NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - CLIP Facilities: Preservation (06-4-353)	
Appropriation:	
State Building Construction Account--State	
	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,300,000
<u>NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - Highline Mental Health: Preservation (06-4-313)	
Appropriation:	
State Building Construction Account--State	
	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$50,000
<u>NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - North Sound Evaluation and Treatment: Air Conditioning (06-4-356)	
Appropriation:	
State Building Construction Account--State	
	\$35,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$0

TOTAL	\$35,000
<u>NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health Division - Eastern Washington: Evaluation and Treatment (06-4-352)	
Appropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,500,000
TOTAL	\$3,000,000
<u>NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Mental Health: Omnibus Programmatic Projects (06-2-365)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Facility Preservation (06-1-112)	
Appropriation:	
State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000
<u>NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Health, Safety and Code Requirements (06-1-111)	
Appropriation:	
State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000
<u>NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES</u>	
Omnibus Preservation: Infrastructure Preservation (06-1-113)	
Appropriation:	
State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$0
	\$3,000,000

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Project Savings: Infrastructure and Preservation Projects (06-1-114)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$1
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NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.

Appropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,600,000

TOTAL	\$4,400,000
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NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Preservation Planning, Phase 2 (06-1-120)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000

TOTAL	\$700,000
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NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Hazards Abatement and Demolition (06-1-119)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,700,000

TOTAL	\$7,700,000
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\$9,000,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Laundry: New Construction (06-3-325)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to assess the feasibility of constructing a new western state hospital laundry using certificates of participation. The feasibility analysis shall include, but not be limited to, the following:

- (1) An assessment of the feasibility and costs for remodeling the existing building versus new construction;
- (2) An assessment of what facilities and equipment would be required to process the laundry for western state hospital, Rainier school, and Francis Haddon Morgan center;
- (3) An assessment of other potential clients to western state hospital laundry operations; and
- (4) An assessment of the region for the processing of western state hospital, Rainier school, and Francis Haddon Morgan center laundry including private vendors, nonprofit vendors, the department of corrections, or others.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$100,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$100,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pediatric Interim Care Newborn Nursery (06-4-951)

Appropriation:

State Building Construction Account--State

\$617,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$617,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Cliff Bailey Center (06-4-952)

Appropriation:

State Building Construction Account--State

\$225,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$225,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs.

Appropriation:

State Building Construction Account--State

\$1,000,000

Prior Biennia (Expenditures)

Future Biennia (Projected Costs)	\$0
TOTAL	\$0

\$1,000,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center on McNeil Island: Additional Capacity (06-2-505)

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,500,000
TOTAL	\$21,600,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for a comprehensive predesign exploring all alternatives for a biosafety level 3 facility and central receiving area, including potential federal funding sources that may be available for the project. The agency shall also explore the feasibility of collaboration and colocation with the University of Washington's proposed bioresearch laboratory. The predesign is subject to review and approval by the office of financial management in accordance with section 903 of this act.

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$101,485
Future Biennia (Projected Costs)	\$0
TOTAL	\$301,485

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State	\$2,040,000
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Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$315,142
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,855,142

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal

Prior Biennia (Expenditures)	\$29,820,094
Future Biennia (Projected Costs)	\$16,401,906
TOTAL	\$0
	\$46,222,000

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for an interagency agreement with the department of community, trade and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal	
Prior Biennia (Expenditures)	\$28,122,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$112,488,000
	\$140,610,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Roof Replacement (06-1-002)

Appropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$1,625,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$1,625,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF HEALTH

Cruise Ship Virus Study (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a study of the risk to human health from viruses transmitted from grey water or black water discharges from cruise ships in Puget Sound. The study shall be submitted to the department of ecology for inclusion in the report to the legislature submitted under the provisions of chapter . . . (Engrossed Second Substitute House Bill No. 1415), Laws of 2005.

Appropriation:

Water Quality Account--State	
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$100,000

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF VETERANS AFFAIRS

240 Bed Nursing Facility (02-2-008)

Reappropriation:

General Fund--Federal	\$500,000
State Building Construction Account--State	

Subtotal Reappropriation	\$1,670,000
Prior Biennia (Expenditures)	\$2,170,000
Future Biennia (Projected Costs)	\$46,730,700
TOTAL	\$0
	\$48,900,700
<u>NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	
Spokane Veterans Home Kitchen (04-2-004)	
Reappropriation:	
General Fund--Federal	
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$753,830
TOTAL	\$0
	\$953,830
<u>NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	
Emergency Funds (06-1-006)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
	\$2,500,000
<u>NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	
Infrastructure Projects - Savings (06-1-001)	
The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$1
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$1
<u>NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	
Minor Works Health, Safety, Code Requirements (06-1-007)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	

	\$120,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$120,000
<u>NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF VETERANS AFFAIRS</u>	
Minor Works Infrastructure Preservation (06-1-002)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	
	\$55,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$816,912
TOTAL	\$871,912
<u>NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Coyote Ridge Corrections Center: Expansion (98-2-011)	
The appropriations in this section are subject to the following conditions and limitations:	
(1) \$179,000,000 is provided solely to design and construct a 1,280 bed medium-security prison at Coyote Ridge corrections center in Connell.	
(2) The facility shall be a publicly-owned and operated facility.	
(3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.	
(4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.	
(5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.	
Reappropriation:	
State Building Construction Account--State	
	\$921,140
Appropriation:	
State Building Construction Account--State	
	\$179,000,000
Prior Biennia (Expenditures)	
	\$986,347
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$180,907,487
<u>NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Correctional Industries Space (98-2-005)	
Reappropriation:	
State Building Construction Account--State	
	\$3,549,994
Prior Biennia (Expenditures)	
	\$4,250,006
Future Biennia (Projected Costs)	

TOTAL	\$0
	\$7,800,000
<u>NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Violent Offender/Truth in Sentencing Grant Administration (99-2-004)	
Reappropriation:	
General Fund--Federal	\$66,667
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$8,333
Subtotal Reappropriation	\$75,000
Prior Biennia (Expenditures)	\$505,993
Future Biennia (Projected Costs)	\$0
TOTAL	\$580,993
<u>NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)	
Reappropriation:	
General Fund--Federal	\$819,229
State Building Construction Account--State	\$18,674,000
Subtotal Reappropriation	\$19,493,229
Prior Biennia (Expenditures)	\$19,944,803
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,438,032
<u>NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Replace Electrical Supply System (02-1-024)	
Reappropriation:	
State Building Construction Account--State	\$425,000
Prior Biennia (Expenditures)	\$7,878,715
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,303,715
<u>NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)	
Reappropriation:	
State Building Construction Account--State	\$925,000
Prior Biennia (Expenditures)	\$1,457,167
Future Biennia (Projected Costs)	\$1,962,235

TOTAL	\$4,344,402
<u>NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS</u>	
McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)	
Reappropriation:	
State Building Construction Account--State	\$3,200,000
Prior Biennia (Expenditures)	\$1,702,000
Future Biennia (Projected Costs)	\$1,856,331
TOTAL	\$6,758,331
<u>NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Facility Preservation (Minor Works) (04-1-001)	
Reappropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$2,852,961
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,052,961
<u>NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Health, Safety, and Code (04-1-021)	
Reappropriation:	
State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$1,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,750,000
<u>NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Infrastructure Preservation (Minor Works) (04-1-003)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center: Regional Infrastructure (04-2-008)	
Reappropriation:	
State Building Construction Account--State	\$4,593,000
Appropriation:	
State Building Construction Account--State	\$10,078,942

Prior Biennia (Expenditures)		\$57,000
Future Biennia (Projected Costs)		\$0
TOTAL		\$14,728,942
<u>NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)		
Reappropriation:		
State Building Construction Account--State		\$15,600,000
Prior Biennia (Expenditures)		\$2,209,202
Future Biennia (Projected Costs)		\$0
TOTAL		\$17,809,202
<u>NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Washington State Penitentiary: North Close Security Compound (04-2-005)		
Reappropriation:		
State Building Construction Account--State		\$124,000,000
Appropriation:		
General Fund--Federal		\$927,000
State Building Construction Account--State		\$5,891,000
Subtotal Appropriation		\$6,818,000
Prior Biennia (Expenditures)		\$9,940,000
Future Biennia (Projected Costs)		\$0
TOTAL		\$140,758,000
<u>NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)		
Appropriation:		
State Building Construction Account--State		\$4,752,053
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$4,752,053
<u>NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS</u>		
Monroe Corrections Center: Health Care Facility (06-2-043)		
Appropriation:		
State Building Construction Account--State		\$700,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0

TOTAL	\$44,695,000
	\$45,395,000
<u>NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)	
Appropriation:	
State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,850,000
TOTAL	\$11,600,000
	\$11,600,000
<u>NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Monroe Corrections Center: Improve C and D Units Security Features (06-1-046)	
Appropriation:	
State Building Construction Account--State	\$2,898,269
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,898,269
	\$2,898,269
<u>NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS</u>	
McNeil Island Corrections Center: Predesign/Design Replace/Stabilize Housing Unit Siding (06-1-005)	
Appropriation:	
State Building Construction Account--State	\$794,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,214,000
TOTAL	\$9,008,000
	\$9,008,000
<u>NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Mission Creek: Add 120 Beds (06-2-017)	
Appropriation:	
State Building Construction Account--State	\$3,425,184
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,425,184
	\$3,425,184
<u>NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)	
Appropriation:	
State Building Construction Account--State	\$3,833,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$17,200,000
TOTAL	\$21,033,000
<u>NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)	
Appropriation:	
State Building Construction Account--State	\$4,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,054,000
TOTAL	\$22,154,000
<u>NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)	
Appropriation:	
State Building Construction Account--State	\$3,826,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,800,000
TOTAL	\$20,626,000
<u>NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)	
Appropriation:	
State Building Construction Account--State	\$1,915,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$13,915,000
<u>NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)	
Appropriation:	
State Building Construction Account--State	\$1,593,266
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,593,266
<u>NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Emergency Projects (06-1-036)	

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$900,000
State Building Construction Account--State	\$1,500,000
Subtotal Appropriation	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	\$12,000,000

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Infrastructure Projects - Savings (06-1-001)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Inflow and Infiltration Analysis (06-2-034)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Telecommunications Infrastructure Master Plan (06-1-065)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS

Class II/Class III Offender Work Program Master Plan (06-2-075)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000
<u>NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center: Predesign/Design Health Care Facility Remodel (06-2-072)	
Appropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,834,000
TOTAL	\$12,034,000
<u>NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Design Kitchen Improvements (06-1-007)	
Appropriation:	
State Building Construction Account--State	\$629,552
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,221,531
TOTAL	\$4,851,083
<u>NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington Corrections Center for Women: Predesign/Design Replace Steamlines (06-1-018)	
Appropriation:	
State Building Construction Account--State	\$1,016,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,016,000
<u>NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Washington State Penitentiary: Design South Close Security Complex (06-2-021)	
Appropriation:	
State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,917,295
TOTAL	\$58,917,295
<u>NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS</u>	

Statewide: Add Minimum Security Beds (06-2-950)	
Appropriation:	
State Building Construction Account--State	\$7,442,997
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,773,642
TOTAL	\$16,216,639

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Healthcare Design (06-2-066)

Appropriation:	
State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,877,000
TOTAL	\$9,077,000

NEW SECTION. Sec. 287. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:	
Unemployment Compensation Administration Account--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 288. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Walla Walla WorkSource Office: Training Room Expansion (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the construction of a training and meeting room at the Walla Walla WorkSource building using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Appropriation:	
Unemployment Compensation Administration Account--Federal	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

(End of part)

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (74-2-006)

Reappropriation:

State Drought Preparedness--State	\$205,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$2,869,674
Subtotal Reappropriation	\$3,074,674
Prior Biennia (Expenditures)	\$2,431,709
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,506,383

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (86-2-007)

Reappropriation:

Public Works Assistance Account--State	\$287,359
Water Quality Account--State	\$1,293,656
Subtotal Reappropriation	\$1,581,015
Prior Biennia (Expenditures)	\$3,761,004
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,342,019

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (88-2-008)

Reappropriation:

Local Toxics Control Account--State	\$8,400,000
Prior Biennia (Expenditures)	\$250,435,524
Future Biennia (Projected Costs)	\$0
TOTAL	\$258,835,524

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal	\$13,828,872
Prior Biennia (Expenditures)	\$13,528,483
Future Biennia (Projected Costs)	

TOTAL	\$0
	\$27,357,355
<u>NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY</u>	
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)	
Reappropriation:	
Site Closure Account--State	\$5,131,732
Prior Biennia (Expenditures)	\$1,087,335
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,219,067
<u>NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Irrigation Efficiencies (01-H-010)	
The reappropriations in this section are subject to the following conditions and limitations:	
(1) The reappropriations are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.	
(2) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.	
Reappropriation:	
State Building Construction Account--State	\$495,963
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$2,983,926
Water Quality Account--State	\$1,663,103
Subtotal Reappropriation	\$5,142,992
Prior Biennia (Expenditures)	\$1,979,657
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,122,649
<u>NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Measuring Devices (01-H-009)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.	
Reappropriation:	
State Building Construction Account--State	\$1,611,941

Prior Biennia (Expenditures)	\$1,088,059
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,700,000
 <u>NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY</u>	
Centennial Clean Water Fund (02-4-007)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.	
Reappropriation:	
Water Quality Account--State	\$5,828,687
Prior Biennia (Expenditures)	\$7,874,259
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,702,946
 <u>NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY</u>	
Padilla Bay Expansion (02-2-006)	
Reappropriation:	
General Fund--Federal	\$1,693,690
State Building Construction Account--State	\$281,734
Subtotal Reappropriation	\$1,975,424
Prior Biennia (Expenditures)	\$3,849,509
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,824,933
 <u>NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Pollution Control Revolving Account (02-4-002)	
Reappropriation:	
Water Pollution Control Revolving Account--State	\$47,002,053
Water Pollution Control Revolving Account--Federal	\$774,704
Subtotal Reappropriation	\$47,776,757
Prior Biennia (Expenditures)	\$91,623,880
Future Biennia (Projected Costs)	\$0
TOTAL	\$139,400,637
 <u>NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Supply Facilities (02-4-006)	
Reappropriation:	

State and Local Improvements Revolving Account
(Water Supply Facilities)--State

	\$3,243,909
Prior Biennia (Expenditures)	
	\$2,201,906
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$5,445,815

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (04-4-007)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account--state reappropriation is provided for the extended grant payment to metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state reappropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state reappropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$760,000 of the state building construction account--state reappropriation is provided solely for the Klickitat wastewater treatment project.

(5) \$800,000 of the state building construction account--state reappropriation is provided solely for the comprehensive irrigation district management program.

(6) \$150,000 of the water quality account--state reappropriation is provided solely to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.

(7) The remaining reappropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	
	\$10,981,926
Water Quality Account--State	
	\$8,109,075
Subtotal Reappropriation	
	\$19,091,001
Prior Biennia (Expenditures)	
	\$25,958,999
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$45,050,000

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Columbia Basin Ground Water Management (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of ecology to make grants to implement the Columbia basin ground water management area plan.

Reappropriation:

Water Quality Account--State	
	\$250,000
Prior Biennia (Expenditures)	

	\$250,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$500,000
<u>NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY</u>	
Local Toxics Grants for Cleanup and Prevention (04-4-008)	
Reappropriation:	
Local Toxics Control Account--State	
	\$24,208,000
Prior Biennia (Expenditures)	
	\$249,042,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$273,250,000
<u>NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY</u>	
Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)	
Reappropriation:	
Site Closure Account--State	
	\$1,135,470
Prior Biennia (Expenditures)	
	\$5,945
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,141,415
<u>NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY</u>	
Twin Lake Aquifer Recharge Project (04-2-951)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water right applications and restoration of the Twin Lakes in the Methow valley.	
Reappropriation:	
State Building Construction Account--State	
	\$715,000
Prior Biennia (Expenditures)	
	\$35,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$750,000
<u>NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Pollution Control Revolving Account (04-4-002)	
Reappropriation:	
Water Pollution Control Revolving Account--State	
	\$54,935,416
Water Pollution Control Revolving Account--Federal	
	\$33,730,455
Subtotal Reappropriation	
	\$88,665,871
Prior Biennia (Expenditures)	
	\$65,128,587

Future Biennia (Projected Costs)	\$0
TOTAL	\$153,794,458

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Reappropriation:

State Drought Preparedness--State	\$1,470,000
Prior Biennia (Expenditures)	\$30,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (04-4-006)

The reappropriations in this section are subject to the following conditions and limitations:

(1)(a) \$541,951 of the state building construction account reappropriation and \$1,733,812 of the state and local improvements revolving account reappropriation are provided solely for expenditure under a contract between the department of ecology and the United States bureau of reclamation for the development of plans, engineering, and financing reports and other preconstruction activities associated with the development of water storage projects in the Yakima river basin, consistent with the Yakima river basin water enhancement project, P.L. 103-434. It is the intent of the legislature that the contract include provision for participation of the Yakama nation, on a government-to-government basis, in the development of plans and other preconstruction activities concerning salmon recovery and instream flow. A portion of the reappropriation shall be expended to provide for the participation of the Yakama nation. The initial water storage feasibility study shall be for the Black Rock reservoir project. The department shall seek federal funds to augment the funding provided by this appropriation.

(b) Up to \$2,240,000 of the state building construction account--state reappropriation is provided for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(c) The remainder of the state building construction account reappropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this reappropriation.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$5,759,519
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$4,779,173
Subtotal Reappropriation	\$10,538,692
Prior Biennia (Expenditures)	\$3,111,308

Future Biennia (Projected Costs)	\$0
TOTAL	\$13,650,000

NEW SECTION. Sec. 320. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State	\$2,186,549
Prior Biennia (Expenditures)	\$13,451
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 321. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$424,085
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Appropriation:

State Building Construction Account--State	\$3,878,000
Prior Biennia (Expenditures)	\$100,915
Future Biennia (Projected Costs)	\$4,676,000
TOTAL	\$9,079,000

NEW SECTION. Sec. 322. FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements revolving account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state reappropriation is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

Reappropriation:

Water Quality Account--State	\$525,000
State Building Construction Account--State	\$3,500,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$1,772,949
Subtotal Reappropriation	\$5,797,949
Prior Biennia (Expenditures)	\$2,051
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,800,000

NEW SECTION. Sec. 323. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	\$20,000,000
Water Quality Account--State	\$7,500,000
State Toxics Control Account--State	\$10,500,000
Subtotal Appropriation	\$38,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL

\$211,808,000

\$249,808,000

NEW SECTION. Sec. 324. FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

Reappropriation:

State Drought Preparedness Account--State

\$8,200,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$8,200,000

NEW SECTION. Sec. 325. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodspout consistent with the storm water program in the Puget Sound conservation and recovery plan.

(4) \$60,000,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

Appropriation:

Local Toxics Control Account--State

\$80,000,000

Prior Biennia (Expenditures)

\$45,000,000

Future Biennia (Projected Costs)

TOTAL	\$180,000,000
	\$315,000,000
<u>NEW SECTION. Sec. 326. FOR THE DEPARTMENT OF ECOLOGY</u>	
Minor Works (06-1-004)	
Appropriation:	
State Building Construction Account--State	\$555,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$555,000
<u>NEW SECTION. Sec. 327. FOR THE DEPARTMENT OF ECOLOGY</u>	
Safe Soil Remediation and Awareness Projects (06-2-001)	
Appropriation:	
State Toxics Control Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 328. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Irrigation Efficiencies (06-2-009)	
Appropriation:	
State Building Construction Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000
<u>NEW SECTION. Sec. 329. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Pollution Control Revolving Account (06-4-002)	
The appropriations in this section are subject to the following conditions and limitations: The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.	
Appropriation:	
Water Pollution Control Revolving Account--State	\$162,839,146
Water Pollution Control Revolving Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

\$912,000,000

TOTAL

\$1,151,616,286

NEW SECTION. Sec. 330. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriation in this section is subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

(1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated to any projects in the Dungeness river basin that are within the area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings of the councils so that they can monitor the implementation of watershed plans.

Appropriation:

State Building Construction Account--State

\$12,000,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

TOTAL	\$48,000,000
	\$60,000,000

NEW SECTION. Sec. 331. FOR THE DEPARTMENT OF ECOLOGY

Wetland Mitigation Bank Demonstration--Chehalis (06-4-950)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided for a grant to the port of Chehalis for a demonstration wetland mitigation bank.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$100,000
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NEW SECTION. Sec. 332. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Initiative (06-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,000,000 is provided solely for feasibility studies related to off-mainstem storage projects and impacts of changing operations at the Potholes reservoir, and grant funding for the purchase and installation of water measuring devices.

(2) Of the amount appropriated in this section, \$10,000,000 may not be expended prior to enactment of state legislation that establishes the policy requirements for a new water resources and water rights management program for the Columbia river mainstem. If such legislation is not enacted prior to June 30, 2006, this amount shall lapse.

Appropriation:

State Building Construction Account--State	\$16,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,610,000

TOTAL	\$68,610,000
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NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach Donation for Commons and Restroom/Bathhouse (99-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The funding is solely and directly from donations intended for this facility.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local	
	\$249,951
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$249,951
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NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark Bicentennial (00-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park, Beacon Rock state park, and Cape Disappointment state park.

Reappropriation:

State Building Construction Account--State	
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Prior Biennia (Expenditures)	\$1,600,000
Future Biennia (Projected Costs)	\$2,437,000
TOTAL	\$0
	\$4,037,000
<u>NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Major Park Renovation - Cama Beach (02-1-022)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.	
Reappropriation:	
State Building Construction Account--State	\$1,200,000
Parks Renewal and Stewardship Account--State	\$200,000
Subtotal Reappropriation	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000
<u>NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Park Housing (02-2-008)	
Reappropriation:	
State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$1,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000
<u>NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Spokane Centennial Trail - Unanticipated receipt (03-2-001)	
Reappropriation:	
General Fund--Private/Local	\$50,000
Prior Biennia (Expenditures)	\$162,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$212,000
<u>NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Deception Pass Renovation (04-1-019)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is for design and permits for park and marine crew area relocation.	
Reappropriation:	
State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$100,000
TOTAL	\$0
	\$250,000
<u>NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Historic Stewardship (04-1-010)	
Reappropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Minor Works: Facility Preservation (04-1-001)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.	
Reappropriation:	
State Building Construction Account--State	\$147,269
Parks Renewal and Stewardship Account--State	\$2,600,000
Subtotal Reappropriation	\$2,747,269
Prior Biennia (Expenditures)	\$4,990,231
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,737,500
<u>NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Parkland Acquisition (04-2-013)	
Reappropriation:	
Parkland Acquisition Account--State	\$412,690
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$412,690
<u>NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Recreation Development (04-2-002)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.	
(2) \$900,000 of the reappropriation is provided solely to install fee collection stations at selected parks statewide.	
(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.	
Reappropriation:	

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$2,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000
<u>NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)	
Reappropriation:	
General Fund--Federal	\$800,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Jefferson County Public Utility District Grant (05-1-006)	
Reappropriation:	
Parks Renewal and Stewardship Account--Private/Local	\$265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$265,000
<u>NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Donation for Construction of Cama Beach State Park (06-2-853)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The commission will provide an update to the project request report on the status of the Cama Beach park before allotments are made from this appropriation.	
(2) The commission shall provide project reports to the office of financial management and the legislature every six months.	
Appropriation:	
Parks Renewal and Stewardship Account--Private/Local	\$1,916,036
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,916,036
<u>NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Beacon Rock - Pierce Trust (06-1-030)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The appropriation in this section is provided solely for improvements to the group camp at Beacon Rock state park.	
(2) The funding has been provided solely and directly for this project.	
Appropriation:	

Parks Renewal and Stewardship Account--Private/Local		
		\$350,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$350,000
<u>NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Cama Beach - New Destinations (06-2-011)		
Appropriation:		
State Building Construction Account--State		\$2,820,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$1,700,000
TOTAL		\$4,520,000
<u>NEW SECTION. Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Coastal Parks - Renewed Traditions (06-2-012)		
Appropriation:		
State Building Construction Account--State		\$1,000,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$1,000,000
<u>NEW SECTION. Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Hoko River Initial Property Development (06-2-850)		
Appropriation:		
State Building Construction Account--State		\$100,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$100,000
<u>NEW SECTION. Sec. 350. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		
Cowan Barn and House (06-2-851)		
Appropriation:		
State Building Construction Account--State		\$350,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$350,000
<u>NEW SECTION. Sec. 351. FOR THE STATE PARKS AND RECREATION COMMISSION</u>		

Deception Pass - Renewed Traditions (06-2-013)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,000,000

NEW SECTION. Sec. 352. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency and Unforeseen Needs (06-1-024)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is not intended to be used for routine maintenance.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,500,000

NEW SECTION. Sec. 353. FOR THE STATE PARKS AND RECREATION COMMISSION

Facility Preservation - Facilities (06-1-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$2,000,000 may be used toward deferred maintenance projects after the reappropriation in project 04-1-001 has been expended. A list will be provided to the office of financial management before funds from this project will be allotted for deferred maintenance.

(2) \$600,000 of the appropriation is provided solely to replace the wastewater system at Dosewallips state park.

(3) The amount provided in this section is sufficient to repair or replace the washed out bridge on the perimeter trail at Dash Point state park.

(4) \$750,000 of the appropriation is provided solely for the city of Bellevue's acquisition of parcels between Meydenbauer Beach park and the city-owned marina.

Appropriation:

State Building Construction Account--State	\$16,750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,750,000

NEW SECTION. Sec. 354. FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Authority (06-2-021)

Appropriation:

General Fund--Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 355. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Facilities (06-1-003)

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,000,000

NEW SECTION. Sec. 356. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Stewardship - Stewardship (06-1-002)

Appropriation:

State Building Construction Account--State	\$2,015,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,015,000

NEW SECTION. Sec. 357. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Floods - Cherished Resources (06-2-014)

Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$1,300,000

NEW SECTION. Sec. 358. FOR THE STATE PARKS AND RECREATION COMMISSION

Local Authority (06-2-022)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 359. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural Resources - Stewardship (06-1-001)

Appropriation:

State Building Construction Account--State	\$860,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$860,000
<u>NEW SECTION. Sec. 360. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Parkland Acquisition Account (06-2-020)	
Appropriation:	
Parkland Acquisition Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000
<u>NEW SECTION. Sec. 361. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Rocky Reach - Chelan County Public Utility District (06-1-023)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The appropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.	
(2) The funding is provided by Chelan county public utility district solely and directly for the work referenced in subsection (1) of this section.	
Appropriation:	
Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 362. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)	
Appropriation:	
General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000
<u>NEW SECTION. Sec. 363. FOR THE STATE PARKS AND RECREATION COMMISSION</u>	
Trails (06-2-017)	
The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the appropriation is provided solely for the development of the North creek trail in the city of Mill Creek.	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 364. FOR THE STATE PARKS AND RECREATION COMMISSION

Southeast Washington Parks (06-2-852)

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 365. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.

(2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit and initial construction development at Nisqually-Mashel.

(3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula.

Appropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 366. FOR THE STATE PARKS AND RECREATION COMMISSION

Revenue Creation - Financial Strategy (06-2-010)

Appropriation:

State Building Construction Account--State	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$15,100,000

NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Projects (BFP) (98-2-001)

Reappropriation:

Recreation Resources Account--State	\$4,116,820
Prior Biennia (Expenditures)	\$15,457,191
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,574,011

NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:

Firearms Range Account--State

Prior Biennia (Expenditures)	\$31,478
Future Biennia (Projected Costs)	\$542,191
TOTAL	\$0
	\$573,669
<u>NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)	
Reappropriation:	
Nonhighway and Off-Road Vehicle Activities Program Account--State	\$1,243,986
Prior Biennia (Expenditures)	\$9,851,937
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,095,923
<u>NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Washington Wildlife and Recreation Program (WWRP) (98-2-003)	
The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.	
Reappropriation:	
Outdoor Recreation Account--State	\$4,547,515
Habitat Conservation Account--State	\$1,170,894
Subtotal Reappropriation	\$5,718,409
Prior Biennia (Expenditures)	\$71,883,173
Future Biennia (Projected Costs)	\$0
TOTAL	\$77,601,582
<u>NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Aquatic Lands Enhancement Account Reappropriation (00-2-014)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$161,668
Prior Biennia (Expenditures)	\$1,097,397
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,259,065
<u>NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Salmon Recovery Funding Board Programs (SRFB) (00-2-001)	
Reappropriation:	
General Fund--Federal	\$11,227,424

Salmon Recovery Account--State	\$2,366,010
Subtotal Reappropriation	\$13,593,434
Prior Biennia (Expenditures)	\$88,031,707
Future Biennia (Projected Costs)	\$0
TOTAL	\$101,625,141
<u>NEW SECTION. Sec. 373. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Aquatic Lands Enhancement Grants (02-4-018)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	\$213,720
Prior Biennia (Expenditures)	\$2,440,712
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,654,432
<u>NEW SECTION. Sec. 374. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Facilities Program (BFP) (02-4-001)	
Reappropriation:	
Recreation Resources Account--State	\$2,455,586
Prior Biennia (Expenditures)	\$4,478,427
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,934,013
<u>NEW SECTION. Sec. 375. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Infrastructure Grant (BIG) (02-4-010)	
Reappropriation:	
Recreation Resources Account--Federal	\$1,322,153
Prior Biennia (Expenditures)	\$677,847
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 376. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Firearms and Archery Range Program (02-0-001)	
Reappropriation:	
Firearms Range Account--State	\$44,677
Prior Biennia (Expenditures)	\$355,323
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 377. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Management Program (02-4-009)

Reappropriation:

General Fund--Federal	\$3,704,190
Prior Biennia (Expenditures)	\$7,495,810
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,200,000

NEW SECTION. Sec. 378. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (02-4-005)

Reappropriation:

Recreation Resources Account--Federal	\$4,904,639
Prior Biennia (Expenditures)	\$2,595,361
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 379. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (N RTP) (02-4-006)

Reappropriation:

Recreation Resources Account--Federal	\$178,120
Prior Biennia (Expenditures)	\$1,954,816
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,132,936

NEW SECTION. Sec. 380. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	\$1,262,736
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Prior Biennia (Expenditures)	\$4,264,815
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,527,551

NEW SECTION. Sec. 381. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (02-4-007)

Reappropriation:

General Fund--Federal	\$15,785,129
State Building Construction Account--State	\$5,283,674
Subtotal Reappropriation	\$21,068,803

Prior Biennia (Expenditures)	\$53,924,197
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,993,000

NEW SECTION. Sec. 382. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$2,041,864
Habitat Conservation Account--State	\$6,928,926
Subtotal Reappropriation	\$8,970,790

Prior Biennia (Expenditures)	\$36,029,210
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 383. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$4,329,280
Prior Biennia (Expenditures)	\$1,027,120
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,356,400

NEW SECTION. Sec. 384. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (04-4-009)

Reappropriation:

General Fund--Federal	\$1,800,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 385. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Boating Facilities Program (BFP) (04-4-003)	
Reappropriation:	
Recreation Resources Account--State	\$3,753,480
Prior Biennia (Expenditures)	\$3,753,479
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,506,959
<u>NEW SECTION. Sec. 386. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Firearms and Archery Range Program (04-4-006)	
Reappropriation:	
Firearms Range Account--State	\$144,997
Prior Biennia (Expenditures)	\$105,003
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 387. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Family Forest Fish Blockages Program (04-4-011)	
Reappropriation:	
State Building Construction Account--State	\$780,379
Prior Biennia (Expenditures)	\$1,219,621
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 388. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Hatchery Management Program (04-4-010)	
Reappropriation:	
General Fund--Federal	\$7,505,749
Prior Biennia (Expenditures)	\$2,494,251
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000
<u>NEW SECTION. Sec. 389. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</u>	
Land and Water Conservation Fund (04-4-007)	

Reappropriation:	
General Fund--Federal	\$2,833,091
Prior Biennia (Expenditures)	\$2,901,909
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,735,000

NEW SECTION. Sec. 390. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTP) (04-4-008)

Reappropriation:	
General Fund--Federal	\$1,130,000
Prior Biennia (Expenditures)	\$1,130,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,260,000

NEW SECTION. Sec. 391. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:	
NOVA Program Account--State	\$5,492,729
Prior Biennia (Expenditures)	\$1,433,581
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,926,310

NEW SECTION. Sec. 392. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (04-4-001)

Reappropriation:	
General Fund--Federal	\$32,832,305
State Building Construction Account--State	\$11,500,000
Subtotal Reappropriation	\$44,332,305
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,332,305

NEW SECTION. Sec. 393. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:	
Outdoor Recreation Account--State	\$12,272,014

Habitat Conservation Account--State	\$16,707,815
Subtotal Reappropriation	\$28,979,829
Prior Biennia (Expenditures)	\$16,022,171
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,002,000

NEW SECTION. Sec. 394. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (06-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2005-15, developed on April 9, 2005.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2007-2009 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. The list of projects must be submitted to the office of financial management by September 15, 2006.

Appropriation:

Aquatic Lands Enhancement Account--State	\$5,024,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,900,000
TOTAL	\$25,924,500

NEW SECTION. Sec. 395. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

Appropriation:

Recreation Resources Account--State	\$8,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,597,535
TOTAL	\$44,947,535

NEW SECTION. Sec. 396. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (06-4-009)

Appropriation:

General Fund--Federal	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$800,000
TOTAL	\$1,000,000

NEW SECTION. Sec. 397. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (06-4-006)

Appropriation:

Firearms Range Account--State	\$222,300
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$777,470
TOTAL	\$999,770

NEW SECTION. Sec. 398. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	\$4,150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,150,000

NEW SECTION. Sec. 399. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Improve Hatchery Management (06-4-010)

Appropriation:

General Fund--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 400. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (06-4-007)

Appropriation:

General Fund--Federal	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$22,500,000

NEW SECTION. Sec. 401. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	\$7,579,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

NEW SECTION. Sec. 402. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (N RTP) (06-4-008)

Appropriation:

General Fund--Federal	\$2,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	\$11,750,000

NEW SECTION. Sec. 403. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (06-4-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Appropriation:

General Fund--Federal	\$44,000,000
State Building Construction Account--State	\$18,000,000
Subtotal Appropriation	\$62,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$304,000,000
TOTAL	\$366,000,000

NEW SECTION. Sec. 404. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds appropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.

(3) Funds appropriated for distribution according to the provisions of RCW 79A.15.040(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Appropriation:

Outdoor Recreation Account--State	\$25,000,000
Habitat Conservation Account--State	\$25,000,000
Subtotal Appropriation	\$50,000,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 405. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Consolidate Salmon and Watershed Data - Pilot (06-2-950)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation is provided solely for the conservation commission to test the effectiveness of using a web-based, single repository with mapping capabilities to track, manage, and report at local, regional, and statewide bases all habitat projects developed by the conservation districts and to test the effectiveness of a single repository for habitat data collected in a selected watershed through use of hand-held data collection devices by the departments of ecology, natural resources, and fish and wildlife.

The commission shall be assisted by the department of information services and the governor's salmon recovery office in contracting with a qualified private vendor through an open bid process to provide the pilot program. In conjunction, the commission will work with the departments of ecology, fish and wildlife, and natural resources to select a watershed in western Washington, in which to demonstrate the effectiveness of the data repository system.

The commission will collaborate with the natural resources agencies, the department of information services, and the governor's salmon recovery office and submit a joint report with recommendations to the legislature and the office of financial management by December 1, 2006.

Appropriation:

Water Quality Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 406. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (04-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 407. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$8,000,000
<u>NEW SECTION. Sec. 408. FOR THE STATE CONSERVATION COMMISSION</u>	
Conservation Reserve Enhancement Program - Loans (06-4-004)	
The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.	
Appropriation:	
Conservation Assistance Revolving Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000
<u>NEW SECTION. Sec. 409. FOR THE STATE CONSERVATION COMMISSION</u>	
Puget Sound District Grants (04-4-005)	
Reappropriation:	
Water Quality Account--State	\$75,000
Prior Biennia (Expenditures)	\$765,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$840,000
<u>NEW SECTION. Sec. 410. FOR THE STATE CONSERVATION COMMISSION</u>	
Puget Sound District Grants (06-4-003)	
Appropriation:	
Water Quality Account--State	\$840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,360,000
TOTAL	\$4,200,000
<u>NEW SECTION. Sec. 411. FOR THE STATE CONSERVATION COMMISSION</u>	
Water Quality Grants Program (04-4-002)	
Reappropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 412. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (06-4-007)

Appropriation:

State Building Construction Account--State	\$500,000
Water Quality Account--State	\$3,000,000
Subtotal Appropriation	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$19,500,000

NEW SECTION. Sec. 413. FOR THE STATE CONSERVATION COMMISSION

Livestock Water Quality - Landowner Cost Share (06-4-006)

Appropriation:

Water Quality Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,500,000

NEW SECTION. Sec. 414. FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to \$50,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

NEW SECTION. Sec. 415. FOR THE STATE CONSERVATION COMMISSION

Bi-State Habitat Conservation Plan (06-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Walla Walla bi-state habitat conservation planning effort to address habitat enhancement and endangered species protection across the Walla Walla watershed in concert with leaders and representatives of local and tribal governments, the watershed planning unit, conservation districts, environmentalists, and citizen landowners.

Appropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	

	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$150,000
<u>NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Culvert Replacement (03-S-001)	
Reappropriation:	
State Building Construction Account--State	
	\$200,000
Prior Biennia (Expenditures)	
	\$1,800,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Deschutes Hatchery (04-2-011)	
Reappropriation:	
State Building Construction Account--State	
	\$30,000
Prior Biennia (Expenditures)	
	\$670,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$700,000
<u>NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)	
Reappropriation:	
State Building Construction Account--State	
	\$2,550,000
Wildlife Account--State	
	\$40,000
Subtotal Reappropriation	
	\$2,590,000
Prior Biennia (Expenditures)	
	\$1,385,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$3,975,000
<u>NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish and Wildlife Opportunity Improvements (04-2-006)	
Reappropriation:	
Aquatic Lands Enhancement Account--State	
	\$152,000
Wildlife Account--State	
	\$500,000
Subtotal Reappropriation	
	\$652,000
Prior Biennia (Expenditures)	
	\$1,450,000
Future Biennia (Projected Costs)	

	\$0
TOTAL	\$2,102,000
<u>NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish and Wildlife Population and Habitat Protection (04-1-002)	
Reappropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,600,000
<u>NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)	
Reappropriation:	
State Building Construction Account--State	\$4,300,000
Wildlife Account--State	\$180,000
Subtotal Reappropriation	\$4,480,000
Prior Biennia (Expenditures)	\$3,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,900,000
<u>NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Internal and External Partnership Improvements (04-1-007)	
Reappropriation:	
General Fund--Federal	\$10,000,000
Prior Biennia (Expenditures)	\$9,918,418
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,918,418
<u>NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Region 1 Office - Spokane (04-2-009)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.	
Reappropriation:	
State Building Construction Account--State	\$50,000
Wildlife Account--State	\$500,000
Subtotal Reappropriation	\$550,000
Prior Biennia (Expenditures)	\$3,850,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$0
	\$4,400,000
<u>NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Department of Fish and Wildlife Energy Savings (04-1-016)	
Reappropriation:	
State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)	
The appropriations in this section are subject to the following conditions and limitations: None of the funding shall be used for developing a new public boat launch access facility at Lake Tahuyeh in Kitsap county.	
Appropriation:	
General Fund--Federal	\$650,000
State Building Construction Account--State	\$6,457,000
Subtotal Appropriation	\$7,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000
<u>NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish and Wildlife Opportunity Improvements (06-2-004)	
The appropriations in this section are subject to the following conditions and limitations:	
(1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.	
(2) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.	
Appropriation:	
Aquatic Lands Enhancement Account--State	\$300,000
State Building Construction Account--State	\$500,000
Warm Water Game Fish Account--State	\$500,000
Wildlife Account--State	\$1,500,000
Subtotal Appropriation	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,900,000
TOTAL	\$12,900,000

\$15,700,000

NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

(2) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	\$500,000
Wildlife Account--State	\$600,000
Subtotal Appropriation	\$7,430,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL	\$42,350,000

NEW SECTION. Sec. 428. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvement (06-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$380,000 of the state building construction account--state appropriation is provided solely to implement a pollution abatement pond and fish passage corrections or improvements at the Hoodspport hatchery.

(2) \$700,000 of the state building construction account--state appropriation is provided solely for improvements at the Columbia Springs environmental education center in Vancouver, Washington.

Appropriation:

General Fund--Federal	\$6,000,000
General Fund--Private/Local	\$1,500,000
Recreational Fisheries Enhancement Account--State	\$400,000
State Building Construction Account--State	\$7,350,000
Subtotal Appropriation	\$15,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$64,600,000
TOTAL	\$79,850,000

NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Internal and External Partnership Improvements (06-1-005)

Appropriation:

General Fund--Federal	\$10,000,000
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General Fund--Private/Local	\$3,000,000
Game Special Wildlife Account--State	\$100,000
Game Special Wildlife Account--Federal	\$400,000
Game Special Wildlife Account--Private/Local	\$700,000
Subtotal Appropriation	\$14,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$51,400,000
TOTAL	\$65,600,000
<u>NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Sustainability and Department of Fish and Wildlife Energy Savings (06-1-009)	
Appropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000
<u>NEW SECTION. Sec. 431. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Fish Screens (01-H-011)	
Reappropriation:	
State Building Construction Account--State	\$550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000
<u>NEW SECTION. Sec. 432. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Pollution Abatement Study (06-2-013)	
Appropriation:	
State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000
<u>NEW SECTION. Sec. 433. FOR THE DEPARTMENT OF FISH AND WILDLIFE</u>	
Wind Power Mitigation (06-2-850)	

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must

combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 434. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery and Fish Acclimation Studies (06-1-952)

Appropriation:

General Fund--Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 435. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (04-2-015)

Reappropriation:

General Fund--Federal	\$4,650,000
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Appropriation:

General Fund--Federal	\$8,000,000
Prior Biennia (Expenditures)	\$11,900,000
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$56,550,000

NEW SECTION. Sec. 436. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (06-2-014)

Appropriation:

Comm/Tech College Forest Reserve Account--State	\$100,000
Prior Biennia (Expenditures)	\$558,000
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,658,000

NEW SECTION. Sec. 437. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dole Bee Be Property (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$950,000 is provided solely for the department to develop an interpretive nature trail, kiosk, and associated projects at the Bee Be Springs property.

(2) \$550,000 is provided solely to the department for expenses related to cost sharing with the Chelan PUD for the development of an acclimation pond near the Chelan river. Funding is contingent upon successful completion and approval of a feasibility study showing the viability of the project, no later than June 30, 2005. If the feasibility study is not completed and approved by June 30, 2005, the funds provided in this subsection shall be provided for the development of the Bee Be Springs property.

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 438. FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck and Sea Cucumber Population Surveys (06-2-850)

Appropriation:

Resources Management Cost Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 439. FOR THE DEPARTMENT OF NATURAL RESOURCES

Molluscan Model and Monitoring (06-2-851)

Appropriation:

Aquatic Lands Enhancement Account--State	\$200,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,500

NEW SECTION. Sec. 440. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station Public Access (02-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$11,138
Prior Biennia (Expenditures)	\$53,862
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000

NEW SECTION. Sec. 441. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station Public Access (04-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$93,840
Prior Biennia (Expenditures)	\$6,160

Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000
<u>NEW SECTION. Sec. 442. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Federal HCP Land Acquisition Grants (05-2-021)	
Reappropriation:	
General Fund--Federal	\$19,820,630
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,820,630
<u>NEW SECTION. Sec. 443. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Land Bank (06-2-015)	
Appropriation:	
Resources Management Cost Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,462,000
<u>NEW SECTION. Sec. 444. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Minor Works - Preservation (06-1-001)	
Appropriation:	
Forest Development Account--State	\$224,000
Resources Management Cost Account--State	\$384,000
State Building Construction Account--State	\$144,000
Agricultural College Trust Management Account--State	\$48,000
Subtotal Appropriation	\$800,000
Prior Biennia (Expenditures)	\$1,776,500
Future Biennia (Projected Costs)	\$3,400,000
TOTAL	\$5,976,500
<u>NEW SECTION. Sec. 445. FOR THE DEPARTMENT OF NATURAL RESOURCES</u>	
Minor Works - Programmatic (06-2-002)	
Appropriation:	
Forest Development Account--State	\$112,000
Resources Management Cost Account--State	\$192,000
State Building Construction Account--State	

Agricultural College Trust Management Account--State	\$447,000
Subtotal Appropriation	\$24,000
Prior Biennia (Expenditures)	\$775,000
Future Biennia (Projected Costs)	\$1,010,200
TOTAL	\$1,968,000
<u>NEW SECTION. Sec. 446. FOR THE DEPARTMENT OF NATURAL RESOURCES</u> Natural Areas Facilities Preservation (06-1-010)	\$3,753,200
Appropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$658,000
Future Biennia (Projected Costs)	\$8,298,000
TOTAL	\$9,456,000
<u>NEW SECTION. Sec. 447. FOR THE DEPARTMENT OF NATURAL RESOURCES</u> Natural Resources Real Property Replacement (06-2-013)	
Appropriation:	
Natural Resources Real Property Replacement Account--State	\$30,000,000
Prior Biennia (Expenditures)	\$28,961,300
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$178,961,300
<u>NEW SECTION. Sec. 448. FOR THE DEPARTMENT OF NATURAL RESOURCES</u> Recreation Facilities Preservation (06-1-011)	
Appropriation:	
State Building Construction Account--State	\$865,000
Prior Biennia (Expenditures)	\$698,000
Future Biennia (Projected Costs)	\$8,840,000
TOTAL	\$10,403,000
<u>NEW SECTION. Sec. 449. FOR THE DEPARTMENT OF NATURAL RESOURCES</u> Right of Way Acquisition (06-2-006)	
Appropriation:	
Forest Development Account--State	\$250,000
Resources Management Cost Account--State	\$750,000
Subtotal Appropriation	

Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$945,409
TOTAL	\$5,750,000
	\$7,695,409

NEW SECTION. Sec. 450. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (06-2-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$1,998,600
TOTAL	\$6,000,000
	\$9,498,600

NEW SECTION. Sec. 451. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner (FREPP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$200,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State	
Prior Biennia (Expenditures)	\$8,000,000
Future Biennia (Projected Costs)	\$7,750,000
TOTAL	\$40,000,000
	\$55,750,000

NEW SECTION. Sec. 452. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Lands Maintenance (06-1-004)

Appropriation:

Forest Development Account--State	\$225,000
Resources Management Cost Account--State	\$375,000
Subtotal Appropriation	\$600,000
Prior Biennia (Expenditures)	\$2,360,814
Future Biennia (Projected Costs)	\$6,900,000
TOTAL	\$9,860,814

NEW SECTION. Sec. 453. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
State Building Construction Account--State	\$150,000
Subtotal Appropriation	\$450,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,850,000

NEW SECTION. Sec. 454. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (06-2-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring nonagricultural real property of equal value to be managed as common school trust land.

(3) Except as provided under subsection (11) of this section, property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) Except as provided in subsection (11) of this section, the department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2007, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriations in this section shall be reduced by an equivalent amount.

(10) The appropriations in this section are provided for a list of projects in LEAP capital document No. 2005-17, as developed on April 16, 2005.

(11) The department may, after the deduction of reasonable costs as provided in subsection (4) of this section, execute leases for an initial term not to exceed fifty years, for Smugglers Cove, Cultus Bay, and Strawberry Point. Leases executed under this subsection may be renewed for an additional thirty-year period, under terms and conditions established by the

department, including revaluation. Trust land transfer leases under this subsection shall not be subject to the 80:20 ratio of timber value to land value required in subsection (8) of this section. Revenues derived from leases under this subsection shall be deposited in the appropriate account as provided by law.

Appropriation:

Natural Resources Real Property Replacement Account--State	\$11,870,000
State Building Construction Account--State	\$61,610,000
Subtotal Appropriation	\$73,480,000
Prior Biennia (Expenditures)	\$115,228,800
Future Biennia (Projected Costs)	\$201,400,000
TOTAL	\$390,108,800

NEW SECTION. Sec. 455. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetland Grants (06-2-017)

Appropriation:

General Fund--Federal	\$1,500,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$8,000,000

NEW SECTION. Sec. 456. FOR THE DEPARTMENT OF NATURAL RESOURCES

Wetland Grants (04-2-004)

Reappropriation:

General Fund--Federal	\$108,000
Prior Biennia (Expenditures)	\$392,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 457. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan Compliance: Natural Areas and Recreation (06-2-003)

Appropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,400,000
TOTAL	\$2,100,000

NEW SECTION. Sec. 458. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Estuarine Restoration Projects (04-2-021)

Reappropriation:

Aquatic Lands Enhancement Account--State

Prior Biennia (Expenditures)	\$80,000
Future Biennia (Projected Costs)	\$120,000
TOTAL	\$0
	\$200,000

NEW SECTION. Sec. 459. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (04-2-023)

The reappropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$100,000 of the reappropriation for administrative or staff costs.

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 460. FOR THE DEPARTMENT OF AGRICULTURE

Fair Improvements (06-4-850)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 461. FOR THE DEPARTMENT OF AGRICULTURE

Hop Initiative (06-1-951)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

(End of part)

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL

Minor Work Projects (06-1-001)

Appropriation:

State Building Construction Account--State

Prior Biennia (Expenditures)	\$495,000
Future Biennia (Projected Costs)	\$450,000
TOTAL	\$0
	\$945,000

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF TRANSPORTATION

Columbia River Dredging (03-H-001)

The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State	\$17,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$17,700,000

(End of part)

**PART 5
EDUCATION**

NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	\$30,000,000
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	\$129,737,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$129,737,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION

Construction Assistance Grants (02-4-001)

Reappropriation:

Common School Construction Account--State	\$12,000,000
Prior Biennia (Expenditures)	\$136,811,979

Future Biennia (Projected Costs)	\$0
TOTAL	\$148,811,979

NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION

Port Angeles School District North Olympic Skills Center (04-4-852)

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$3,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (04-4-001)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations are subject to the conditions and limitations of section 606, chapter 26, Laws of 2003 1st sp. sess. and is pro-rated based on prior expenditures.
- (2) \$2,500,000 of this reappropriation is provided solely for design and construction of additional space at the new market vocational skills center.

Reappropriation:

Common School Construction Account--State	\$160,000,000
State Building Construction Account--State	\$107,050,000
Subtotal Reappropriation	\$267,050,000
Prior Biennia (Expenditures)	\$135,218,513
Future Biennia (Projected Costs)	\$0
TOTAL	\$402,268,513

NEW SECTION. Sec. 605. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

- (1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.
- (2) \$14,439,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education and \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.
- (3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.
- (4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$130,200,000
Common School Construction Account--State	\$474,853,000
Subtotal Appropriation	\$605,053,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,832,159,000
TOTAL	\$3,437,212,000

NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State	\$2,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,350,000

NEW SECTION. Sec. 607. FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2005-06 and 2006-07. \$250,000 shall be available for awards in 2005-06 and \$250,000 in 2006-07. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 608. FOR THE STATE BOARD OF EDUCATION

Small Repair Grant Program (06-2-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,370,000 of the appropriation in this section is provided solely for nonrecurring costs associated with urgent health and safety school facility repairs and renovations and minimal administrative costs associated with administering the program. The state board of education and the office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects that stay within the appropriation level provided in this section. The criteria shall include, but is not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) any district receiving funding provided in this section demonstrating a consistent commitment to addressing school facilities needs. A portion of this appropriation may be used to develop and administer the program. It is the intent of the legislature that the state board of education and the office of the superintendent of public instruction keep the administrative costs of the program to a minimum by using criteria from the prior federal regrant program and other efficiency measures to avoid duplication.

(2) \$269,000 of the appropriation is provided solely for roof repairs in the White Pass school district.

(3) \$100,000 of the appropriation is provided solely for drainage issues related to the freshman campus and Ferguson creek in the Snohomish school district.

(4) \$261,000 of the appropriation is provided solely for fire/alarm control panels and devices in the Vashon school district.

Appropriation:

Education Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 609. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

Appropriation:

State Building Construction Account--State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

NEW SECTION. Sec. 610. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Administration (06-2-001)

Appropriation:

Common School Construction Account--State	\$2,279,004
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882

TOTAL

\$16,803,265

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND

Kennedy, Dry, and Irwin Building Preservation (04-1-002)

The reappropriation in this section is subject to the following conditions and limitations: All funds reappropriated to be used for funding of new physical education center.

Reappropriation:

State Building Construction Account--State

\$900,000

Prior Biennia (Expenditures)

\$1,379,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$2,279,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State

\$700,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$2,800,000

TOTAL

\$3,500,000

NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State

\$200,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$775,000

TOTAL

\$975,000

NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF

Omnibus Minor Works - Safety (06-1-001)

Appropriation:

State Building Construction Account--State

\$800,816

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$800,816

NEW SECTION. Sec. 615. FOR THE HIGHER EDUCATION COORDINATING BOARD

Snohomish, Skagit, and Island County Higher Education Needs Assessment (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The higher education coordinating board is directed to assess the higher education needs in Snohomish, Skagit, and Island counties and recommend to the legislature solutions to the higher education needs. Solutions that the board should consider include, but should not be limited to, establishment of new institutions, expansion of existing institutions, and colocation

of institutions. In conducting its assessment, the board shall take into account but not be limited to the following: Population growth, higher education participation rates, economic demand and work force needs, and drive and commute times to existing higher education institutions.

(2) The board may contract for an assessment of sites to meet higher education needs in the counties.

(3) In conducting the assessment and siting study, the higher education coordinating board shall consult with the state board for community and technical colleges, the workforce training and education coordinating board, the North Snohomish, Island, and Skagit higher education consortium, and the existing research and comprehensive institutions.

(4) The advisory committee on higher education created pursuant to chapter . . . (Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education)), Laws of 2005 shall serve as a steering committee and direct the board in the conduct of the assessment and siting study.

(5) The board shall assemble a local advisory committee to assist in the conduct of the assessment and siting study. The committee shall include: (a) The Snohomish county executive; (b) three members of the house of representatives, including two from the majority party and one from the minority party, appointed by the speaker of the house of representatives; (c) three members of the senate, including two from the majority party and one from the minority party, appointed by the president of the senate; and (d) six education or business leaders, two each from Snohomish, Island, and Skagit counties.

(6) The recommendations to the legislature shall include, but are not limited to: (a) The type of institution or institutions to be established; (b) a business and operations plan for the institution if a new institution is recommended; (c) potential sites for establishment of an institution; (d) identification of site acquisition costs; and (e) identification of costs and a process for completing a master plan for higher education expansion.

(7) The board shall provide an interim report to the legislature and the governor by January 15, 2006, and a final report by December 1, 2006.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State	\$1,505,280
Prior Biennia (Expenditures)	\$36,130,653
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,635,933

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State	\$620,455
Prior Biennia (Expenditures)	\$5,329,545
Future Biennia (Projected Costs)	\$10,500,000
TOTAL	\$10,500,000

	\$16,450,000
<u>NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Bothell/Cascadia Community College - SR 522 Off Ramp (02-2-014)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,742,500
Prior Biennia (Expenditures)	\$7,500
Future Biennia (Projected Costs)	\$11,800,505
TOTAL	\$13,550,505
<u>NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Tacoma Campus Phase 2B (02-2-027)	
Reappropriation:	
State Building Construction Account--State	\$2,356,356
Prior Biennia (Expenditures)	\$41,992,644
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,349,000
<u>NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON</u>	
Facility Preservation Backlog Reduction (04-1-951)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intention is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	
(3) This section is subject to the same allotment procedures as a minor works category.	
(4) Section 906 of this act does not apply to this appropriation.	
Reappropriation:	
State Building Construction Account--State	\$24,227,404
Prior Biennia (Expenditures)	\$4,372,596
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,600,000
<u>NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON</u>	
Minor Works - Program (04-2-004)	
Reappropriation:	
State Building Construction Account--State	\$3,131,540
University of Washington Building Account--State	\$2,117,650
Subtotal Reappropriation	\$5,249,190

Prior Biennia (Expenditures)	\$5,250,810
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,500,000
<u>NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Campus Communications Infrastructure (04-1-011)	
Reappropriation:	
State Building Construction Account--State	\$2,500,000
Gardner-Evans Higher Education Construction Account--State	\$2,000,000
Subtotal Reappropriation	\$4,500,000
Prior Biennia (Expenditures)	\$2,500,000
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$23,000,000
<u>NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Emergency Power Expansion - Phase 1 (02-1-009)	
Reappropriation:	
University of Washington Building Account--State	\$3,262,357
Prior Biennia (Expenditures)	\$7,737,643
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000
<u>NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Emergency Power Expansion - Phase 2 (04-1-024)	
Reappropriation:	
State Building Construction Account--State	\$2,803,379
University of Washington Building Account--State	\$3,148,000
Subtotal Reappropriation	\$5,951,379
Prior Biennia (Expenditures)	\$696,621
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,648,000
<u>NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Johnson Hall Renovation (04-1-005)	
Reappropriation:	
State Building Construction Account--State	\$4,470,762
University of Washington Building Account--State	

	\$15,552,000
Gardner-Evans Higher Education Construction Account--State	
	\$20,187,630
Subtotal Reappropriation	
	\$40,210,392
Prior Biennia (Expenditures)	
	\$12,844,608
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$53,055,000
<u>NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON</u>	
Classroom Improvements (05-1-850)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	
	\$3,856,812
Prior Biennia (Expenditures)	
	\$143,188
Future Biennia (Projected Costs)	
	\$12,000,000
TOTAL	
	\$16,000,000
<u>NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON</u>	
Guthrie Hall Psychology Facilities Renovation (05-2-851)	
The reappropriation in this section is subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	
	\$3,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$3,000,000
<u>NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON</u>	
UW Tacoma - Assembly Hall (06-2-007)	
Appropriation:	
State Building Construction Account--State	
	\$7,500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,500,000
<u>NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON</u>	
Infectious Disease Laboratory Facilities (05-2-850)	
The reappropriation in this section is subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.	
Reappropriation:	

Gardner-Evans Higher Education Construction
Account--State

	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON

Architecture Hall Renovation (06-1-008)

The appropriation in this section is subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State	\$21,850,000
Prior Biennia (Expenditures)	\$1,474,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,324,000

NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON

Clark Hall Renovation (06-1-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of renovation of Clark Hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2006 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval as per RCW 43.88.110(6) prior to the start of the 2006 regular legislative session.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,400,000
TOTAL	\$19,900,000

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

The appropriation in this section is subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State	\$24,500,000
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON Health Sciences - H Wing (06-1-001)

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$15,000,000
<u>NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON</u>	
Minor Works - Facility Preservation (06-1-002)	
Appropriation:	
University of Washington Building Account--State	
	\$21,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$88,000,000
TOTAL	\$109,200,000
<u>NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON</u>	
Minor Works - Health, Safety, and Code Requirements (06-1-003)	
Appropriation:	
University of Washington Building Account--State	
	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$44,000,000
TOTAL	\$55,000,000
<u>NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON</u>	
Minor Works - Infrastructure Preservation (06-1-004)	
Appropriation:	
University of Washington Building Account--State	
	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000
<u>NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON</u>	
Infrastructure Savings (06-1-751)	
The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1

Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$25,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,825,000

NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (06-2-009)

Appropriation:

State Building Construction Account--State	\$900,000
University of Washington Building Account--State	\$3,800,000
Subtotal Appropriation	\$4,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,700,000

NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of renovation of Savery Hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2006 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval as per RCW 43.88.110(6) prior to the start of the 2006 regular legislative session.

Appropriation:

State Building Construction Account--State	\$6,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,300,000
TOTAL	\$60,900,000

NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON

UW Playhouse Theater (05-1-004)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,000,000

NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Education Addition Cleveland Hall (98-2-032)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$9,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,700,000

NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Johnson Hall Addition-Plant Bioscience Building (00-2-007)

The reappropriations in this section are subject to the following conditions and limitations: Allotment for this reappropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State	\$606,500
Washington State University Building Account--State	\$3,000,000
Subtotal Reappropriation	\$3,606,500
Prior Biennia (Expenditures)	\$35,393,500
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,000,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center (00-2-905)

Reappropriation:

State Building Construction Account--State	
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Appropriation:	\$400,000
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$10,600,000
Future Biennia (Projected Costs)	\$1,155,000
TOTAL	\$0
	\$12,155,000

NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The reappropriation in this section is subject to the following conditions and limitations: It is intended that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	
Prior Biennia (Expenditures)	\$20,500,000
Future Biennia (Projected Costs)	\$13,350,000
TOTAL	\$0
	\$33,850,000

NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this appropriation.

Reappropriation:

State Building Construction Account--State	
Washington State University Building Account--State	\$3,000,000
Subtotal Reappropriation	\$1,000,000
Prior Biennia (Expenditures)	\$4,000,000
Future Biennia (Projected Costs)	\$38,000,000
TOTAL	\$0
	\$42,000,000

NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate

nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,500,000
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Appropriation:

State Building Construction Account--State	\$31,600,000
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,600,000

NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY

WSU Tri-Cities - Bioproducts Facility (04-2-940)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least an additional \$10,000,000 provided through a lease revenue structure secured by a twenty year lease with Battelle and authorized in section 909(6) of this act.

Appropriation:

State Building Construction Account--State	\$13,100,000
Prior Biennia (Expenditures)	\$1,650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,750,000

NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY

Center for Precision Agriculture (06-2-850)

Appropriation:

State Building Construction Account--State	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,800,000

NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State	\$1,400,000
Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	\$45,000,000
TOTAL	\$49,650,000

NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Campus Utilities/Infrastructure: Infrastructure (04-2-916)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

	\$3,000,000
Prior Biennia (Expenditures)	\$1,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,300,000

NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY
WSU Prosser - Multipurpose Building (04-2-942)

Reappropriation:

State Building Construction Account--State

	\$1,100,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY
Agricultural Research Facility Renovation and Repair (05-2-952)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for facility construction, renovation, and repair at agricultural research facilities other than in Pullman.

(2) Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural research.

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

	\$350,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY
Campus Infrastructure (06-1-073)

Appropriation:

State Building Construction Account--State

	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$35,000,000

NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY
Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$10,115,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,115,000

NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY

Equipment Omnibus (06-2-003)

Appropriation:

Washington State University Building Account--State	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Improvements (MCI) (06-2-002)

Appropriation:

Washington State University Building Account--

State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000
<u>NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY</u>	
Minor Works - Facility Preservation (06-1-001)	
Appropriation:	
State Building Construction Account--State	\$25,000,000
Washington State University Building Account--State	\$5,500,000
Subtotal Appropriation	\$30,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$150,500,000
<u>NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY</u>	
Minor Works - Health, Safety, and Code (06-1-002)	
Appropriation:	
Washington State University Building Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,000,000
<u>NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY</u>	
WSU Vancouver: Applied Technology and Classroom Building (06-2-950)	
Appropriation:	
State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,700,000
TOTAL	\$31,850,000
<u>NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY</u>	
WSU Vancouver: Undergraduate Classroom Building (06-2-951)	

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of an undergraduate classroom building. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2006 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval as per RCW 43.88.110(6) prior to the start of the 2006 regular legislative session.

Appropriation:	
State Building Construction Account--State	\$3,650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$22,150,000
TOTAL	\$25,800,000
<u>NEW SECTION. Sec. 663. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,059,000
Prior Biennia (Expenditures)	\$19,841,482
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,900,482
<u>NEW SECTION. Sec. 664. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Senior Hall Renovation (00-1-003)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$9,938,000
Prior Biennia (Expenditures)	\$5,493,012
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,431,012
<u>NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Campus Network Upgrade (04-2-003)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	\$2,215,000
Prior Biennia (Expenditures)	\$4,160,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,375,000
<u>NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Cheney Hall Renovation (06-1-703)	
Appropriation:	
State Building Construction Account--State	\$2,002,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$2,002,000
<u>NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY</u>	
Hargreaves Hall Renovation (06-1-701)	
Appropriation:	
State Building Construction Account--State	\$1,414,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,821,204
TOTAL	\$12,235,204
<u>NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Minor Works - Preservation (02-1-003)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	\$566,168
Prior Biennia (Expenditures)	\$4,433,832
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000
<u>NEW SECTION. Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Water System Preservation and Expansion (02-1-008)	
Reappropriation:	
State Building Construction Account--State	\$196,072
Prior Biennia (Expenditures)	\$2,039,928
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,236,000
<u>NEW SECTION. Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU Infrastructure Preservation (04-1-006)	
Reappropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$2,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,850,000
<u>NEW SECTION. Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY</u>	
EWU University Visitor Center and Formal Entry (04-2-010)	
Reappropriation:	
Eastern Washington University Capital Projects Account--State	\$900,000
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$75,000
TOTAL	\$0
	\$975,000

NEW SECTION. Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY

Facility Preservation Backlog Reduction (04-1-952)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., this reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$2,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-710)

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health Safety and Code Compliance (06-1-711)

Appropriation:

State Building Construction Account--State	\$5,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$17,700,000

NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-712)

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$0
TOTAL	\$15,500,000
	\$19,500,000

NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 677. FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$2,217,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,217,000

NEW SECTION. Sec. 678. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works Program (06-2-006)

Appropriation:

State Building Construction Account--State	\$6,600,000
Eastern Washington University Capital Projects	

Account--State	\$9,000,000
Subtotal Appropriation	\$15,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$44,000,000
TOTAL	\$59,600,000
<u>NEW SECTION. Sec. 679. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Music Education Facility (00-2-001)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$24,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,600,000
<u>NEW SECTION. Sec. 680. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
CWU/Des Moines Higher Education Center (02-2-101)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$10,575,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,575,000
<u>NEW SECTION. Sec. 681. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Combined Utility Upgrade (04-1-952)	
Reappropriation:	
State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$4,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,400,000
<u>NEW SECTION. Sec. 682. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
CWU/Moses Lake Higher Education Center (04-2-031)	
Reappropriation:	
Central Washington University Capital Projects	
Account--State	\$280,000
Prior Biennia (Expenditures)	\$320,000
Future Biennia (Projected Costs)	

	\$0
TOTAL	\$600,000
<u>NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Program (04-2-028)	
Reappropriation:	
Central Washington University Capital Projects	
Account--State	\$400,000
Prior Biennia (Expenditures)	\$1,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
CWU/Wenatchee Higher Education Center (05-2-850)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000
<u>NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code Requirements (05-1-850)	
Reappropriation:	
Central Washington University Capital Projects	
Account--State	\$400,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000
<u>NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure (05-1-851)	
Reappropriation:	
Central Washington University Capital Projects	
Account--State	\$600,000
Prior Biennia (Expenditures)	\$113,500
Future Biennia (Projected Costs)	\$0
TOTAL	\$713,500
<u>NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Combined Utilities (06-1-007)	
Appropriation:	

State Building Construction Account--State	\$4,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,400,000
<u>NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Dean Hall Renovation (06-1-004)	
Appropriation:	
State Building Construction Account--State	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,400,000
TOTAL	\$20,600,000
<u>NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Facility Preservation (06-1-003)	
Appropriation:	
Central Washington University Capital Projects Account--State	\$2,058,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,080,000
TOTAL	\$8,138,000
<u>NEW SECTION. Sec. 690. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code Requirements (06-1-001)	
Appropriation:	
Central Washington University Capital Projects Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,200,000
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 691. FOR CENTRAL WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure Preservation (06-1-002)	
Appropriation:	
Central Washington University Capital Projects Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,400,000
TOTAL	\$4,400,000

\$5,500,000

NEW SECTION. Sec. 692. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 693. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$2,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,422,000

NEW SECTION. Sec. 694. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works Program (06-2-005)

Appropriation:

Central Washington University Capital Projects Account--State	\$4,390,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,272,000

TOTAL

\$18,662,000

NEW SECTION. Sec. 695. FOR CENTRAL WASHINGTON UNIVERSITY

Nicholson Pavilion Indoor Air/Asbestos (06-1-008)

Appropriation:

State Building Construction Account--State

\$4,100,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$4,100,000

NEW SECTION. Sec. 696. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for

vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

The Evergreen State College Capital Projects
Account--State

\$700,000

Prior Biennia (Expenditures)

\$42,550,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$43,250,000

NEW SECTION. Sec. 697. FOR THE EVERGREEN STATE COLLEGE

Daniel J. Evans Building - Modernization (04-2-006)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$15,500,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State

\$22,250,000

Prior Biennia (Expenditures)

\$7,000,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$44,750,000

NEW SECTION. Sec. 698. FOR THE EVERGREEN STATE COLLEGE

Facility Preservation Backlog Reduction (04-1-951)

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., this reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$3,950,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 699. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Preservation (04-1-001)

Reappropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$1,950,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,550,000

NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Health, Safety, and Code (04-1-004)

Reappropriation:

The Evergreen State College Capital Projects Account--State	\$700,000
Prior Biennia (Expenditures)	\$1,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 701. FOR THE EVERGREEN STATE COLLEGE

Health, Safety, and Code Requirements (06-1-002)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,000,000

NEW SECTION. Sec. 702. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Preservation (06-1-004)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$2,450,000
	\$3,450,000

NEW SECTION. Sec. 703. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 704. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$760,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$760,000

NEW SECTION. Sec. 705. FOR THE EVERGREEN STATE COLLEGE

Lab I First Floor Class/Laboratory Renovation (06-2-001)

Appropriation:

State Building Construction Account--State	\$3,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$0
	\$3,100,000
<u>NEW SECTION. Sec. 706. FOR THE EVERGREEN STATE COLLEGE</u>	
Minor Works - Facility Preservation (06-1-003)	
Appropriation:	
The Evergreen State College Capital Projects Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$16,000,000
	\$16,000,000
<u>NEW SECTION. Sec. 707. FOR THE EVERGREEN STATE COLLEGE</u>	
Minor Works Program (06-2-005)	
Appropriation:	
The Evergreen State College Capital Projects Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,725,000
TOTAL	\$3,225,000
	\$3,225,000
<u>NEW SECTION. Sec. 708. FOR THE EVERGREEN STATE COLLEGE</u>	
Prevention and Intervention Study to Stabilize Inmate Population (06-2-952)	
<p>The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington state institute for public policy to study options to stabilize future prison population. The legislature intends to examine options that could stabilize the adult inmate population growth at the projected 2007 level in order to avoid construction of major prison facilities after construction of the Coyote Ridge correctional center. To do this, the legislature finds that sentencing options need to be examined in conjunction with prevention and intervention programs. The legislature finds that existing and current research underway by the Washington state institute for public policy can be synthesized to develop these options, in conjunction with sentencing options that will be developed by the sentencing guidelines commission. The Washington state institute for public policy shall build on the study required by chapter . . . (Engrossed Substitute Senate Bill No. 5763 (mental disorders treatment)), Laws of 2005, and study the net short-run and long-run fiscal savings to state and local governments of implementing evidence-based treatment human service and corrections programs and policies, including prevention and intervention programs, sentencing alternatives, and the use of risk factors in sentencing. The institute shall use the results from its 2004 report on cost-beneficial prevention and early intervention programs and its work on effective adult corrections programs to project total fiscal impacts under alternative implementation scenarios. The institute shall provide an interim report to the appropriate committees of the legislature by January 1, 2006, and a final report by October 1, 2006.</p>	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000
	\$50,000
<u>NEW SECTION. Sec. 709. FOR THE EVERGREEN STATE COLLEGE</u>	

Schools for the Deaf and Blind Comparative Study (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely for the Washington state institute for public policy to conduct a study of governance, financing, and service delivery at the state school for the deaf and the state school for the blind. The study shall compare the costs, operations, and educational approach of the two schools, including differences in the cultural and educational needs of the populations served; the extent of collaboration with public schools; and alignment between current and future service delivery, current capital facilities, and the schools' ten-year capital plans. The study shall also include a comparison to services provided in public schools; recommend how the schools could configure service delivery to complement and support school district programs; and examine which state agency should have responsibility for governance and oversight of the schools. To reduce duplication, the institute may update studies of the state school for the deaf conducted in 2002. The institute shall submit the comparative study to the appropriate policy and fiscal committees of the legislature by December 1, 2005.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$50,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$50,000

NEW SECTION. Sec. 710. FOR WESTERN WASHINGTON UNIVERSITY

Campus Infrastructure Development (98-2-024)

Reappropriation:

State Building Construction Account--State

\$1,420,000

Prior Biennia (Expenditures)

\$14,859,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$16,279,000

NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY

Academic Instructional Center (02-2-026)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State

\$3,000,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State

\$51,438,000

Prior Biennia (Expenditures)

\$2,733,000

Future Biennia (Projected Costs)

\$0

TOTAL

\$57,171,000

NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

Reappropriation:

Western Washington University Capital
Projects Account--State

	\$350,000
Prior Biennia (Expenditures)	
	\$36,043,400
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$36,393,400
<u>NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Bond Hall Renovation/Asbestos Abatement (04-1-080)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	
	\$4,500,000
Prior Biennia (Expenditures)	
	\$400,000
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,900,000
<u>NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Campus Roadway Development (04-2-073)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.	
(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.	
(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.	
Reappropriation:	
Western Washington University Capital Projects	
Account--State	
	\$38,826
Prior Biennia (Expenditures)	
	\$290,174
Future Biennia (Projected Costs)	
	\$16,625,000
TOTAL	
	\$16,954,000
<u>NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Facility Preservation Backlog Reduction (04-1-952)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.	
(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.	

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$1,950,000
Prior Biennia (Expenditures)	\$2,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (04-1-953)

Reappropriation:

State Building Construction Account--State	\$62,418
Prior Biennia (Expenditures)	\$187,582
Future Biennia (Projected Costs)	\$34,750,000
TOTAL	\$35,000,000

NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code (04-1-074)

Reappropriation:

State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$650,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 718. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (04-1-075)

Reappropriation:

State Building Construction Account--State	\$130,000
Prior Biennia (Expenditures)	\$1,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,550,000

NEW SECTION. Sec. 719. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	

Subtotal Appropriation	\$1
Prior Biennia (Expenditures)	\$2
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$2

NEW SECTION. Sec. 720. FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,614,000

NEW SECTION. Sec. 721. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (04-2-077)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION. Sec. 722. FOR WESTERN WASHINGTON UNIVERSITY

Shannon Point Marine - Undergraduate Center (04-2-059)

The reappropriation in this section is subject to the following conditions and limitations: Any further appropriations for equipment or furnishings shall be met with local funds.

Reappropriation:

Western Washington University Capital Projects Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$998,329

Future Biennia (Projected Costs)	\$0
TOTAL	\$4,998,329
<u>NEW SECTION. Sec. 723. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Facility Preservation (06-1-083)	
Appropriation:	
State Building Construction Account--State	\$4,290,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,290,000
<u>NEW SECTION. Sec. 724. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Health, Safety, and Code (06-1-082)	
Appropriation:	
State Building Construction Account--State	\$2,580,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$10,580,000
<u>NEW SECTION. Sec. 725. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Infrastructure Preservation (06-1-084)	
Appropriation:	
State Building Construction Account--State	\$2,630,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,630,000
<u>NEW SECTION. Sec. 726. FOR WESTERN WASHINGTON UNIVERSITY</u>	
Minor Works - Program (06-2-085)	
Appropriation:	
Western Washington University Capital Projects Account--State	\$8,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,000,000
TOTAL	\$44,900,000
<u>NEW SECTION. Sec. 727. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Lewis and Clark Interpretive Infrastructure Grant (02-4-001)	
Reappropriation:	
State Building Construction Account--State	\$1,806,000

Prior Biennia (Expenditures)	\$194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 728. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Pacific-Lewis and Clark Station Camp Park Project (02-S-001)	
Reappropriation:	
State Building Construction Account--State	\$1,047,000
Prior Biennia (Expenditures)	\$1,505,226
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,552,226
<u>NEW SECTION. Sec. 729. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Washington Heritage Projects (02-4-004)	
Reappropriation:	
State Building Construction Account--State	\$399,000
Prior Biennia (Expenditures)	\$3,601,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 730. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Stadium Way Research Center-Code Violation Correction (04-1-003)	
Reappropriation:	
State Building Construction Account--State	\$293,000
Prior Biennia (Expenditures)	\$168,200
Future Biennia (Projected Costs)	\$0
TOTAL	\$461,200
<u>NEW SECTION. Sec. 731. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Washington Heritage Projects (04-4-004)	
Reappropriation:	
State Building Construction Account--State	\$3,563,339
Prior Biennia (Expenditures)	\$436,661
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000
<u>NEW SECTION. Sec. 732. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Olympia - State Capital Museum: Building Preservation (06-1-003)	
Appropriation:	
State Building Construction Account--State	

Prior Biennia (Expenditures)	\$330,694
Future Biennia (Projected Costs)	\$0
TOTAL	\$0
	\$330,694

NEW SECTION. Sec. 733. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

Project	Amount Recommended
Whatcom museum of history and art	\$133,303
Fort Walla Walla museum	\$150,000
Northwest maritime center	\$345,000
Squaxin Island tribal museum library and research center	\$210,539
Confluence project	\$500,000
City of Tumwater	\$70,901
City of Tacoma	\$350,000
Fox theater	\$102,000
Shoreline historical museum	\$143,578
Metro park district of Tacoma	\$35,000
Seattle parks department	\$150,000
Armed forces and aerospace museum	\$295,000
City of Lynnwood	\$85,294
Meadowbrook farm interpretive center	\$72,149
Center for wooden boats	\$100,000
Bainbridge Island historical society	\$207,957
Quileute tribal council	\$150,000
Northwest railway museum	\$360,000
Port Gamble S'Klallam tribe	\$363,579
Concrete heritage museum association	

Quincy Valley historical society and museum	\$12,750
Foss waterway development authority	\$23,300
Broadway center for the performing arts	\$250,000
Village theatre	\$225,000
White river valley museum	\$65,581
Cascade land conservancy	\$99,069
TOTAL	\$112,500
	\$4,612,500
Appropriation:	
State Building Construction Account--State	\$4,612,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,612,500
<u>NEW SECTION. Sec. 734. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Tacoma - Research Center: Building Preservation (06-1-002)	
Appropriation:	
State Building Construction Account--State	\$181,650
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$181,650
<u>NEW SECTION. Sec. 735. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</u>	
Tacoma-State History Museum Building Preservation (06-1-001)	
Appropriation:	
State Building Construction Account--State	\$481,344
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$481,344
<u>NEW SECTION. Sec. 736. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</u>	
History and American Indian Education Classrooms (06-2-002)	
Appropriation:	
State Building Construction Account--State	\$156,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	

TOTAL	\$0
	\$156,000

NEW SECTION. Sec. 737. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum Preservation (06-1-001)

The appropriation in this section is subject to the following conditions and limitations: \$114,000 is provided solely for exterior preservation and sewer line repair of historic Campbell house and Carriage house. The balance of the request is for unforeseen emergencies that might endanger the museum structures or the valuable collections they contain, or affect staff and visitor health and safety.

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$35,000
Future Biennia (Projected Costs)	\$1,150,000

TOTAL	\$1,435,000
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NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Clark Center at WSU Vancouver (00-2-680)

Reappropriation:

State Building Construction Account--State	\$27,902
Gardner-Evans Higher Education Construction Account--State	\$14,860,252
Subtotal Reappropriation	\$14,888,154
Prior Biennia (Expenditures)	\$4,885,646
Future Biennia (Projected Costs)	\$0

TOTAL	\$19,773,800
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NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Higher Education Center/Childcare (00-2-678)

The reappropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.

Reappropriation:

Community/Technical College Capital Projects Account--State	\$320,035
Gardner-Evans Higher Education Construction Account--State	\$1,400,406
Subtotal Reappropriation	\$1,720,441
Prior Biennia (Expenditures)	\$19,726,559
Future Biennia (Projected Costs)	\$0

TOTAL	\$21,447,000
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NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Phase III Expansion (00-2-676)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$5,101,510
Prior Biennia (Expenditures)	\$20,233,464
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,334,974
<u>NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)	
Reappropriation:	
State Building Construction Account--State	\$8,875,459
Prior Biennia (Expenditures)	\$10,379,789
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,255,248
<u>NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Whatcom Community College: Classroom/Lab Building (00-2-677)	
Reappropriation:	
State Building Construction Account--State	\$219,893
Prior Biennia (Expenditures)	\$11,684,407
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,904,300
<u>NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Higher Education Center (00-2-954)	
Reappropriation:	
State Building Construction Account--State	\$777,312
Prior Biennia (Expenditures)	\$19,722,688
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,500,000
<u>NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Science Building (01-2-688)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$957,375
Appropriation:	
State Building Construction Account--State	\$27,407,344
Prior Biennia (Expenditures)	

Future Biennia (Projected Costs)	\$1,539,034
	\$0
TOTAL	\$29,903,753
<u>NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Science Building (01-2-687)	
Reappropriation:	
State Building Construction Account--State	\$1,324,163
Appropriation:	
State Building Construction Account--State	\$29,517,238
Prior Biennia (Expenditures)	\$1,154,837
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,996,238
<u>NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bates Technical College: LRC/Vocational (02-2-684)	
Reappropriation:	
State Building Construction Account--State	\$953,271
Appropriation:	
State Building Construction Account--State	\$15,169,058
Prior Biennia (Expenditures)	\$937,281
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,059,610
<u>NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellingham Technical College: Replacement (02-1-239)	
Reappropriation:	
State Building Construction Account--State	\$311,102
Prior Biennia (Expenditures)	\$4,046,798
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,357,900
<u>NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Cascadia Community College/University of Washington Bothell: Phase 2B Off Ramp (02-2-999)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,742,500
Prior Biennia (Expenditures)	\$7,500
Future Biennia (Projected Costs)	\$11,800,506

TOTAL	\$13,550,506
<u>NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Instructional Lab Building - Construction (02-2-685)	
Reappropriation:	
State Building Construction Account--State	\$573,448
Appropriation:	
State Building Construction Account--State	\$14,490,832
Prior Biennia (Expenditures)	\$2,423,612
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,487,892
<u>NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Facility Repairs "A" (02-1-050)	
Reappropriation:	
Education Construction Account--State	\$1,425,677
Prior Biennia (Expenditures)	\$20,234,651
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,660,328
<u>NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lake Washington Technical College: Replacement (02-1-240)	
Reappropriation:	
State Building Construction Account--State	\$2,593,957
Prior Biennia (Expenditures)	\$4,321,343
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,915,300
<u>NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Buildings D and E Renovation (02-1-310)	
Reappropriation:	
State Building Construction Account--State	\$259,718
Prior Biennia (Expenditures)	\$2,410,082
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,669,800
<u>NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Seattle Central Community College: Edison Hall Renovation (02-1-315)	
Reappropriation:	
State Building Construction Account--State	\$4,317,752

Prior Biennia (Expenditures)	\$1,491,448
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,809,200
<u>NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Seattle Central Community College: Portables Replacement (02-1-215)	
Reappropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$6,209,830
Future Biennia (Projected Costs)	\$687,570
TOTAL	\$0
	\$6,897,400
<u>NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Shoreline Community College: Building 800 Renovation (02-1-319)	
Reappropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$403,444
Future Biennia (Projected Costs)	\$5,617,656
TOTAL	\$0
	\$6,021,100
<u>NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Skagit Valley College: Office Space Replacement (02-1-213)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	
Prior Biennia (Expenditures)	\$355,690
Future Biennia (Projected Costs)	\$406,999
TOTAL	\$0
	\$762,689
<u>NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Family Education Center/Child Center (02-1-238)	
Reappropriation:	
State Building Construction Account--State	
Prior Biennia (Expenditures)	\$458,285
Future Biennia (Projected Costs)	\$6,673,715
TOTAL	\$0
	\$7,132,000
<u>NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle Community College: Building "A" Replacement (02-1-217)	
Reappropriation:	

State Building Construction Account--State	\$75,588
Prior Biennia (Expenditures)	\$5,401,812
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,477,400
<u>NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Falls Community College: Library Renovation (02-1-331)	
Reappropriation:	
State Building Construction Account--State	\$231,625
Prior Biennia (Expenditures)	\$5,370,375
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,602,000
<u>NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Information Technology Vocational Center (02-2-683)	
Reappropriation:	
State Building Construction Account--State	\$3,825,132
Prior Biennia (Expenditures)	\$11,904,868
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,730,000
<u>NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$508,951
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$6,569,000
Prior Biennia (Expenditures)	\$100,349
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,178,300
<u>NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Job Creation and Infrastructure Projects (03-1-001)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.	
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2007.	
Reappropriation:	
Education Construction Account--State	\$1,310,520

Prior Biennia (Expenditures)	\$25,289,655
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,600,175
<u>NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bates-Clover Park Equipment Improvements (04-2-950)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$179,975
Prior Biennia (Expenditures)	\$2,820,025
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000
<u>NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: NWCET Expansion (04-2-402)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The purpose of the reappropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.	
(2) State funds will be matched with nonstate resources of at least \$500,000.	
(3) Allotment of funds shall be in accordance with RCW 43.88.150.	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$312,493
Prior Biennia (Expenditures)	\$187,507
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000
<u>NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: "D" Building Renovation (04-1-308)	
Reappropriation:	
State Building Construction Account--State	\$11,418,700
Community/Technical College Capital Projects Account--State	\$973,646
Subtotal Reappropriation	\$12,392,346
Prior Biennia (Expenditures)	\$1,026,354
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,418,700
<u>NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: Science and Technology (04-2-690)	
Appropriation:	

State Building Construction Account--State	\$7,647,600
Prior Biennia (Expenditures)	\$90,000
Future Biennia (Projected Costs)	\$30,791,460
TOTAL	\$38,529,060
<u>NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)	
Reappropriation:	
State Building Construction Account--State	\$1,704,053
Gardner-Evans Higher Education Construction Account--State	\$14,357,000
Subtotal Reappropriation	\$16,061,053
Prior Biennia (Expenditures)	\$776,947
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,838,000
<u>NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,031,000
Prior Biennia (Expenditures)	\$159,900
Future Biennia (Projected Costs)	\$32,636,100
TOTAL	\$35,827,000
<u>NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Centralia Community College: Science Building (04-2-850)	
Appropriation:	
State Building Construction Account--State	\$3,247,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$28,676,490
TOTAL	\$32,073,490
<u>NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: East County Satellite (04-1-689)	
Reappropriation:	
State Building Construction Account--State	\$74,507
Appropriation:	
Gardner-Evans Higher Education Construction	

Account--State	\$2,392,000
Prior Biennia (Expenditures)	\$225,493
Future Biennia (Projected Costs)	\$27,777,125
TOTAL	\$30,469,125
<u>NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Renovation - Applied Arts 5 (04-1-303)	
Reappropriation:	
State Building Construction Account--State	\$927,047
Prior Biennia (Expenditures)	\$2,945,366
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,872,413
<u>NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Stout Hall (04-1-203)	
Reappropriation:	
State Building Construction Account--State	\$3,810,514
Prior Biennia (Expenditures)	\$239,375
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,049,889
<u>NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Renovation T Building (04-1-307)	
Reappropriation:	
State Building Construction Account--State	\$531,710
Prior Biennia (Expenditures)	\$5,526,790
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,058,500
<u>NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)	
Reappropriation:	
State Building Construction Account--State	\$7,399,092
Prior Biennia (Expenditures)	\$1,427,938
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,827,030
<u>NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Pilchuck/Glacier (04-1-205)	

Reappropriation:		
State Building Construction Account--State		\$907,033
Appropriation:		
State Building Construction Account--State		\$17,633,300
Prior Biennia (Expenditures)		\$404,667
Future Biennia (Projected Costs)		\$0
TOTAL		\$18,945,000

NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Replacement - Monte Cristo Hall (04-1-305)

Reappropriation:		
State Building Construction Account--State		\$6,926,247
Prior Biennia (Expenditures)		\$425,753
Future Biennia (Projected Costs)		\$0
TOTAL		\$7,352,000

NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Undergraduate Education Center (04-2-692)

Appropriation:		
State Building Construction Account--State		\$7,363,700
Prior Biennia (Expenditures)		\$126,000
Future Biennia (Projected Costs)		\$27,407,540
TOTAL		\$34,897,240

NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 906 of this act does not apply to this reappropriation.

Reappropriation:		
State Building Construction Account--State		\$40,824,753
Prior Biennia (Expenditures)		\$23,475,247
Future Biennia (Projected Costs)		\$0
TOTAL		

	\$64,300,000
<u>NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Grays Harbor College: Replacement - Instructional Building (04-1-204)	
Reappropriation:	
State Building Construction Account--State	\$229,284
Gardner-Evans Higher Education Construction Account--State	\$19,471,749
Subtotal Reappropriation	\$19,701,033
Prior Biennia (Expenditures)	\$1,034,016
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,735,049
<u>NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Green River Community College: Computer Technology Center (04-2-682)	
Reappropriation:	
State Building Construction Account--State	\$3,228,751
Prior Biennia (Expenditures)	\$8,770,749
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,999,500
<u>NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)	
Reappropriation:	
State Building Construction Account--State	\$3,463,880
Prior Biennia (Expenditures)	\$956,920
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,420,800
<u>NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lake Washington Technical College: Redmond Land Acquisition (04-2-403)	
The reappropriation in this section is subject to the following conditions and limitations:	
(1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.	
(2) State funds must be matched with nonstate resources of at least \$500,000.	
(3) Allotment of funds shall be in accordance with RCW 43.88.150.	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$500,000
<u>NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lower Columbia College: Instructional Fine Arts Building (04-1-214)	
Reappropriation:	
State Building Construction Account--State	\$1,758,314
Gardner-Evans Higher Education Construction Account--State	\$1,589,727
Subtotal Reappropriation	\$3,348,041
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$20,333,976
Prior Biennia (Expenditures)	\$979,758
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,661,775
<u>NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Minor Works - Program (Minor Improvements) (04-2-130)	
Reappropriation:	
State Building Construction Account--State	\$1,257,113
Community/Technical College Capital Projects Account--State	\$4,894,945
Subtotal Reappropriation	\$6,152,058
Prior Biennia (Expenditures)	\$8,827,159
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,979,217
<u>NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
North Seattle Community College: Arts and Science Renovation (04-1-309)	
Reappropriation:	
State Building Construction Account--State	\$303,265
Prior Biennia (Expenditures)	\$6,482,435
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,785,700
<u>NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Olympic College: Science and Technology Building Replacement (04-1-202)	

The reappropriation in this section is subject to the following conditions and limitations: Up to \$8,110,000 is provided as additional support for this project by the reappropriation in section 778 of this act.

Reappropriation:

State Building Construction Account--State	\$10,998,000
Community/Technical College Capital Projects Account--State	\$2,361,964
Subtotal Reappropriation	\$13,359,964
Prior Biennia (Expenditures)	\$638,036
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,998,000
 <u>NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Replacement Science and Technology Building (04-1-208)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$468,734
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$22,423,200
Prior Biennia (Expenditures)	\$748,066
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,640,000
 <u>NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College - Fort Steilacoom: Science and Technology (04-2-694)	
Appropriation:	
State Building Construction Account--State	\$1,986,447
Prior Biennia (Expenditures)	\$190,000
Future Biennia (Projected Costs)	\$30,106,553
TOTAL	\$32,283,000
 <u>NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College Puyallup: Community Arts/Allied Health (04-2-691)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,946,716
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$25,303,284
TOTAL	\$27,400,000
 <u>NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College Fort Steilacoom: Childcare Center (04-2-401)	

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.

(2) State funds must be matched with nonstate resources in the amount of \$2,250,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects
Account--State

\$497,338

Prior Biennia (Expenditures)

\$2,662

Future Biennia (Projected Costs)

\$0

TOTAL

\$500,000

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Portable Replacement (04-1-215)

Reappropriation:

State Building Construction Account--State

\$404,905

Appropriation:

State Building Construction Account--State

\$2,976,235

Prior Biennia (Expenditures)

\$14,395

Future Biennia (Projected Costs)

\$0

TOTAL

\$3,395,535

NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (04-1-010)

Reappropriation:

State Building Construction Account--State

\$3,572,735

Prior Biennia (Expenditures)

\$3,692,942

Future Biennia (Projected Costs)

\$0

TOTAL

\$7,265,677

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Replacement North Plaza Building (04-1-275)

Reappropriation:

State Building Construction Account--State

\$4,976,200

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$4,976,200

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (04-1-090)

Reappropriation:

State Building Construction Account--State	\$2,692,856
Prior Biennia (Expenditures)	\$2,612,768
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,305,624
<u>NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Skagit Valley College: Science Building Replacement (04-1-209)	
Reappropriation:	
State Building Construction Account--State	\$14,664
Appropriation:	
State Building Construction Account--State	\$2,693,000
Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	\$24,268,049
TOTAL	\$27,261,049
<u>NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Science Complex (04-2-695)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	\$3,160,500
Prior Biennia (Expenditures)	\$93,200
Future Biennia (Projected Costs)	\$25,867,300
TOTAL	\$29,121,000
<u>NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle Community College: Instruction Technology Center (04-2-681)	
Reappropriation:	
State Building Construction Account--State	\$1,280,107
Prior Biennia (Expenditures)	\$17,580,893
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,861,000
<u>NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$2,545,470
Prior Biennia (Expenditures)	\$67,630
Future Biennia (Projected Costs)	

	\$0
TOTAL	
	\$2,613,100
<u>NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Community College: Science Building Replacement (04-1-212)	
Reappropriation:	
State Building Construction Account--State	
	\$14,838,825
Prior Biennia (Expenditures)	
	\$882,775
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$15,721,600
<u>NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Renovation - Building 7 (04-1-313)	
Reappropriation:	
State Building Construction Account--State	
	\$4,759,822
Prior Biennia (Expenditures)	
	\$228,178
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,988,000
<u>NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Tacoma Community College: Replacement - Portable Buildings (04-1-206)	
Reappropriation:	
State Building Construction Account--State	
	\$2,401,778
Prior Biennia (Expenditures)	
	\$220,222
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$2,622,000
<u>NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Health Science Facility (04-1-211)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	
	\$6,763,672
Prior Biennia (Expenditures)	
	\$497,728
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$7,261,400
<u>NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)	
Appropriation:	
Gardner-Evans Higher Education Construction Account--State	
	\$28,645,152

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,645,152
<u>NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Renovation - Sundquist (04-1-302)	
Reappropriation:	
State Building Construction Account--State	\$654,799
Prior Biennia (Expenditures)	\$3,197,901
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,852,700
<u>NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Health Sciences Center (05-2-851)	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$1,857,624
Appropriation:	
State Building Construction Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$142,376
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000
<u>NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Employability Colocation Study (05-4-850)	
Reappropriation:	
Community/Technical College Capital Projects Account--State	\$18,167
Prior Biennia (Expenditures)	\$31,833
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000
<u>NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle: Training Facility (05-1-854)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the construction of a training facility and a separate academic/administrative facility to replace light wood frame structures.	
Reappropriation:	
Gardner-Evans Higher Education Construction Account--State	\$710,002
Appropriation:	
Gardner-Evans Higher Education Construction	

Account--State	\$9,272,283
Prior Biennia (Expenditures)	\$11,998
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,994,283
<u>NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Falls: Business and Social Science Building (05-1-853)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$1,754,854
Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$18,512,385
Prior Biennia (Expenditures)	\$45,146
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,312,385
<u>NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)	
Reappropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$1,285,924
Appropriation:	
Gardner-Evans Higher Education Construction	
Account--State	\$23,042,145
Prior Biennia (Expenditures)	\$332,076
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,660,145
<u>NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Bellevue Community College: Flood Damage (06-1-331)	
Appropriation:	
State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$700,000
<u>NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Big Bend Community College: Performing Arts and Fine Arts (06-1-309)	
Appropriation:	

State Building Construction Account--State	\$3,698,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,698,000
<u>NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: Gaiser Hall Renovation (06-1-302)	
Appropriation:	
State Building Construction Account--State	\$8,374,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,374,000
<u>NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clark College: O'Connell Sports Center Improvements (06-2-403)	
Appropriation:	
State Building Construction Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000
<u>NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clover Park Technical College: Allied Health Care Facility (06-2-699)	
Appropriation:	
State Building Construction Account--State	\$160,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$25,085,285
TOTAL	\$25,245,285
<u>NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Clover Park Technical College: Personal Care Services Facility (06-1-310)	
Appropriation:	
State Building Construction Account--State	\$6,499,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,499,000
<u>NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Columbia Basin College: Diversity Initiatives Office (06-2-409)	

Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Brier Hall Renovation (06-1-307)	
Appropriation:	
State Building Construction Account--State	\$5,133,020
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,133,020
<u>NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Everett Community College: Paine Field Technical Center (06-2-408)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Facility Repairs (06-1-050)	
Appropriation:	
Community/Technical College Capital Projects Account--State	\$22,327,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$92,000,000
TOTAL	\$114,327,000
<u>NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Grays Harbor College: Ilwaco Education Center (06-2-401)	
Appropriation:	
State Building Construction Account--State	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Vocational Education Renovation (06-1-303)

Appropriation:

State Building Construction Account--State	\$5,371,199
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,371,199

NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: General Classroom Building (06-1-205)

Appropriation:

State Building Construction Account--State	\$137,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,629,327
TOTAL	\$26,766,327

NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Physical Education Renovation (06-1-313)

Appropriation:

State Building Construction Account--State	\$477,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,437,000
TOTAL	\$3,914,000

NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Skills Support Center Addition (06-2-405)

Appropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Marine Science and Technology (06-2-406)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0

	\$500,000
<u>NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lake Washington Technical College: Allied Health Building (06-2-697)	
Appropriation:	
State Building Construction Account--State	
	\$197,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$26,317,259
TOTAL	
	\$26,514,259
<u>NEW SECTION. Sec. 827. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Lake Washington Technical College: Science Lab Renovation (06-1-308)	
Appropriation:	
State Building Construction Account--State	
	\$1,758,237
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,758,237
<u>NEW SECTION. Sec. 828. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Minor Works: Program (06-2-130)	
Appropriation:	
State Building Construction Account--State	
	\$20,002,598
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$80,000,000
TOTAL	
	\$100,002,598
<u>NEW SECTION. Sec. 829. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Minor Works Preservation (RMI) (06-1-001)	
Appropriation:	
Community/Technical College Capital Projects Account--State	
	\$14,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$67,000,000
TOTAL	
	\$81,000,000
<u>NEW SECTION. Sec. 830. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Infrastructure Savings (06-1-751)	
The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 906 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.	
Appropriation:	
State Building Construction Account--State	
	\$1

Gardner-Evans Higher Education Construction
Account--State

	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 831. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (06-1-750)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 906 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2007.

Appropriation:

Education Construction Account--State	\$22,802,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,802,000

NEW SECTION. Sec. 832. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Wellness Center Repairs (06-1-330)

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 833. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Bremer Student Center (06-2-411)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$0

	\$600,000
<u>NEW SECTION. Sec. 834. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Olympic College: Humanities and Student Services (06-1-204)	
Appropriation:	
State Building Construction Account--State	
	\$3,499,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$39,615,000
TOTAL	
	\$43,114,000
<u>NEW SECTION. Sec. 835. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Library Renovation (06-1-305)	
Appropriation:	
State Building Construction Account--State	
	\$14,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$14,000,000
<u>NEW SECTION. Sec. 836. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Peninsula College: Phase II Cultural and Arts Center (06-2-412)	
Appropriation:	
State Building Construction Account--State	
	\$250,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$250,000
<u>NEW SECTION. Sec. 837. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Pierce College Fort Steilacoom: Cascade Building Renovation (06-1-326)	
Appropriation:	
State Building Construction Account--State	
	\$3,350,622
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$14,601,736
TOTAL	
	\$17,952,358
<u>NEW SECTION. Sec. 838. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Roof Repairs (06-1-010)	
Appropriation:	
Community/Technical College Capital Projects Account--State	
	\$8,840,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	

TOTAL	\$20,000,000
	\$28,840,000
<u>NEW SECTION. Sec. 839. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Seattle Central Community College: Greenhouse/Educational Center (06-2-410)	
Appropriation:	
State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000
<u>NEW SECTION. Sec. 840. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Seattle Central Community College: Information Technology and Visual Communications (06-1-304)	
Appropriation:	
State Building Construction Account--State	\$8,096,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,096,000
<u>NEW SECTION. Sec. 841. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Shoreline Community College: Annex Renovation (06-1-312)	
Appropriation:	
State Building Construction Account--State	\$2,739,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,739,000
<u>NEW SECTION. Sec. 842. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Site Repairs (06-1-090)	
Appropriation:	
Community/Technical College Capital Projects Account--State	\$3,837,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$23,837,000
<u>NEW SECTION. Sec. 843. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Learning Resource Center (06-2-698)	
Appropriation:	
State Building Construction Account--State	\$197,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$38,650,300
TOTAL	\$38,847,300
<u>NEW SECTION. Sec. 844. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle Community College: Automotive Collision Technology (06-1-306)	
Appropriation:	
State Building Construction Account--State	\$1,972,300
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,972,300
<u>NEW SECTION. Sec. 845. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)	
Appropriation:	
State Building Construction Account--State	\$557,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$557,000
<u>NEW SECTION. Sec. 846. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Spokane Falls Community College: Campus Classrooms (06-2-696)	
Appropriation:	
State Building Construction Account--State	\$82,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,488,000
TOTAL	\$20,570,000
<u>NEW SECTION. Sec. 847. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Clarkston Health Science Facility (06-2-402)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 848. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Wenatchee Valley College: Brown Library Renovation (06-1-311)	
Appropriation:	
State Building Construction Account--State	

	\$2,404,300
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$2,404,300
<u>NEW SECTION. Sec. 849. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Center for Workforce Education (06-2-407)	
Appropriation:	
State Building Construction Account--State	
	\$1,000,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$1,000,000
<u>NEW SECTION. Sec. 850. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Yakima Valley Community College: Raymond Hall Renovation (06-1-325)	
Appropriation:	
State Building Construction Account--State	
	\$4,168,350
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$4,168,350
<u>NEW SECTION. Sec. 851. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Big Bend Community College: Aviation Program Fleet Replacement (06-2-953)	
Appropriation:	
State Building Construction Account--State	
	\$500,000
Prior Biennia (Expenditures)	
	\$0
Future Biennia (Projected Costs)	
	\$0
TOTAL	
	\$500,000
<u>NEW SECTION. Sec. 852. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
North Seattle Community College: Employment Resource Center (06-2-851)	
The appropriation in this section is subject to the following conditions and limitations:	
(1) The appropriation in this section is provided solely for predesign and design funding of a colocated one-stop office on the North Seattle Community College campus with the employment security department, the department of social and health services, and WorkSource partnering agencies. The facility will provide integrated services to offer direct opportunities for skill improvement and to enhance employment outcomes of Washington state citizens.	
(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates anticipated for the building, including identification of a revenue stream sufficient to pay future debt service costs on a certificate of participation.	
Appropriation:	
State Building Construction Account--State	
	\$520,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$520,000
<u>NEW SECTION. Sec. 853. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)	
Appropriation:	
State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000
<u>NEW SECTION. Sec. 854. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Edmonds Community College: Center for Fine Arts and Performing Arts (06-2-950)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 855. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
Shoreline Community College: Automotive Building (Phase 1) (06-2-951)	
Appropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000
<u>NEW SECTION. Sec. 856. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM</u>	
South Puget Sound Community College: Satellite Campus Acquisition (06-2-952)	
Appropriation:	
State Building Construction Account--State	\$4,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,700,000

(End of part)

PART 6

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS
MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$19,503,912 during the 2005-2007 fiscal period; \$128,151,322 during the 2007-2009 fiscal period; \$200,451,220 during the 2009-2011 fiscal period; \$207,686,311 during the 2011-2013 fiscal period; and \$210,558,739 during the 2013-2015 period.

NEW SECTION. Sec. 902. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

NEW SECTION. Sec. 903. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 904. Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. (1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 906. (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 907. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2007: (a) A listing of reappropriations in the governor's 2007-2009 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 908. The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the

board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following additional guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The board's biennial budget guidelines and the prioritization process shall place a greater emphasis on early critical review of project proposals at the pre-design phase, rather than deferring critical review and prioritization to the design or construction phases of a project.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to the capital budget instructions issued by the office of financial management. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

- (a) Implement a specific legislatively authorized program or planning priority;
- (b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;
- (c) Provide additional capacity or adaptation of space for high demand instructional or research programs;
- (d) Provide additional instructional program capacity for under-served geographic regions or populations; and
- (e) Reflect institutional planning priorities and areas of emphasis.

(7) The board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

NEW SECTION. Sec. 909. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.

(b) Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a parking structure.

(c) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for the enology program.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Cascadia Community College in an amount not to exceed \$7,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the south campus access at the Bothell campus. In identifying the revenue sources to fund the financing contract, the state board for community and technical colleges shall consider parking fees at the Bothell campus and contributions from local governments near the Bothell campus.

(p) The projects in (a), (f), (k), (m), and (n) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

(7) University of Washington: Enter into a financing contract in an amount not to exceed \$7,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the south campus access at the Bothell campus. In identifying the revenue sources to fund the financing contract, the university shall consider the sale of property at Wellington Hills, parking fees at the Bothell campus, and contributions from local governments near the Bothell campus.

NEW SECTION. Sec. 910. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2005-2007 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to contract for service to conserve or maintain existing pieces in the state art collection pursuant to chapter . . . (House Bill No. 2188 (funding the conservation of the state art collection)), Laws of 2005.

NEW SECTION. Sec. 911. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2007-09 biennium and the following four biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 912. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2005, from the 2003-2005 biennial appropriations for each project.

NEW SECTION. Sec. 913. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 914. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 915. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 916. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 917. The military department shall file quarterly progress reports in addition to the annual project progress reporting requirement of RCW 43.88.160(3). These reports must contain local, state, and federal funding reconciliation and balance sheets for all appropriated readiness center projects and detail any federal intentions on future readiness centers and other facilities.

NEW SECTION. Sec. 918. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account, or any other account receiving bond proceeds, to the state taxable building construction account is necessary.

NEW SECTION. Sec. 919. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

Sec. 920. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2005, and ending June 30, 2007, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this

subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.

Sec. 921. RCW 43.88.032 and 1997 c 96 s 5 are each amended to read as follows:

(1) Normal maintenance costs, except for funds appropriated for facility preservation of state institutions of higher education, shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

Sec. 922. RCW 28B.50.360 and 2004 c 277 s 910 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, ~~((and, during the 2003-05 biennium,))~~ engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes.

NEW SECTION. Sec. 923. The department of general administration shall not sell or otherwise dispose of the Tacoma Rhodes building without legislative approval. The department shall submit a business plan for the building, to include an assessment of whether this building is surplus to the state's needs and whether other state agency tenants might be housed in the building, by December 1, 2005, to the appropriate committees of the legislature.

NEW SECTION. Sec. 924. In accordance with the recommendation of the joint legislative audit and review committee report "Performance Audit of Capital Budget Processes," the office of financial management shall develop a plan, in consultation with legislative fiscal committees, to address weaknesses identified in that report in the oversight of facility projects. The report shall address, but not be limited to:

- (1) Aligning resources to program workload;
- (2) Identifying and institutionalizing best practices;
- (3) Creating easily accessible and reliable information systems; and
- (4) Improving the review and evaluation of projects at the predesign stage prior to the authorization of design and construction.

The office of financial management shall report on its plan to the governor and the senate committee on ways and means and house of representatives capital budget committee no later than December 1, 2005.

Sec. 925. RCW 43.155.050 and 2001 c 131 s 2 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the 2005-2007 biennium, moneys in the account may be used for grants for projects identified in section 138 of this act.

Sec. 926. RCW 70.105D.070 and 2003 1st sp.s. c 25 s 933 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the ~~((2003-05))~~ 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus ~~((operating))~~ capital budget bill ~~((for methamphetamine lab cleanup))~~. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons

and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.

NEW SECTION. Sec. 927. FOR THE STATE TREASURER--TRANSFERS Local Toxics Control Account: For transfer to the state toxics control account

\$13,900,000

NEW SECTION. Sec. 928. (1) A study committee on outdoor recreation is established. The study committee shall consist of four members, as follows:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate.

(2) The study committee members shall, by an affirmative vote of at least three members, select a chair from among its membership.

(3) The study committee shall consult with individuals from the public and private sectors and other interested parties, as may be appropriate, for technical advice and assistance and may ask such individuals to establish advisory committees or work groups that report to the study committee. Those with whom the study committee must consult include, but are not limited to, the following:

(a) Representatives from state agencies;

(b) Representatives from local governments;

(c) Representatives from recreation organizations;

(d) Representatives from agriculture;

(e) Representatives from environmental organizations; and

(f) Representatives from citizens' organizations.

(4) The study committee shall:

(a) Review local government responses to accommodating population growth and the resulting recreational facility needs;

(b) Study infrastructure funding issues pertaining to recreational facilities and examine methods by which local governments can reduce or eliminate related funding shortfalls;

(c) Compile and review information about publicly owned properties that may be suitable for use as recreational facilities;

(d) Compile an inventory of youth athletic fields and facilities purchased with revenues connected to major league sports stadiums, and recommend possible future funding options connected to major league sports; and

(e) Make legislative findings and recommendations related to recreational facility and funding needs.

(5) The study committee shall use staff from the house of representatives office of program research and senate committee services, in consultation with the department of community, trade, and economic development and the interagency committee for outdoor recreation.

(6) The study committee shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2006.

(7) The study committee expires January 1, 2006.

NEW SECTION. Sec. 929. To provide additional financial assistance and relief to irrigation districts and farmers during the current drought, loan principal and interest payments due to the department of ecology from previous biennia loans and loans in the 2005-2007 biennium for drought assistance or agricultural water supply projects may be deferred for the 2005-2007 biennium. Deferrals are intended only for loan recipients that involve a significant number of farmers who are temporarily leasing or not using their water rights for the benefit of the drought response. The deferrals shall apply to loans from the state drought preparedness account, the state emergency water projects revolving account, and state and local improvement revolving

account (water supply facilities). Such loan repayments will resume consistent with the original loan agreement at the beginning of the 2007-2009 biennium.

NEW SECTION. Sec. 930. (1) The house of representatives capital budget committee, with staff support provided by the office of program research, shall research and develop recommendations and findings comparing the stewardship costs to properly manage public lands compared to private lands and the fiscal impacts on counties of purchasing additional public lands under chapter 79A.15 RCW. The capital budget committee shall work with the interagency committee for outdoor recreation, the department of fish and wildlife, the department of natural resources, and counties to obtain necessary information to complete the report.

(a) The private versus public stewardship comparison component of the report shall include, but not be limited to, weed control, diking and drainage, fencing, signage, and other land management activities.

(b) The county fiscal impact component of the report shall include, but not be limited to, a financial analysis determining the difference by county of assessing property taxes on lands acquired under chapter 79A.15 RCW based on one hundred percent of a property's true and fair value compared to assessing property as open space under chapter 84.34 RCW. The analysis shall also compare the fiscal impacts of using these different property tax rates by county for existing game lands held by the department of fish and wildlife and natural areas managed by the department of natural resources.

(2) The capital budget committee shall prepare the report by December 1, 2005.

NEW SECTION. Sec. 931. The office of financial management shall work with the department of social and health services and legislative fiscal committee staff, with data provided by the caseload forecast council and the updated juvenile rehabilitation master plan, to determine at what point closure or consolidation of juvenile rehabilitation facilities will be necessary based on declining population, and to develop a strategic plan for potential closure or consolidation with other department of social and health services facilities. The strategic plan shall include, but not be limited to, recommendations for operating and capital budget decisions, including capital investments needed to facilitate closure or consolidation and provide the necessary range of services in the juvenile rehabilitation system, such as acute mental health care and vocational education, if a facility is closed. In developing the plan, the appropriateness of the location of facilities, both in terms of community impacts and the value of the location in program function, should be considered as well as the capital, opportunity, and operational costs of consolidated or alternative facilities. The office of financial management shall report to the fiscal committees of the legislature not later than September 1, 2006.

NEW SECTION. Sec. 932. The department of corrections shall report to the office of financial management and the fiscal committees of the legislature not later than September 1, 2006, on the feasibility and cost of closing the McNeil Island corrections center (MICC). This report may utilize information from the department's updated master plan, and shall include, but not be limited to:

(1) Current and projected future annual operating costs for the MICC on a total and per capita basis, with comparisons to other department facilities of similar security level and programming;

(2) Current and projected future annual level of subsidy provided by MICC operations to the department of social and health services facilities on McNeil Island that would have to be funded separately if MICC were to close;

(3) Current and projected future annual level of subsidy provided by MICC correctional industries and/or operations to other department facilities that might have to be funded separately if MICC were to close;

(4) Projected costs of mothballing the facility if it were closed;

(5) A project list and estimated cost of capital improvements that would need to be funded over the next ten years if MICC were to remain open;

(6) Information on the custody, housing, and programmatic needs of the offenders housed at MICC; and

(7) Estimates of costs to construct additional facilities to house the offenders removed from MICC and/or recommendations for placement at suitable existing facilities.

NEW SECTION. Sec. 933. The University of Washington shall examine various models for the ongoing management of capital facilities investments used by other organizations, including other higher education institutions. These models should reflect the various interrelated aspects of facilities management and investment including operations and maintenance, minor capital projects, and major projects to renew or expand existing facilities. The models should also evaluate the respective funding responsibilities of the university and other interested parties, and the respective roles of state operating accounts, state capital accounts, local tuition and building fee accounts, and external funds in the management of such capital facilities. The university should assess these models with respect to the strengths and weaknesses of systemically addressing the long-term management and investment needs of the facilities, and submit a report of these findings by January 1, 2006, to the governor, the house of representatives capital budget committee, and the senate ways and means committee.

NEW SECTION. Sec. 934. (1) The state treasurer shall conduct an evaluation of Internal Revenue Service revenue ruling 63-20 relating to bond financing contracts for capital construction projects supported by state agency financing contracts as authorized in chapter 39.94 RCW.

(2) The evaluation shall include, but is not limited to:

(a) A description of 63-20 bond financing processes including the differences with the various financing contracts subject to review and approval by the state finance committee;

(b) A comparison of the 63-20 bond financing structure with other financing structures for construction of capital projects that are for either public or private use;

(c) A comparison of 63-20 alternative financing with debt authorized in Article VIII of the state Constitution;

(d) An inventory of capital projects undertaken by state agencies, including higher education institutions, local governments, and other subdivisions of the state that have used 63-20 alternative financing since January 1, 2000;

(e) An analysis of the benefits and the costs of the 63-20 alternative financing structures to the state; the costs may include, but are not limited to, the impact on state lease rates, borrowing rates, ongoing fees, building maintenance costs, and operating costs; and

(f) An evaluation of potential effects of use of 63-20 bond financing upon the overall administration of state obligations in the municipal securities market.

(3) The state treasurer shall assemble an advisory committee to assist in the conduct of the evaluation. The advisory committee shall include two members of each house of the legislature, including one from each major caucus appointed by the presiding officer, a representative of the office of financial management, and one person appointed by the governor.

(4) Based on the evaluation, the state treasurer shall make recommendations to the governor and the legislature on the use of 63-20 alternative financing structures. The state treasurer shall report to the governor and the fiscal committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 935. The department of fish and wildlife shall submit a plan to the appropriate committees of the legislature and to the office of financial management for the disposal of the underused properties near Port of Olympia land. The report shall identify efficiencies that replace the need for space in the old buildings by using printing, mailing, and warehousing facilities available through other state agencies. The reports shall be submitted by December 1, 2005.

SUPPLEMENTAL PROVISIONS

Sec. 936. 2003 1st sp.s. c 26 s 115 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State

((\$261,200,000))

\$416,200,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$1,319,499,999

TOTAL

((\$1,580,699,999))

\$1,735,699,999

Sec. 937. 2003 1st sp.s. c 26 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

((~~Drinking Water Assistance Account--State~~

	\$11,200,000))
<u>Drinking Water Assistance Repayment</u>	
<u>Account--State</u>	
	<u>\$15,200,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$11,200,000))
	<u>\$15,200,000</u>

Sec. 938. 2004 c 277 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State	(((\$12,700,000))
	<u>\$8,500,000</u>

<u>Drinking Water Assistance Repayment</u>	
<u>Account--State</u>	
	<u>\$4,200,000</u>
State Building Construction Account--State	\$4,000,000
Subtotal Appropriation	\$16,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,400,000
TOTAL	\$49,100,000

Sec. 939. 2003 1st sp.s. c 26 s 124 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Coastal Erosion Grants (01-S-019)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations:

(a) Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

(b) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

(2) The appropriation in this section is provided for coastal erosion grants in southeast Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Reappropriation:

State Building Construction Account--State \$583,155

Appropriation:

State Building Construction Account--State ((~~\$750,000~~))

\$1,250,000

Prior Biennia (Expenditures) \$666,845

Future Biennia (Projected Costs) ((~~\$0~~))

TOTAL \$1,500,000

((~~\$2,000,000~~))

\$4,000,000

NEW SECTION. Sec. 940. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Alteration of Building No. 2 - Camp Murray (05-1-001)

Appropriation:

General Fund--Federal \$140,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,260,000

TOTAL \$1,400,000

NEW SECTION. Sec. 941. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Courseware Development Support Facility (05-2-002)

Appropriation:

General Fund--Federal \$138,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,237,000

TOTAL \$1,375,000

NEW SECTION. Sec. 942. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Jefferson County Public Utility District Grant (05-1-006)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local \$265,000

Prior Biennia (Expenditures) \$0

\$0

Future Biennia (Projected Costs)

\$0

TOTAL

\$265,000

Sec. 943. 2004 c 277 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State

\$140,000

State Building Construction Account--State

~~(\$6,996,000)~~

\$7,723,000

Thurston County Capital Facilities Account--State

~~(\$937,000)~~

\$210,000

Community and Technical College Capital Projects
Account--State

\$1,513,000

Subtotal Appropriation

\$9,586,000

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

~~(\$0)~~

\$41,308,400

TOTAL

~~(\$9,586,000)~~

\$50,894,400

Sec. 944. 2004 c 277 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction Account--State	\$68,450,000
State Building Construction Account--State	\$6,000,000
Subtotal Reappropriation	\$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State	\$4,800,000
<u>State Building Construction Account--State</u>	<u>\$7,100,000</u>
<u>Subtotal Appropriation</u>	<u>\$11,900,000</u>
Prior Biennia (Expenditures)	\$26,031,000
Future Biennia (Projected Costs)	\$0
TOTAL	((<u>\$105,281,000</u>))
	<u>\$112,381,000</u>

Sec. 945. 2003 1st sp.s. c 26 s 240 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$500,000
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Appropriation:

General Fund--Federal	\$30,730,700
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$250,000
State Building Construction Account--State	((<u>\$12,000,000</u>))
Subtotal Appropriation	<u>\$13,420,000</u>
	((<u>\$42,980,700</u>))
Prior Biennia (Expenditures)	<u>\$44,400,700</u>
	((<u>\$2,500,000</u>))
Future Biennia (Projected Costs)	<u>\$4,000,000</u>
TOTAL	\$0

(\$45,980,700))

\$48,900,700

Sec. 946. 2004 c 277 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving
Account--State

(\$81,054,333))

\$102,614,743

Water Pollution Control Revolving
Account--Federal

\$44,466,666

Subtotal Appropriation

(\$125,520,999))

\$147,081,409

Prior Biennia (Expenditures)

\$0

Future Biennia (Projected Costs)

\$462,000,000

TOTAL

(\$587,520,999))

\$609,081,409

NEW SECTION. Sec. 947. A new section is added to 2004 c 277 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,200,000 of the state taxable building construction account--state appropriation shall be deposited in the state drought preparedness account.

(2) The appropriations in this section are provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions that may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(3) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body that is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(4) Up to \$1,500,000 of the state drought preparedness account--state appropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

Appropriation:

State Drought Preparedness Account--State

\$8,200,000

State Taxable Building Construction Account--State

\$8,200,000

Subtotal Appropriation

\$16,400,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,400,000

Sec. 948. 2003 1st sp.s. c 26 s 330 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:

State Building Construction Account--State	((<u>\$1,500,000</u>))
	<u>\$1,910,000</u>
Prior Biennia (Expenditures)	((<u>\$4,569,365</u>))
	<u>\$73,350</u>
Future Biennia (Projected Costs)	\$0
TOTAL	((<u>\$6,069,365</u>))
	<u>\$1,983,350</u>

Sec. 949. 2003 1st sp.s. c 26 s 403 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Spokane (04-2-009)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: The appropriations ((~~is~~)) are provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.

Appropriation:

State Building Construction Account--State	\$3,900,000
<u>State Wildlife Account</u>	<u>\$500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((<u>\$3,900,000</u>))
	<u>\$4,400,000</u>

Sec. 950. 2003 1st sp.s. c 26 s 421 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (04-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber

revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring commercial real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) Except as provided in subsections (12) and (13) of this section, the department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund, except as provided in subsection (13) of this section, and the appropriation in this section shall be reduced by an equivalent amount.

(10) Except as provided in subsection (13) of this section, the appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(11) The department of natural resources shall manage lands acquired as "Bone river natural area preserve" as a natural resources conservation area under chapter 79.71 RCW.

(12) The department may, after the deduction of reasonable costs as provided in subsection (4) of this section, execute leases for an initial term not to exceed fifty years, for Obstruction Pass, Point Lawrence, and 40 acres on Maury Island. Leases executed under this subsection may be renewed for an additional thirty-year period, under terms and conditions established by the department, including revaluation. Trust land transfer leases under this subsection shall not be subject to the 80:20 ratio of timber value to land value required in subsection (8) of this section. Revenues derived from leases under this subsection shall be deposited in the appropriate account as provided by law.

(13) Up to \$4,500,000 of the appropriation from the state building construction account--state appropriation is provided for the transfer of trust land known as Harbour Pointe to the city of Mukilteo. Four acres of buildable land shall be dedicated for use of a recreational facility to serve only school-age children. Recreational space shall also be designated as ball fields for the purposes of serving the area youth.

Appropriation:

State Building Construction Account--State	\$55,000,000
Natural Resources Real Property Replacement Account--State	(((\$11,000,000))
	<u>\$15,500,000</u>
Subtotal Appropriation	(((\$66,000,000))
	<u>\$70,500,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$250,000,000
TOTAL	(\$316,000,000)
	<u>\$320,500,000</u>

Sec. 951. 2004 c 277 s 262 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a ~~((single shop and classroom))~~ training facility and a separate academic/administrative facility to replace ~~((eight))~~ light wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$722,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,342,480
TOTAL	\$8,064,480

Sec. 952. 2004 c 277 s 236 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (04-4-001)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

(5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.

(6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State	(\$402,268,513)
<u>State Building Construction Account--State</u>	<u>\$295,218,513</u>

	<u>\$107,050,000</u>
<u>Subtotal Appropriation</u>	
	<u>\$402,268,513</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
	\$1,858,456,614
TOTAL	
	\$2,260,725,127

Sec. 953. 2004 c 277 s 911 (uncodified) is amended to read as follows:

~~((During the 2003-05 biennium,)) The state parks and recreation commission shall ((study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170))~~ transfer Old Man House state park to the Suquamish tribe. Any transfer shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe to enforce the reversionary clause pursuant to RCW 79A.05.170.

Sec. 954. 2004 c 277 s 904 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

(4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct ~~((an above ground parking garage))~~ a math and science building.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and storm water mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 955. Sections 920 and 921 of this act expire June 30, 2007.

NEW SECTION. Sec. 956. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 957. The following acts or parts of acts are each repealed:

(1) 2003 1st sp.s. c 26 s 603 (uncodified); and

(2) 2004 c 277 s 302 (uncodified).

NEW SECTION. Sec. 958. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 959. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 920 and 921 of this act, which take effect June 30, 2005.

(End of Part)

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	170"

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 43.88.032, 28B.50.360, 43.155.050, and 70.105D.070; amending 2003 1st sp.s. c 26 ss 115, 124, 131, 240, 330, 403, and 421 (uncodified); amending 2004 c 277 ss 201, 110, 209, 221, 262, 236, 911, and 904 (uncodified); adding new sections to 2004 c 277 (uncodified); creating new sections; repealing 2003 1st sp.s. c 26 s 603 (uncodified); repealing 2004 c 277 s 302 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency."

And that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Regala and Hewitt; Representatives Dunshee, Ormsby and Jarrett.

MOTION

Senator Fraser moved the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6094 be adopted.

Senators Fraser and Hewitt spoke in favor of the motion.

Senator Schoesler spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6094 be adopted.

The motion by Senator Fraser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6094, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6094, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE Substitute Senate BILL NO. 6094, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Mr. President and members of the Senate. As had been alluded to, the process of the capital budget is a huge one. I'd, first, to express my appreciation to Senator Hewitt who was a total pleasure to work with and we were great partners in developing the Senate's side of the budget and working together with the other body. I'd also like to thank the, assuming it's in order, the principle negotiators from the other body, Representative Dunshee and Representative Jarrett. We spent a lot of hours together blending the two documents. I must say a special thank you to the Ways & Means staff who put in endless hours, intelligence, creativity and more endless hours into making this all come together. I'd like to say thank you to Brian Simms, who's the coordinator and others who put a lot of work into it; Bryon Moore, Richard Ramsey, Chelsea Buchanan and Kirstan Arestad. They all deserve all of our appreciation and a few days off now. So, thank you all."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President and ladies and gentlemen of the Senate. I do want, again, thank the Ways & Means staff. They work incredibly long and hard hours and I just marvel at how good they are. Also, Senator Fraser, I want to thank you for including me in this budget. This was one budget that did have bipartisan work done on it. I want to thank you for that. You know it just, I marvel at this place. How we can fight and we can fight and then something like this comes together. Four members from four different bodies can actually work through a process and make it work correctly. I don't know how we do it but we sometimes do it but, again, I just marvel at it. Thank you Mr. President."

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

ESHB 2311 by House Committee on Transportation (originally sponsored by Representatives Murray and Simpson)

AN ACT Relating to authorizing bonds for transportation funding; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and the measure listed on the Introduction and First Reading report, Engrossed Substitute House Bill No. 2311, was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Delvin was excused.

APPOINTMENT OF INTERIM COMMITTEES

The President announced the following appointments to the Joint Legislative Audit and Review Committee: Senators Benton, Oke, Parlette, Zarelli, Kohl-Welles, Regala, Rockefeller and Thibaudeau.

MOTION

On motion of Senator Eide, the appointments to the interim committee were confirmed.

The President announced the following appointments to the Legislative Committee on Economic Development and International Relations: Senators Hewitt, Mulliken, Pflug, Franklin, Rasmussen and Shin.

MOTION

On motion of Senator Eide, the appointments to the interim committee were confirmed.

The President announced the following appointments to the Legislative Evaluation and Accountability Program Committee: Senators Benson and Fairley.

MOTION

On motion of Senator Eide, the appointments to the interim committee were confirmed.

The President announce the following appointments to the Legislative Transportation and Accountability Committee: Senators Benson, Benton, Mulliken, Oke, Pflug, Swecker, Eide Haugen, Jacobsen, Kastama, Spanel and Sheldon.

MOTION

On motion of Senator Eide, the appointments to the interim committee were confirmed.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to get the members attention because I have come up with some President's 2005 Session members' awards that I would like to recognize this evening. In the 'I hadn't planned on speaking on this but' award would go to: None other than Senator Brandland. The 'Quietest Freshman' award would go to: Senators Pridemore and Berkey. The 'Freshman Voted by his Colleagues Most in Need to Learn from Senator Pridemore and Berkey' award goes to: Senator Benson. The 'Quieter than a Church Mouse' award would go to: Senator Thibaudeau. Also in the speaking category, the 'Able to Pierce Marble' award would go to: Senator Pam Roach. In a related category of 'I'm Afraid the President Won't Hear Me Vote' award would be: Senator Schoesler. In the category of 'The Tough on Crime/Neck like Walrus' award, would go to: Senator Hargrove. In the 'Where in the Heaven's Name Do You Get Those Outfits' award: Senator Rosemary McAuliffe. In the 'I will Never Say a Bad Thing About Anyone – At Least Not On Purpose' award would be: Senators Esser and Fraser. The 'Patiently and Politely Seated At All Times' award would be: Senators Morton and Franklin. The 'Never Seen At Their Desk At Any Time Unless Something Really Big Is Happening' award would be: Senators Brown and Finkbeiner. The 'I Bet I Could Get Away With Something I'm Not Suppose To Do Without the President Knowing' award would have to go to: Senators Poulsen, Delvin and Hewitt and a supplemental award to that category would be 'The President Won't See My Coffee Cleverly Hidden Behind This Piece of Paper' award to Senator Doumit. In the 'Too Polite and Kind To Be Senators But I'm Glad They're Here' or the 'Gentle Ben and Benita' award are: Senators Oke and Eide. And the Grand Award is the 'My Speeches Must Be Very Motivational Because So Many People Jump Up to Speak After I Do' award: Senators Benton and Kline."

PERSONAL PRIVILEGE

Senator Hargrove: "Well, in all seriousness, Mr. President, I think all of us would like to thank you, not only for maintaining decorum but, when TVW is on, it's on you and you make us look very, very good. All the time. We certainly appreciate the way you preside over the Senate with humor and grace and yet keep us all on track. Thank you very much."

PERSONAL PRIVILEGE

Senator Eide: "Thank you Mr. President. Well, I too would like to say I've learned from the best and it's been an honor and privilege to be the floor leader here. It's been a learning experience and I've enjoyed every bit of it. Also, I would like to say today is my son's, Matthew's, eighteenth birthday and I know that they are home at 5 o'clock having dinner and they are watching TVW. I love you honey, happy eighteenth."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. Today is my oldest son's birthday, Guy Evans. He is thirty-four years old and for some sad reason, we do not have TVW in Chelan anymore. I know my parents and my husband and Guy's wife are celebrating. I wish I could be there but, as Senator Stevens' husband said to me last night when I was me moaning the fact that I can not be home with the family celebration, he said to me, 'Well, is he healthy?' and I said, 'Yes he is.' So that make it all better. Thank you very much."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311, by Representatives Murray and Simpson

Authorizing bonds for transportation funding.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2311.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2311 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 32

Voting nay: Senators Benson, Benton, Brandland, Carrell, Esser, Honeyford, Johnson, Morton, Oke, Parlette, Pflug, Roach, Schoesler and Stevens - 14

Excused: Senators Deccio, Delvin and McCaslin - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6003, with the following amendment{s}:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.70.010 and 2003 c 364 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 70.94.996 unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

(7) "Applicant" means a person applying for a tax credit under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.70 RCW to read as follows:

(1) Application for tax credits under this chapter must be received by the department between the first day of January and the 31st day of January, following the calendar year in which the applicant made payments to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the number of employees for which incentives are paid during the calendar year, the amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, the amount of credit deferred under RCW 82.70.040(2)(b)(i) to be used, and other information required by the department. For applications due by January 31, 2006, the application shall not include amounts paid from January 1, 2005, through June 30, 2005, to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(2) The department shall rule on the application within sixty days of the deadline provided in subsection (1) of this section.

(3) The department shall disapprove any application not received by the deadline provided in subsection (1) of this section regardless of the reason that the application was received after the deadline.

(4) After an application is approved and tax credit granted, no increase in the credit shall be allowed.

Sec. 3. RCW 82.70.020 and 2003 c 364 s 2 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per fiscal year. ~~((The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.))~~ No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 4. RCW 82.70.030 and 2003 c 364 s 3 are each amended to read as follows:

~~((1) Application for tax credit under RCW 82.70.020 may only be made in the form and manner prescribed in rules adopted by the department.~~

~~((2) The credit under this section must be taken or deferred under RCW 82.70.040 against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.~~

~~((3))~~ Any person who knowingly makes a false statement of a material fact in the application required under section 2 of this act for a credit under RCW 82.70.020 is guilty of a gross misdemeanor.

Sec. 5. RCW 82.70.040 and 2003 c 364 s 4 are each amended to read as follows:

(1)~~(a)~~ The department shall keep a running total of all credits ~~((accrued))~~ allowed under RCW 82.70.020 during each fiscal year. ~~((No person is eligible for tax credits under RCW 82.70.020 if the credits would cause the tabulation for the total amount of credits taken in any fiscal year))~~ The department shall not allow any credits that would cause the total amount allowed to exceed two million ((two)) seven hundred fifty thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department shall ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded.

If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) ~~((No person is eligible for))~~ Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax ~~((that would))~~ otherwise ~~((be))~~ due under chapter 82.04 or 82.16 RCW.

(b)(i) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. No credits deferred under this subsection (2)(b)(i) may be used after June 30, 2008. A person deferring tax credits under this subsection (2)(b)(i) must submit an application as provided in section 2 of this act in the year in which the deferred tax credits will be ~~((applied))~~ used. This application is subject to ~~((eligibility under))~~ the provisions of subsection (1) of this section for the ((fiscal)) year in which the tax credits will be applied. If a deferred credit is reduced under subsection (1)(b) of this section, the amount of deferred credit disallowed because of the reduction may be carried forward as long as the period of deferral does not exceed three years after the year in which the credit was earned.

(ii) For credits approved by the department after June 30, 2005, the approved credit may be carried forward to subsequent years until used. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person ~~((is eligible))~~ shall be approved for tax credits under RCW 82.70.020 in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits ~~((deferred in))~~ carried forward from prior years under subsection (2)(b) of this section.

(4) No person ~~((is eligible for))~~ may claim tax credits~~((, including deferred credits authorized under subsection (2)(b) of this section,))~~ after June 30, 2013.

(5) Credits may not be carried forward ~~((or carried backward))~~ other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005.

NEW SECTION. Sec. 7. If Senate Bill No. 6103, or substantially similar legislation, is not enacted by June 30, 2005, this act is null and void."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, Mr. President there is a gentleman that's been around the legislature for many, many years and he was always the godfather of the budget for the Senate. He's kind of changed his position in my mind, well, he changed his position. I have to tell you that, for me, he's the godfather of some very special children and I'd like to recognize him. He is sitting up in the gallery but he has helped me immensely in the last year and a half on an issue that I had about bringing care for autistic children. He worked with me to be able to bring an autism center, a satellite center, at the University of Washington at Tacoma. And in this budget, which many of you voted for, all of you, I've got to tell you thank you because we will be able to continue this outstanding program by Doctor Geraldine Dawson. This will reach children all across this state. As you know, autism is almost at epidemic proportions throughout our country and throughout the world. One out of every one-hundred and sixty-six children born today, one of them will be autistic. Randy Hodgins has been the godfather of this program for me, because he's made sure that we could shepard it through this budget, through the legislature without a hearing but we all know how important this is. So, I'd like to take a minute to say thank you to Randy Hodgins for everything he's done for us in the past but certainly for what he's doing for children of the future. Thank you."

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6003.

Senator Jacobsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6003.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6003 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6003, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6003, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 16

Excused: Senators Deccio, Delvin and McCaslin - 3

ENGROSSED SENATE BILL NO. 6003, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed the following bill{s):

ENGROSSED SENATE BILL NO. 6121,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5414, with the following amendment{s):

On page 5, line 5, after "airline," insert "air cargo carrier."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5414.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5414.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5414 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5414, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5414, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 4; Excused, 3.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Doumit, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore,

Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Benton, Carrell, Esser and Morton - 4

Absent: Senators Fairley, Finkbeiner, Mulliken and Oke - 4

Excused: Senators Deccio, Delvin and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5414, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Esser, Senator Oke was excused.

On motion of Senator Morton, Senator Mulliken was excused.

On motion of Senator Hewitt, Senator Finkbeiner was excused.

On motion of Senator Eide, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5916, with the following amendment{s):

On page 2, after line 9 insert:

"(3) As used in this section, "hybrid technology" means propulsion units powered by both electricity and gasoline."

On page 2, at the beginning of line 19, insert "(1)"

On page 2, after line 23 insert:

"(2) "Hybrid technology" has the same meaning as provided in section 2 of this act."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Schmidt moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5916.

Senator Schmidt spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Schmidt that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5916.

The motion by Senator Schmidt carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5916 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5916, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5916, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Schoesler - 1

Excused: Senators Deccio, Delvin, Finkbeiner and McCaslin - 4

SECOND SUBSTITUTE SENATE BILL NO. 5916, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 6121

MOTION

On motion of Senator Hewitt, Senators Benton and Benson were excused.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6090

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6094

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
HOUSE BILL NO. 1270,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441,
SUBSTITUTE HOUSE BILL NO. 1791,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 2170,
SUBSTITUTE HOUSE BILL NO. 2289,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

APPOINTMENT OF INTERIM COMMITTEE

The President announced the following appointments to the Joint Legislative Systems Committee: Senator Schmidt.

MOTION

On motion of Senator Eide, the appointment to the interim committee was confirmed.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5290,

SECOND SUBSTITUTE SENATE BILL NO. 5370,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5454,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5499,
ENGROSSED SENATE BILL NO. 5513,
SUBSTITUTE SENATE BILL NO. 5539,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5602,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5615,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5620,
SECOND SUBSTITUTE SENATE BILL NO. 5663,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5763,
SECOND SUBSTITUTE SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5850,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,
ENGROSSED SENATE BILL NO. 6096,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6103,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8407,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1019,
HOUSE BILL NO. 1066,
ENGROSSED HOUSE BILL NO. 1241,
HOUSE BILL NO. 1485,
SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1606,
SUBSTITUTE HOUSE BILL NO. 1708,
SUBSTITUTE HOUSE BILL NO. 1893,
SUBSTITUTE HOUSE BILL NO. 2124,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2304,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,
HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Hewitt, Senator Carrell was excused.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044,

SECOND SUBSTITUTE HOUSE BILL NO. 1240,
HOUSE BILL NO. 1270,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441,
SUBSTITUTE HOUSE BILL NO. 1791,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1830,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 2170,
SUBSTITUTE HOUSE BILL NO. 2289,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314.

The President signed:
ENGROSSED SENATE BILL NO. 6003.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, with the following amendment{s):
Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation

\$501,000

The appropriation in this section is subject to the following conditions and limitations: Per current law, funds will be transferred from the public service revolving fund's miscellaneous fees and penalties accounts to the grade crossing protection account--state as needed to implement the commission's railroad safety program.

NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation

\$390,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation

\$976,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire appropriation in this section is provided solely for road maintenance purposes.

(2) The commission shall conduct a study of existing requirements regarding all-terrain vehicle (ATV) operators and submit recommendations to the legislature concerning whether revisions to those requirements are warranted. The study and recommendations shall, at a minimum, include (a) the feasibility of requiring a comprehensive hands-on ATV safety education and training program for ATV operators; (b) ATV operator equipment requirements; and (c) ATV operating requirements, including the adoption of minimum age requirements corresponding to different engine capacities of ATVs. The commission shall consult with the department of licensing and other stakeholders when conducting the study and developing recommendations and shall submit a final report to the transportation committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation

\$329,000

The appropriation in this section is subject to the following conditions and limitations: \$329,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation

\$200,000

The appropriation in this section is subject to the following conditions and limitations:

(1) If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.

(2) The entire appropriation is for additional staffing costs to be dedicated to state transportation activities.

Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 106. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation

\$1,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,300,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.

(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation

\$2,135,000

Highway Safety Account--Federal Appropriation

\$15,828,000

School Zone Safety Account--State Appropriation

\$3,300,000

Bicycle and Pedestrian Safety Account--State
Appropriation

\$40,000

TOTAL APPROPRIATION

\$21,303,000

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation

\$821,000

Motor Vehicle Account--State Appropriation

\$1,942,000

County Arterial Preservation Account--State Appropriation

	\$777,000
TOTAL APPROPRIATION	
	\$3,540,000
<u>NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD</u>	
Urban Arterial Trust Account--State Appropriation	\$1,624,000
Transportation Improvement Account--State Appropriation	\$1,625,000
TOTAL APPROPRIATION	\$3,249,000
	\$417,000
<u>NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS</u>	
Pilotage Account--State Appropriation	\$417,000
	\$1,400,000
<u>NEW SECTION. Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE</u>	
Motor Vehicle Account--State Appropriation	\$1,400,000
<p>The appropriation in this section is subject to the following conditions and limitations:</p> <p>(1) The joint transportation committee shall conduct a review of state level governance of transportation, with a focus on the appropriate roles of the separate branches of government. The committee shall review the statutory duties, roles, and functions of the transportation commission and the department. In that review the committee shall determine which responsibilities may be transferred to the executive and which may be transferred to the legislature. By December 15, 2005, the joint transportation committee shall make its recommendations to the house of representatives and senate transportation committees. The joint transportation committee shall consult with affected agencies and other stakeholders in conducting its analysis. The committee may consult with and retain private professional and technical experts as necessary to ensure an independent review and analysis.</p> <p>(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.</p> <p>(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.</p> <p>(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.</p> <p>(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.</p> <p>(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.</p> <p>(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.</p> <p>(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.</p> <p>(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.</p>	
<u>NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION</u>	
Motor Vehicle Account--State Appropriation	\$4,607,000
Multimodal Transportation Account--State Appropriation	\$1,150,000
TOTAL APPROPRIATION	

\$5,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities. This study shall serve as the statewide tolling feasibility study required in Engrossed Substitute House Bill No. 1541, and shall serve as the tolling study necessary to implement toll facilities within a regional transportation investment district or its successor entity.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate. The study must recommend any additional laws, rules, procedures, resources, studies, reports, or support infrastructure necessary or desirable before proceeding with the review, evaluation, or implementation of any toll projects or a system-wide, value priced transportation structure.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

(2) \$2,270,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.

The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation

\$664,000

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation

\$202,530,000

State Patrol Highway Account--Federal Appropriation

\$10,544,000

State Patrol Highway Account--Private/Local Appropriation

\$169,000

TOTAL APPROPRIATION

\$213,243,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) A maximum of \$9,855,000 of the total appropriation is provided for ferry security-related activities. The patrol shall explore alternatives for providing ferry security, including, but not limited to, using cadets whenever possible and contracting with local law enforcement agencies.

(8) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU
State Patrol Highway Account--State Appropriation

	\$82,748,000
State Patrol Highway Account--Private/Local Appropriation	\$2,008,000
TOTAL APPROPRIATION	\$84,756,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.

(4) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(5) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(6) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(7) A maximum of \$412,000 of the total appropriation is provided for ferry security-related activities.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$3,000
Motorcycle Safety Education Account--State Appropriation	\$96,000
Wildlife Account--State Appropriation	\$82,000
Highway Safety Account--State Appropriation	\$11,418,000
Motor Vehicle Account--State Appropriation	\$7,043,000
DOL Services Account--State Appropriation	\$88,000
Biometric Security Account--State Appropriation	

TOTAL APPROPRIATION

\$57,000

\$18,787,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation

\$2,000

Motorcycle Safety Education Account--State Appropriation

\$35,000

Wildlife Account--State Appropriation

\$102,000

Highway Safety Account--State Appropriation

\$20,698,000

Motor Vehicle Account--State Appropriation

\$12,095,000

Motor Vehicle Account--Private/Local Appropriation

\$500,000

DOL Services Account--State Appropriation

\$7,825,000

Biometric Security Account--State Appropriation

\$728,000

TOTAL APPROPRIATION

\$41,985,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation

\$26,000

Wildlife Account--State Appropriation

\$626,000

Motor Vehicle Account--State Appropriation

\$49,894,000

Motor Vehicle Account--Private/Local Appropriation

\$872,000

DOL Services Account--State Appropriation

\$1,146,000

Highway Safety Account--State Appropriation

\$404,000

TOTAL APPROPRIATION

\$52,968,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

<u>NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES</u>	
Motorcycle Safety Education Account--State Appropriation	\$3,005,000
Highway Safety Account--State Appropriation	\$85,051,000
Highway Safety Account--Federal Appropriation	\$8,000
Biometric Security Account--State Appropriation	\$1,523,000
TOTAL APPROPRIATION	\$89,587,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

<u>NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B</u>	
Tacoma Narrows Toll Bridge Account--State Appropriation	\$8,615,000

<u>NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C</u>	
Motor Vehicle Account--State Appropriation	\$55,941,000
Motor Vehicle Account--Federal Appropriation	\$1,973,000
Puget Sound Ferry Operations Account--State Appropriation	\$8,558,000
Multimodal Transportation Account--State Appropriation	\$363,000
TOTAL APPROPRIATION	\$66,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2005 legislative interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

<u>NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING</u>	
Motor Vehicle Account--State Appropriation	\$33,499,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	\$5,632,000
Aeronautics Account--Federal Appropriation	\$2,150,000
Aircraft Search and Rescue Safety and Education Account--State Appropriation	\$262,000
Multimodal Transportation Account--State Appropriation	\$100,000
Multimodal Transportation Account--Federal Appropriation	\$900,000
TOTAL APPROPRIATION	\$9,044,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.

(c) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation	\$48,961,000
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Account--State Appropriation	\$250,000
TOTAL APPROPRIATION	\$49,711,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) \$1,475,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	\$1,068,000
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NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation	\$296,648,000
Motor Vehicle Account--Federal Appropriation	\$1,426,000
Motor Vehicle Account--Private/Local Appropriation	\$4,315,000
TOTAL APPROPRIATION	\$302,389,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$42,811,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$128,000
TOTAL APPROPRIATION	\$44,989,000

The appropriations in this section are subject to the following conditions and limitations: \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$25,434,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,321,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	\$27,758,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$22,390,000
Motor Vehicle Account--Federal Appropriation	\$16,756,000
Multimodal Transportation Account--State Appropriation	\$2,267,000
Multimodal Transportation Account--Federal Appropriation	\$2,829,000
Multimodal Transportation Account--Private/Local Appropriation	\$2,829,000

Transportation Partnership Account--State Appropriation	\$100,000
	\$6,000,000
TOTAL APPROPRIATION	\$50,342,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$900,000 of the multimodal transportation account--state appropriation and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for implementing Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089. This amount is not intended to fund a tolling feasibility study provided for in that legislation, since that funding is provided through appropriation to the transportation commission. If neither Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 is enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.

(3) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.

(4) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(5) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

(7) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$45,030,000
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	\$45,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES	\$1,667,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	\$1,017,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES	\$4,049,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	\$3,572,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	\$31,749,000
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	\$1,717,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT	\$545,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES	\$1,114,000
NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V	
Multimodal Transportation Account--State Appropriation	\$62,269,000
Multimodal Transportation Account--Federal Appropriation	\$2,603,000
Multimodal Transportation Account--Private/Local Appropriation	\$155,000
TOTAL APPROPRIATION	\$65,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) Pursuant to the grant program established in Engrossed Substitute House Bill No. 2124, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State
Appropriation

\$350,454,000

Multimodal Transportation Account--State
Appropriation

\$3,660,000

TOTAL APPROPRIATION

\$354,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$57,928,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$222,356,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2007. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules. Funds may not be spent to implement the results of the passenger-only ferry study conducted by the joint transportation committee provided in section 205 of this act until approved by the legislature.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--
OPERATING

Multimodal Transportation Account--State

Appropriation

\$36,420,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) \$2,750,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation	\$7,947,000
Motor Vehicle Account--Federal Appropriation	\$2,597,000
Multimodal Transportation Account--State Appropriation	\$211,000
TOTAL APPROPRIATION	\$10,755,000

The appropriations in this section are subject to the following conditions and limitations: \$211,000 of the motor vehicle account--state appropriation and \$211,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation	\$2,801,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,535,000 of the appropriation is provided solely for the Shelton training academy domestic water and wastewater treatment project.

(2) \$1,266,000 of the appropriation is provided solely for minor works projects.

(3) The Washington state patrol, through the director of fire protection, shall study and make recommendations to the legislature regarding the need for improvements and additions to the state fire training academy located at North Bend. The patrol may include in its recommendations information regarding capital improvements, additional staffing and salary requirements, and technology improvements. The study and recommendations shall be submitted to the legislature by December 1, 2005.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$67,933,000
Motor Vehicle Account--State Appropriation	\$355,000
County Arterial Preservation Account--State Appropriation	\$30,392,000
TOTAL APPROPRIATION	\$98,680,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$99,425,000
Small City Preservation and Sidewalk Account--State Appropriation	\$2,000,000
Transportation Improvement Account--State Appropriation	

TOTAL APPROPRIATION

\$103,601,000

\$205,026,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

(2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation

\$2,492,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$601,000 of the motor vehicle account--state appropriation is provided solely for the statewide administration.

(2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) \$224,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) \$219,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) \$833,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State Appropriation

\$1,175,004,000

Motor Vehicle Account--State Appropriation

\$70,359,000

Motor Vehicle Account--Federal Appropriation

\$229,036,000

Motor Vehicle Account--Private/Local Appropriation

\$33,893,000

Special Category C Account--State Appropriation

\$3,419,000

Tacoma Narrows Toll Bridge Account Appropriation

\$272,329,000

Transportation Partnership Account--State Appropriation

\$519,786,000

TOTAL APPROPRIATION

\$2,303,826,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2005-6, Highway Improvement Program (I) as developed April 24, 2005. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(a) Within the amount provided in this subsection, \$500,000 of the transportation 2003 account (nickel account) appropriation is provided for right-of-way acquisition for the SR 502 widening from Battleground to I-5. The department must develop a right-of-way acquisition plan in conjunction with the city of Battleground that conforms with the city's comprehensive growth management plan. No funds may be expended on this project until the city of Battleground and the department of transportation have reached an agreement on the right-of-way acquisition plan.

(b) Within the amounts provided in this subsection, \$5,000,000 of the transportation partnership account--state appropriation is provided solely for project 109040S: I-90/Seattle to Mercer Island – Two way transit/HOV. Expenditure of

these funds is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is provided solely for an SR 534 access point decision report.

(e) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for an eastern Washington freight corridor study, to evaluate the development of a freight corridor from Osoyoos, Canada to Mesa, Franklin county.

(f) Within the amounts provided within this subsection, \$435,000,000 of the transportation partnership account--state appropriation is provided solely for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(2) The motor vehicle account--state appropriation includes \$53,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.

(4) The transportation partnership account--state appropriation includes \$400,000,000 in proceeds from the sale of bonds authorized by Substitute House Bill No. 2311 (or the version as enacted into law). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The Tacoma Narrows toll bridge account--state appropriation includes \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$15,313,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes \$940,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(8) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(9) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(10) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(11) The department of transportation shall remove any median barriers on South Kent Des Moines Road between I-5 and Pacific Highway that prevent vehicles from making a left turn across the roadway.

(12) \$13,000,000 of the transportation 2003 account (nickel account)--state appropriation and \$5,000,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,000,000 will be provided in the 2007-09 biennium from the transportation partnership account.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P Transportation 2003 Account (Nickel Account)--State

Appropriation	\$10,622,000
Motor Vehicle Account--State Appropriation	
Motor Vehicle Account--Federal Appropriation	\$76,824,000

Motor Vehicle Account--Private/Local Appropriation	\$404,360,000
Puyallup Tribal Settlement Account--State Appropriation	\$6,656,000
Transportation Partnership Account--State Appropriation	\$11,000,000
TOTAL APPROPRIATION	\$139,533,000
	\$648,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2005-6, Highway Preservation Program (P) as developed April 24, 2005. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects.

(b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects.

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11st Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) \$11,590,000 of the motor vehicle account--state appropriation, \$95,299,000 of the motor vehicle account--federal appropriation, and \$113,591,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes \$530,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation	\$17,519,000
Motor Vehicle Account--Federal Appropriation	\$15,068,000
Motor Vehicle Account--Local Appropriation	\$108,000
TOTAL APPROPRIATION	\$32,695,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional

earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	\$153,184,000
Puget Sound Capital Construction Account--Federal Appropriation	\$59,967,000
Puget Sound Capital Construction Account--Private/Local Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$13,249,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$34,987,000
TOTAL APPROPRIATION	\$261,413,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes \$72,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) The multimodal transportation account--state appropriation includes \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2005-6, Ferries Construction Program (W) as developed April 24, 2005. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$250,000
Multimodal Transportation Account--State Appropriation	\$67,158,000
Multimodal Transportation Account--Private/Local Appropriation	\$8,287,000
Multimodal Transportation Account--Federal Appropriation	\$11,966,000
TOTAL APPROPRIATION	\$88,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$33,435,000 in proceeds from the sale of bonds and \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) \$67,158,000 of the multimodal transportation account--state appropriation, \$11,966,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2005-2, Rail Capital Program (Y) as developed April 23, 2005. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is provided solely for the two commuter rail projects listed in the LEAP Transportation Document 2005-6, Rail Capital Program (Y) as developed April 24, 2005.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	\$1,602,000
Motor Vehicle Account--Federal Appropriation	\$18,221,000
Motor Vehicle Account--State Appropriation	\$6,702,000
Freight Mobility Investment Account--State Appropriation	\$12,000,000
Multimodal Transportation Account--State Appropriation	\$36,002,000
TOTAL APPROPRIATION	\$74,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$3,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) \$274,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) \$867,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) \$18,221,000 of the motor vehicle account--federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$5,180,000; Colville Alternate Truck Route, \$2,000,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$1,791,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) \$3,400,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), \$2,520,000; Port of Kennewick/Piert Road, \$520,000; SR 397 Ainsworth Ave. Grade Crossing, \$360,000.

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department must issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Preference will be given to projects that provide a local match. The grant recipients may only be governmental entities.

(12) \$19,540,000 of the multimodal transportation account--state appropriation and \$12,000,000 of the freight investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2005-6, Local Programs (Z) as developed April 24, 2005. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$354,913,000
Nondebt-Limit Reimbursable Account Appropriation	\$8,775,000
Ferry Bond Retirement Account Appropriation	\$39,010,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$30,899,000
Motor Vehicle Account--State Appropriation	\$2,562,000
Transportation Improvement Account--State Appropriation	\$105,000
Multimodal Transportation Account--State Appropriation	\$303,000
Transportation 2003 Account (Nickel Account) Appropriation	\$19,177,000

TOTAL APPROPRIATION

\$455,744,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	\$283,000
Transportation Improvement Account--State Appropriation	\$13,000
Multimodal Transportation Account--State Appropriation	\$96,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,400,000
Transportation Partnership Account--State Appropriation	\$2,800,000

TOTAL APPROPRIATION

\$5,592,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows toll bridge account

\$257,016,000

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction account

\$72,000,000

The department of transportation is authorized to sell up to \$72,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties

\$450,757,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS
Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers

\$820,769,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State

\$2,000,000

(2) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account--State

\$73,000,000

(3) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State

\$10,000,000

(4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State

\$19,087,000

(5) Motor Vehicle Account--State Appropriation:

For transfer to the Transportation Partnership Account--State	\$51,372,000
(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State	\$21,170,000
(7) Transportation Partnership Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State	\$2,000,000
(8) Transportation Partnership Account--State Appropriation: For transfer to the Transportation Improvement Account--State	\$5,000,000
(9) Transportation Partnership Account--State Appropriation: For transfer to the Rural Arterial Trust Account--State	\$3,000,000
(10) Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State	\$2,500,000
(11) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State	\$1,406,000
(12) Motor Vehicle Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State	\$461,000
(13) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation Partnership Account--State	\$29,400,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount identified in subsection (3) of this section may not include any revenues collected as passenger fares.

NEW SECTION. Sec. 407. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in sections 101 through 408 of this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 408. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. EMPLOYEE SALARY COST OF LIVING ADJUSTMENT. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for salary cost of living adjustments subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriations for cost of living adjustments provide for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.

(2) The appropriations for cost of living adjustments provide for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(3) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) The appropriations for cost of living adjustments provide for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

NEW SECTION. Sec. 502. COMPENSATION--INSURANCE BENEFITS. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for insurance benefits subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007, the monthly employer funding rate shall not exceed \$744.00 per eligible employee covered by the health insurance collective bargaining agreement reached between the governor and health insurance coalition under the personnel system reform act of 2002 or \$618.00 per eligible ferry system employee and general government employee not covered under that agreement.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

NEW SECTION. Sec. 503. CONTRIBUTIONS TO RETIREMENT SYSTEMS. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for agency savings in the cost of other compensation items provided at the pension rates as set forth in House Bill No. 1043 and Engrossed Substitute House Bill No. 1044.

NEW SECTION. Sec. 504. COMPENSATION ADJUSTMENT FOR SALARY SURVEY. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for compensation adjustments related to the salary survey.

NEW SECTION. Sec. 505. COMPENSATION ADJUSTMENT FOR CLASSIFICATION REVISIONS. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for the compensation adjustment related to the classification revisions.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by sections 101 through 611 of this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. The department of transportation may transfer federal funds for state funds within the preservation and improvement programs if funded projects are eligible to use additional federal funds and the scope of the project is not increased. The department shall not transfer funds as authorized under this subsection without approval of the director of financial management. A report of the transfers will be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.

NEW SECTION. Sec. 603. (1) The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations or the transportation partnership account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project;

(b) Transfers from a project may be made if the project is experiencing unavoidable expenditure delays;

(c) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(d) Each transfer between projects may only occur if the commission finds that any resulting change will not hinder the completion of the projects approved by the legislature; and

(e) Transfers may not occur to projects not identified on the applicable project list.

(2) A report of the transfers shall be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.

NEW SECTION. Sec. 604. If House Bill No. 1254 is enacted by July 1, 2005, then on June 30, 2007, the remaining unexpended fund balance in the bicycle and pedestrian safety account shall be deposited into the Share the Road account established in House Bill No. 1254.

NEW SECTION. Sec. 605. The department of transportation shall eliminate 131 middle management positions by June 30, 2007. The middle management reduction, however, shall not impact the work force required to manage and support the delivery of the 2003 nickel package and 2005 transportation partnership package.

NEW SECTION. Sec. 606. Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the Alaskan Way Viaduct, State Route 520 Bridge replacement, and widening of Interstate 405 including a managed lanes concept.

NEW SECTION. Sec. 607. The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34. The financial reporting value of

the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's assistance must establish an asset replacement value for the state's highway system. A report must be submitted to the transportation committees of the senate and the house of representatives each April. During 2005, the speaker of the house of representatives and the president of the senate must select one member from each caucus to work with the office of financial management, the joint legislative audit and review committee, the department of transportation, and the department of general administration to identify areas in state government where the GASB philosophy could be implemented. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management.

NEW SECTION. Sec. 608. During the 2005-07 biennium, the director of general administration, through the office of state procurement, shall:

(1) In consultation with the state investment board and the state treasurer's office, explore and implement strategies designed to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short-term and long-term fuel costs. The department of general administration shall contract for these services. These fuel cost mitigation strategies shall be made available to all state agencies, institutions of higher education, and political subdivisions that purchase fuel through the office of state procurement. These strategies may include but are not limited to futures contracts, swap transactions, option contracts, costless collars, and long-term storage.

(2) Recommend a mechanism for funding these fuel cost mitigation strategies that recognizes that the benefit accrues across state and local governments. To pay for these services, the director may also explore negotiated incentives with contracted providers.

(3) Report to the fiscal committees of the legislature each December 15th regarding the types of contracts established to mitigate fuel costs, the amounts of fuel covered by the contracts, and the cost mitigation results. The reports shall also include recommendations for improving or continuing the fuel cost mitigation program.

Sec. 609. RCW 81.84.020 and 2003 c 373 s 5 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities, counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until ~~((March 1, 2005))~~ July 1, 2006, the commission shall not accept or consider an application for passenger-only ferry service serving any county in the Puget Sound ~~((unless the public transportation benefit area authority or ferry district serving that county, by resolution, agrees to the application))~~ area with a population of over one million people. Applications for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million pending before the commission as of the effective date of this section shall be held in abeyance and not considered before July 1, 2006.

Sec. 700. 2004 c 229 s 101 (uncodified) is amended to read as follows:
FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State
Appropriation

((\$365,000))

\$375,000

TRANSPORTATION AGENCIES--OPERATING

Sec. 701. 2003 c 360 s 201 (uncodified) is amended to read as follows:
FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION
Highway Safety Account--State Appropriation

\$2,017,000

Highway Safety Account--Federal Appropriation

\$15,744,000

School Zone Safety Account--State Appropriation

\$3,059,000

Bicycle and Pedestrian Safety Account--State
Appropriation

\$15,000

TOTAL APPROPRIATION

((\$20,820,000))

\$20,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(a) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(b) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) The traffic safety commission shall use the following guidelines to administer the program:

(i) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(ii) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(iii) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(iv) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(v) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(vi) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vii) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(viii) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.46.120, 3.50.100, and 35.20.220, and must be processed in the same manner as parking violations; and

(ix) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

(2) \$210,000 of the highway safety account--state appropriation is provided solely for continuing the five existing DUI/traffic safety task forces that receive federal project funding that expires during the 2003-05 biennium. However, the appropriation in this subsection may only be expended for a task force when the federal funding for that task force has expired.

(3)(a) \$1,555,000 of the school zone safety account--state appropriation is provided solely as matching funds for the following school safety enhancement projects, as proposed by local agencies, schools, and tribal governments in response to the department of transportation's highways and local programs request for information for potential projects to be financed under Referendum No. 51:

Agency	Project Title
Cheney	School Crosswalk Improvement Project
Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
Brier	37th Pl SW & 233rd Pl SW Sidewalk
Sunnyside	Lincoln Ave Sidewalks
Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
Steilacoom	Cherrydale Elementary School Safety Enhancement
Yakima	W Valley School Zone Flashers
Camas SD	SR 500 at 15th St Interchange
Seattle	Meadowbrook Playfield - NE 105th St
Vancouver	Franklin ES Sidewalk Improvements

(b) If one or more of the projects under this subsection cannot be completed or no longer seeks state matching funds, the following projects may be substituted in order of priority:

Agency	Project Title
Davenport	Davenport Sixth St School Sidewalk
Edmonds	96th Ave W Pedestrian Improvements
Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary
Yakima	Englewood/Powerhouse Intersection Safety Project

(c) The highways and local programs division within the department of transportation shall provide assistance to the commission in administering this program.

(d) The legislature intends to tie funding to specific projects only for the 2003-05 biennium.

Sec. 702. 2004 c 229 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation

(((\$69,799,000))

\$70,951,000

State Patrol Highway Account--Private/Local
Appropriation

\$1,290,000

TOTAL APPROPRIATION

(((\$71,089,000))

\$72,241,000

The appropriations in this section are subject to the following conditions and limitations: Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

Sec. 703. 2004 c 229 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation

\$2,000

Motorcycle Safety Education Account--State Appropriation	\$144,000
Wildlife Account--State Appropriation	\$55,000
Highway Safety Account--State Appropriation	(\$11,656,000)
	<u>\$11,556,000</u>
Highway Safety Account--Federal Appropriation	\$6,000
Highway Safety Account--Local Appropriation	\$60,000
Motor Vehicle Account--State Appropriation	\$6,285,000
DOL Services Account--State Appropriation	\$1,220,000
TOTAL APPROPRIATION	(\$19,428,000)
	<u>\$19,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) ~~(\$151,000)~~ \$51,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec.704. 2004 c 229 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation	(\$56,236,000)
	<u>\$53,522,000</u>
Motor Vehicle Account--Federal Appropriation	(\$5,163,000)
	<u>\$6,654,000</u>
Puget Sound Ferry Operations Account--State Appropriation	\$7,038,000
Multimodal Transportation Account--State Appropriation	\$363,000
TOTAL APPROPRIATION	(\$68,800,000)
	<u>\$67,577,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) ~~(\$2,959,000)~~ \$1,118,000 of the motor vehicle account--state appropriation and ~~(\$2,963,000)~~ \$4,454,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program.

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 705. 2004 c 229 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation

~~(\$30,981,000)~~

\$30,515,000

Sec. 706. 2004 c 229 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation

~~(\$49,056,000)~~

\$48,056,000

Motor Vehicle Account--Federal Appropriation

\$400,000

TOTAL APPROPRIATION

~~(\$49,456,000)~~

\$48,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$14,310,000)~~ \$13,985,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 707. 2003 c 360 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation

~~(\$1,011,000)~~

\$996,000

Sec. 708. 2004 c 229 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation

~~(\$38,924,000)~~

\$38,338,000

Motor Vehicle Account--Private/Local Appropriation

\$125,000

TOTAL APPROPRIATION

~~(\$39,049,000)~~

\$38,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and

coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

(4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the annual fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:

(a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;

(b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and

(c) \$400 per business per location on conventional highways.

Sec. 709. 2004 c 229 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	((<u>\$24,579,000</u>))
	<u>\$24,079,000</u>
Motor Vehicle Account--Federal Appropriation	\$636,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,093,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	((<u>\$27,281,000</u>))
	<u>\$26,781,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 710. 2004 c 229 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	((<u>\$29,494,000</u>))
	<u>\$24,194,000</u>
Motor Vehicle Account--Federal Appropriation	\$14,814,000
Multimodal Transportation Account--State Appropriation	\$1,521,000
Multimodal Transportation Account--Federal Appropriation	\$2,000,000
TOTAL APPROPRIATION	((<u>\$47,829,000</u>))
	<u>\$42,529,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to

alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) (~~(\$3,000,000)~~) \$1,200,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely for contracting with the department of natural resources to develop data systems for state submerged lands that can be shared with other governmental agencies and that can support the state vision for ecoregional planning. The data to be shared shall include, but not limited to, tabular and geospatial data describing public land ownership, distributions of native plants, marine and aquatic species and their habitats, physical attributes, aquatic ecosystems, and specially designated conservation or environmentally sensitive areas.

Sec. 711. 2004 c 229 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State

Appropriation

(\$47,057,000)

\$46,757,000

Multimodal Transportation Account--Federal Appropriation

\$2,574,000

Multimodal Transportation Account--Private/Local

Appropriation

\$155,000

TOTAL APPROPRIATION

(\$49,786,000)

\$49,486,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the commute trip reduction program for Benton county.

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program.

Sec. 712. 2004 c 229 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State
Appropriation

((\$312,490,000))

\$328,430,000

Multimodal Transportation Account--State
Appropriation

\$5,120,000

TOTAL APPROPRIATION

((\$317,610,000))

\$333,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of ((~~\$35,348,000~~)) \$51,048,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$208,935,700, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.

(4) \$984,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

(6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

(7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

(10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

(11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 713. 2004 c 229 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation

((\$34,118,000))

\$33,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((\$29,961,000)) \$29,331,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for implementing the produce rail car program as provided in RCW 47.76.420.

Sec. 714. 2004 c 229 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation

((\$7,067,000))

\$6,957,000

Motor Vehicle Account--Federal Appropriation

\$2,569,000

TOTAL APPROPRIATION

((\$9,636,000))

\$9,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

TRANSFERS AND DISTRIBUTIONS

Sec. 801. 2004 c 229 s 401 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE
Highway Bond Retirement Account Appropriation

	((<u>\$250,000,000</u>))
Nondebt-Limit Reimbursable Account Appropriation	<u>\$240,833,000</u>
	((<u>\$4,131,000</u>))
Ferry Bond Retirement Account Appropriation	<u>\$1,440,000</u>
	((<u>\$43,340,000</u>))
Transportation Improvement Board Bond Retirement Account--State Appropriation	<u>\$42,084,000</u>
	((<u>\$36,721,000</u>))
Motor Vehicle Account--State Appropriation	<u>\$33,209,000</u>
Special Category C Account--State Appropriation	\$5,254,000
Transportation Improvement Account--State Appropriation	\$338,000
Multimodal Transportation Account--State Appropriation	\$240,000
Transportation 2003 Account (nickel account) Appropriation	\$358,000
	\$2,117,000
TOTAL APPROPRIATION	((<u>\$342,499,000</u>))
	<u>\$325,873,000</u>

Sec. 802. 2004 c 229 s 402 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES
Motor Vehicle Account--State Appropriation

	((<u>\$1,293,000</u>))
Special Category C Account Appropriation	<u>\$793,000</u>
Transportation Improvement Account--State Appropriation	\$111,000
Multimodal Transportation Account--State Appropriation	\$21,000
Transportation 2003 Account (nickel account)--State Appropriation	\$119,000
	((<u>\$700,000</u>))
TOTAL APPROPRIATION	<u>\$400,000</u>

(((\$2,244,000))

\$1,444,000

Sec. 803. 2004 c 229 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for
motor vehicle fuel tax distributions to
cities and counties

(((\$440,228,000))

\$435,138,000

Motor Vehicle Account--State Appropriation:
For license permit and fee distributions to cities
and counties

(((\$13,119,000))

\$0

Sec. 804. 2004 c 229 s 405 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS

(1) State Patrol Highway Account--State
Appropriation: For transfer to the Motor
Vehicle Account

(((\$20,000,000))

\$4,000,000

(2) Motor Vehicle Account--State
Appropriation: For motor vehicle fuel tax
refunds and transfers

(((\$770,347,000))

\$752,823,000

(3) Highway Safety Account--State
Appropriation: For transfer to the motor
vehicle account--state

\$12,000,000

(4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound operating account--
state

\$9,500,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

MISCELLANEOUS

NEW SECTION. Sec. 901. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 902. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.(End of bill)

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On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 81.84.020; amending 2004 c 229 ss 101, 207, 209, 212, 213, 215, 218, 219, 220, 222, 223, 224, 225, 401, 402, 404, and 405 (uncodified); amending 2003 c 360 ss 201 and 218 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6091.
Senators Haugen, Swecker, Mulliken and Spanel spoke in favor of the motion.

MOTION

On motion of Senator Esser, Senator Parlette was excused.

Senator Morton spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6091.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6091 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6091, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6091, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 32

Voting nay: Senators Benton, Brandland, Carrell, Esser, Honeyford, Johnson, Morton, Oke, Parlette, Pflug, Roach, Schoesler and Stevens - 13

Excused: Senators Benson, Deccio, Delvin and McCaslin - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Before all the members get off the floor, the President would like to take just a moment and ask you to help me thank the incredible rostrum staff that you have up here. While you are able to move, they are not."

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. I know everybody wants to go home but I want to take just one last opportunity to thank the most fantastic Transportation staff that I have ever worked with. I want to thank Mike, Haley, Maria – who broke her leg, David – who is new and found money when I didn't think he could, Kelly, Janice, Kim – who had a appendicitis during the whole thing and Jon who was our new staff people. Without them and Mike's leadership, we would not have been successful. I want to say, God Bless them and thank them for their help again."

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1708.

The President signed:

HOUSE BILL NO. 1019,
HOUSE BILL NO. 1066,
ENGROSSED HOUSE BILL NO. 1241,
HOUSE BILL NO. 1485,
SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1606,
SUBSTITUTE HOUSE BILL NO. 1893,
SUBSTITUTE HOUSE BILL NO. 2124,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266,

SUBSTITUTE HOUSE BILL NO. 2304,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309,
HOUSE CONCURRENT RESOLUTION NO. 4408.

MOTION

On motion of Senator, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Eide, Esser, Stevens, Roach and Benton

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Brown and Finkbeiner

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8413.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8683

By Senators Spanel and Honeyford

WHEREAS, The 2005 Regular Session of the Fifty-ninth Legislature is drawing to a close; and
WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2005 Regular Session of the Fifty-ninth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2005 Regular Session of the Fifty-ninth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8684

By Senators Brown and Finkbeiner

BE IT RESOLVED, By the Senate, That a committee consisting of four members of the Senate be appointed to notify the House of Representatives that the Senate is ready to adjourn SINE DIE.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES OF ADJOURNMENT SINE DIE

Under provisions of Senate Concurrent Resolution No. 8684, the President appointed Senators Benson, Mulliken, Pridemore and Rockefeller to notify the House of Representatives that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Eide, the appointees were confirmed.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5414,
SECOND SUBSTITUTE SENATE BILL NO. 5916.

MOTION

On motion of Senator Eide, all measures shown on the floor calendars were returned to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate Journal for the one-hundred and fifth day of the 2005 Regular Session of the Fifty-ninth Legislature was approved.

REPORT OF SPECIAL COMMITTEE

The Sergeant at Arms announced the arrival of the special committee from the House of Representatives and, at the direction of the President, escorted the delegation to the bar of the Senate.

The President received the report of the special committee of the House of Representatives that the House of Representatives was ready to adjourn SINE DIE and the Sergeant at Arms escorted the delegation from the chamber.

REPORT OF SPECIAL COMMITTEE

The Sergeant at Arms announced the arrival of the special committee under provisions of Senate Concurrent Resolution No. 8684. The committee reported to the President that the delegation had reported to the House of Representatives that the Senate was ready to adjourn SINE DIE. The President thanked the delegation for their service and they returned to their seats in the chamber.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8413. SENATE CONCURRENT RESOLUTION NO. 8413, was adopted by voice vote.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8413
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8411,
SENATE CONCURRENT RESOLUTION NO. 8413

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8411,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8413,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091

The President signed:

SUBSTITUTE SENATE BILL NO. 5602

The President signed:

SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5539

The President signed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8407

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1565,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 6003,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6090,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6094,
ENGROSSED SENATE BILL NO. 6121,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8411, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1131,
HOUSE BILL NO. 1143,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
HOUSE BILL NO. 1182,
HOUSE BILL NO. 1184,
ENGROSSED HOUSE BILL NO. 1276,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1348,
SUBSTITUTE HOUSE BILL NO. 1398,
HOUSE BILL NO. 1399,
HOUSE BILL NO. 1428,
HOUSE BILL NO. 1429,
HOUSE BILL NO. 1439,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 1466,
HOUSE BILL NO. 1471,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1494,
SUBSTITUTE HOUSE BILL NO. 1643,
HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1841,
HOUSE BILL NO. 1916,
HOUSE BILL NO. 1944,
HOUSE BILL NO. 1966,
HOUSE BILL NO. 1974,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,
HOUSE BILL NO. 2115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2194,
ENGROSSED HOUSE BILL NO. 2219,

ENGROSSED HOUSE BILL NO. 2257,
ENGROSSED HOUSE BILL NO. 2270,
HOUSE CONCURRENT RESOLUTION NO. 4409.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8411, the following House Bills were returned to the House of Representatives:

ENGROSSED HOUSE BILL NO. 1016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1029,
SUBSTITUTE HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1035,
HOUSE BILL NO. 1051,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055,
ENGROSSED HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
SUBSTITUTE HOUSE BILL NO. 1091,
HOUSE BILL NO. 1096,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
HOUSE BILL NO. 1139,
SUBSTITUTE HOUSE BILL NO. 1144,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
ENGROSSED HOUSE BILL NO. 1157,
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SUBSTITUTE HOUSE BILL NO. 1257,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282,
HOUSE BILL NO. 1297,
SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1341,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1353,
HOUSE BILL NO. 1373,
SUBSTITUTE HOUSE BILL NO. 1374,
HOUSE BILL NO. 1382,
HOUSE BILL NO. 1383,
SUBSTITUTE HOUSE BILL NO. 1384,
HOUSE BILL NO. 1403,
SUBSTITUTE HOUSE BILL NO. 1413,
SUBSTITUTE HOUSE BILL NO. 1419,
HOUSE BILL NO. 1443,
SUBSTITUTE HOUSE BILL NO. 1453,
SECOND SUBSTITUTE HOUSE BILL NO. 1483,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,
HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1510,
SECOND SUBSTITUTE HOUSE BILL NO. 1516,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1568,
HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1648,
HOUSE BILL NO. 1716,

HOUSE BILL NO. 1721,
HOUSE BILL NO. 1742,
HOUSE BILL NO. 1779,
SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1813,
ENGROSSED HOUSE BILL NO. 1814,
SECOND SUBSTITUTE HOUSE BILL NO. 1815,
SUBSTITUTE HOUSE BILL NO. 1834,
HOUSE BILL NO. 1906,
SUBSTITUTE HOUSE BILL NO. 1921,
HOUSE BILL NO. 1941,
HOUSE BILL NO. 1947,
SUBSTITUTE HOUSE BILL NO. 1969,
SUBSTITUTE HOUSE BILL NO. 1975,
SUBSTITUTE HOUSE BILL NO. 2033,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2053,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2069,
SUBSTITUTE HOUSE BILL NO. 2086,
HOUSE BILL NO. 2096,
ENGROSSED HOUSE BILL NO. 2105,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
SUBSTITUTE HOUSE BILL NO. 2137,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2157,
HOUSE BILL NO. 2206,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2259,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
HOUSE JOINT RESOLUTION NO. 4201,
HOUSE JOINT RESOLUTION NO. 4202,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4405.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1082,
HOUSE BILL NO. 1085,
HOUSE BILL NO. 1106,
HOUSE BILL NO. 1120,
HOUSE BILL NO. 1145,
SUBSTITUTE HOUSE BILL NO. 1219,
SUBSTITUTE HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1230,
HOUSE BILL NO. 1279,
SECOND SUBSTITUTE HOUSE BILL NO. 1316,
HOUSE BILL NO. 1331,
SUBSTITUTE HOUSE BILL NO. 1344,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1365,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1415,
SUBSTITUTE HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1467,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1633,
SUBSTITUTE HOUSE BILL NO. 1634,
HOUSE BILL NO. 1763,
SUBSTITUTE HOUSE BILL NO. 1817,
SUBSTITUTE HOUSE BILL NO. 1850,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
HOUSE BILL NO. 1939,
HOUSE BILL NO. 1986,

HOUSE BILL NO. 2007,
HOUSE BILL NO. 2021,
SECOND SUBSTITUTE HOUSE BILL NO. 2030,
SUBSTITUTE HOUSE BILL NO. 2071,
SUBSTITUTE HOUSE BILL NO. 2215,
SUBSTITUTE HOUSE BILL NO. 2292,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
HOUSE CONCURRENT RESOLUTION NO. 4411.

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

Under provisions of Senate Concurrent Resolution No. 8411, the House is returning the following bill{s} to the Senate:

SUBSTITUTE SENATE BILL NO. 5013,
SENATE BILL NO. 5059,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5069,
SENATE BILL NO. 5070,
SUBSTITUTE SENATE BILL NO. 5104,
SENATE BILL NO. 5117,
SUBSTITUTE SENATE BILL NO. 5157,
ENGROSSED SENATE BILL NO. 5160,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5164,
SENATE BILL NO. 5179,
SUBSTITUTE SENATE BILL NO. 5204,
SENATE BILL NO. 5221,
SUBSTITUTE SENATE BILL NO. 5229,
SENATE BILL NO. 5247,
SUBSTITUTE SENATE BILL NO. 5250,
SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5278,
SENATE BILL NO. 5279,
SUBSTITUTE SENATE BILL NO. 5282,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
SENATE BILL NO. 5319,
SENATE BILL NO. 5325,
SUBSTITUTE SENATE BILL NO. 5326,
SENATE BILL NO. 5327,
SENATE BILL NO. 5329,
SENATE BILL NO. 5330,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5349,
SUBSTITUTE SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5407,
ENGROSSED SENATE BILL NO. 5417,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5426,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5445,
SENATE BILL NO. 5462,
ENGROSSED SENATE BILL NO. 5510,
SENATE BILL NO. 5528,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5609,
SUBSTITUTE SENATE BILL NO. 5614,
SENATE BILL NO. 5621,
SENATE BILL NO. 5636,
SECOND SUBSTITUTE SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5643,
SUBSTITUTE SENATE BILL NO. 5666,

SUBSTITUTE SENATE BILL NO. 5680,
SUBSTITUTE SENATE BILL NO. 5682,
SENATE BILL NO. 5691,
SUBSTITUTE SENATE BILL NO. 5717,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5730,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE BILL NO. 5803,
SUBSTITUTE SENATE BILL NO. 5811,
SUBSTITUTE SENATE BILL NO. 5822,
SUBSTITUTE SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 5895,
SUBSTITUTE SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5907,
SUBSTITUTE SENATE BILL NO. 5910,
SUBSTITUTE SENATE BILL NO. 6001,
SENATE CONCURRENT RESOLUTION NO. 8410,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2005

MR. PRESIDENT:

Under provisions of Senate Concurrent Resolution No. 8411, the House is returning the following bills to the Senate:

SECOND SUBSTITUTE SENATE BILL NO. 5041,
SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5054,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
SENATE BILL NO. 5086,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5098,
SENATE BILL NO. 5106,
SUBSTITUTE SENATE BILL NO. 5132,
SENATE BILL NO. 5134,
SENATE BILL NO. 5159,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5171,
ENGROSSED SENATE BILL NO. 5222,
SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5234,
SUBSTITUTE SENATE BILL NO. 5237,
SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5270,
SENATE BILL NO. 5272,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5287,
SUBSTITUTE SENATE BILL NO. 5288,
SENATE BILL NO. 5307,
SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5390,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5502,
ENGROSSED SENATE BILL NO. 5530,
SUBSTITUTE SENATE BILL NO. 5551,
SUBSTITUTE SENATE BILL NO. 5585,
SUBSTITUTE SENATE BILL NO. 5611,
SENATE BILL NO. 5612,

SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5672,
SUBSTITUTE SENATE BILL NO. 5702,
SENATE BILL NO. 5705,
ENGROSSED SENATE BILL NO. 5710,
ENGROSSED SENATE BILL NO. 5714,
SENATE BILL NO. 5723,
SENATE BILL NO. 5744,
SUBSTITUTE SENATE BILL NO. 5755,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5773,
SUBSTITUTE SENATE BILL NO. 5789,
SENATE BILL NO. 5814,
SUBSTITUTE SENATE BILL NO. 5994,
ENGROSSED SENATE BILL NO. 6010,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6104,
SENATE JOINT RESOLUTION NO. 8206,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGES FROM THE GOVERNOR

April 25, 2005

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2004 Regular Session of the 59th Legislature, copies of which are attached.

Sincerely,

JENNIFER JOLY, General Counsel

**CONDITIONAL COMMUTATION
OF
TRINA MARIE STERN**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, Trina Stern began her life as a small-town girl, who enjoyed showing dogs in 4-H. She was an honor student and never missed a day of school. However, a few months after starting at Port Angeles High School, she quickly fell in with a new crowd. She began skipping school, running away from home, drinking alcohol, and doing drugs. Her drug and alcohol abuse was so severe she had to spend several weeks at a substance abuse treatment center; and

WHEREAS, despite her parents' wishes, at fifteen, she ran away with her boyfriend, David Bircher, also fifteen, to live with him and his mother. Ms. Stern was pregnant with Mr. Bircher's child. Ms. Stern and Mr. Bircher came to believe Mrs. Bircher was interfering with their relationship and that she had to be killed so they could finally be together. On the day of the murder, Ms. Stern had been smoking marijuana and drinking alcohol. She claimed to have gone in the bedroom and shut the door while her boyfriend, then repeatedly shot his mother with a semi-automatic gun, killing her. Fingerprints were wiped clean, so it is unknown as to who actually fired the shots. The two then fled to a campsite in Port Angeles where they were arrested; and

WHEREAS, a five-day declination hearing was held to determine whether Ms. Stern should be tried as a juvenile or as an adult. Dr. Kenneth Asher, a psychologist, examined Ms. Stern. His evaluation showed that she was a very naive, protected, and depressed girl who lacked the psychological capacity to resist the influence of her boyfriend and his mother. He also determined she was at a high risk of substance abuse. He concluded that Ms. Stern was more likely to be rehabilitated in the juvenile system than in the adult system. Lance Norton, Ms. Stern's juvenile probation officer, disagreed. He stated, in short, that the juvenile system would be inappropriate because she would not be incarcerated long enough to be rehabilitated, she did not appreciate the significance of her wrongful behavior, and was indifferent to the impact of that behavior on others. The determination was made that Ms. Stern be tried as an adult. She was convicted of First Degree Murder and sentenced in December 1997 to twenty-three years and four months; and

WHEREAS, whether or not she would have been rehabilitated in the juvenile system, Ms. Stern has shown incredible growth and maturity during her years in prison at the Purdy Corrections Center for Women. She has earned her high school diploma, taken classes in chemical dependency, moral recognition therapy, victim awareness, and college math. She has obtained valuable skills to assist in obtaining gainful employment upon transitioning back into the community; and

WHEREAS, Ms. Stern's work supervisors commend her for her performance. She has been a model inmate; since her incarceration in December of 1997, she has only received one major infraction for possession another offender's property. She has avoided drugs in prison, and has volunteered to help other inmates; and

WHEREAS, Dr. Asher performed a re-evaluation of Ms. Stern in May 2004 for the Clemency and Pardons Board. He found that Ms. Stern has matured into a thoughtful and focused young woman who is sensitive and aware of others, with deep feelings about life and morality. Dr. Asher gave Ms. Stern a strong, positive prognosis for succeeding in society when she is out in the community; and

WHEREAS, as demonstrated her behavior while in prison and the evaluations by Dr. Asher, the concerns expressed by Mr. Norton had when Ms. Stern was a juvenile—that she did not appreciate the significance of her crime and was indifferent to others—are aspects of her rehabilitation that have been met. The Clemency and Pardons Board voted unanimously in recommending a commutation based on the tremendous rehabilitation Ms. Stern had undergone and her low risk for re-offending. Board Member Smith Stated, "if the juvenile judge or judge deciding this juvenile remand had known them what we know now, he may have put her into the juvenile system. And we have the ability that he didn't which is...we get to see what did turn out to happen. We don't have to guess." Ms. Stern would have been released three years ago if she were sentenced under the juvenile system; and

WHEREAS, Ms. Stern has tremendous family and community support evidenced by letters and over one hundred signatures on her behalf. She is twenty-four years old now and her stated goal is to finish college and get a job in computed aided design or animal health care. She also wants to help troubled girls from going down the road she did; and

WHEREAS, I have reviewed all the pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interest of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Trina Marie Stern this Conditional Commutation of her sentence for the express purpose of allowing her to transition back into the community and become a productive citizen. By this order I hereby commute Ms. Stern's sentence to time served as of June 23, 2007, after serving no less than eleven years on this conviction. Ms Stern will commence a term of forty-eight months of community placement following her release from confinement with the following conditions:

Ms. Stern shall:

1. Report regularly to a Community Corrections Officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the Community Corrections Officer;
3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the Community Corrections Officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;

7. Submit to regular and random urinalysis and breathalyser testing, as directed by the Community Corrections Officer;
8. Participate in substance abuse evaluation as directed by the Community Corrections Officer, and follow up on any recommendations from such evaluation;
9. Participate in a chemical dependency evaluation as directed by the Community Corrections Officer, and follow-up on any recommendations from such evaluation;
10. Participate in chemical dependency and substance abuse support groups, as directed by the Community Corrections Officer;
11. Complete a Anger/Stress Management class if have not done so by release from incarceration;
12. Not associate with any drug users or dealers;
13. Not have any contact of any type with Co-Defendant, David Bircher;
14. Participate in electronic monitoring, if deemed appropriate by the Community Corrections Officer;
15. Participate in any mental health evaluation as recommended by the Community Corrections Officer, and follow-up on any recommendations from such evaluation; and,
16. Comply with all standard conditions, recommendations and instructions of community placement as directed by the Community Corrections Officer and with all other applicable conditions imposed by the sentencing court.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections. **PROVIDED**, that in the event Ms. Stern commits any offense classified as a felony or gross misdemeanor in the State of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Ms. Stern shall be immediately returned to the Washington Corrections Center for Women or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
GARY JACKMAN**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, in 1993, Gary Jackman was twenty years old and dating a woman who was terminally ill with cancer. Both were addicted to methamphetamines and Mr. Jackman sold the drug to support their habits. After the police were tipped off, Mr. Jackman pled guilty to Unlawful Possession of a Controlled Substance with Intent to Deliver and sentenced to thirty-six months in prison. Before his sentencing, he and his dying girlfriend fled to Minnesota, where she was from. She died several months later; and

WHEREAS, Mr. Jackman continued his drug and alcohol abuse until he was arrested on drug charges again in Minnesota; he served time from 1999 until 2002. Mr. Jackman's Minnesota probation officer discovered the old warrant from the 1993 and Mr. Jackman was extradited back to Washington to face those charges. He was sentenced to serve out his original sentence, thirty-six months, with no time credited for time served in Minnesota. He began serving his sentence in October 2003; and

WHEREAS, if a warrant had been duly performed at the time of his Minnesota arrest, Mr. Jackman would have likely served a concurrent sentence for his crimes and now be on parole. Since being incarcerated in Washington for over thirteen months, Mr. Jackman has been infraction free. He is employed in the prison as a kitchen worker; and

WHEREAS, the Pierce County Prosecutor's Office does not oppose clemency for Mr. Jackman. The Chief Criminal Deputy, Gerald Costello, notes that "Mr. Jackman has made large strides towards rehabilitation, has been a productive member of the work force in Minnesota, and has been significantly punished for the felony he committed in Washington;" and

WHEREAS, prior to his extradition Mr. Jackman established a new life for himself in Minnesota. He started a family and has been steadily employed. It is evident that Mr. Jackman has established substantial ties to Minnesota, as demonstrated by the 103 people who signed a petition to support his commutation; and

WHEREAS, I have reviewed all the pertinent facts and circumstances surrounding this matter, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Gary Jackman this Conditional Commutation for the express purpose of allowing him to return to his life in Minnesota. By this order I hereby commute Mr. Jackman's sentence to time served as of January 15, 2005, SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Jackman shall:

1. Pay any remaining legal financial obligations required by the Washington State sentencing court.
2. Proceed immediately to Minnesota.
3. Upon arrival in Minnesota, immediately report to:
Officer Denise Schweisthal
213 Southeast First Avenue
Little Falls, MN 56345
(320) 632-0304

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections. **PROVIDED**, that in the event Mr. Jackman commits any offense classified as a felony or gross misdemeanor in the State of Washington, this Conditional Communication is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Mr. Jackman shall be immediately returned to the Washington Corrections Center or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections and/or court of jurisdiction shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
JEFFREY CHAD JOHNSTON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, when he was a freshman in college, Jeffrey Johnston pled guilty to a charge of Delivery of a Controlled Substance. The Quad Cities Drug Task Force conducted a controlled buy of marijuana from Mr. Johnston. When his residence was searched, 229 grams of marijuana was discovered. Mr. Johnston was sentenced to 30 days in jail and ordered to pay restitution in the amount of \$2,300; and

WHEREAS, Mr. Johnston told the Clemency and Pardons Board that he began using marijuana on a regular basis after his best friend's death and sold the drug to support his habit. After his convictions, he attended a drug and alcohol abuse program and has not been convicted of any more crimes since 1999. He continued his education at Washington State University and earned a degree in Management Information Systems. Board members noted that it appears Mr. Johnston has put his drug use behind him; and

WHEREAS, Mr. Johnston states his life dream is to join the Army National Guard and serve his country. However, according to Sergeant Moore with the Texas Army National Guard, Mr. Johnston is ineligible to join the Guard due to his criminal conviction. Sergeant Moore notes that if it is possible to clear his record, Mr. Johnston would have the opportunity to serve his country; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Jeffrey Chad Johnston this Conditional Pardon for the express purpose that he may join the military, SUBJECT TO THE FOLLOWING CONDITIONS.

Mr. Johnston shall:

1. Not commit any more crimes; and
2. Enlist in the Texas Army National Guard, or another branch of the military, within twelve months.

The foregoing conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of these conditions this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
DONG QIU**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Dong Qiu is a native of China who in 1993 immigrated to the United States, at the age of fifteen, as a lawful permanent resident. In 1996-1998, Mr. Qiu went through a difficult period during which he had some trouble with the law. In 1996, he pled guilty to Assault in the Third Degree. This conviction stemmed from an incident where Mr. Qiu and his roommate confronted two individuals they suspected of burgling their apartment. They hit one of them on the side of the head with a shotgun barrel; the shotgun discharged and embedded pellets in a wall. Mr. Qiu's co-defendant also shot at the victim with a handgun. Later that year, in violation of court orders, Mr. Qiu was found in possession of a handgun. He pled guilty to Attempted Unlawful Possession of a Firearm in the Second Degree. In 1998, Mr. Qiu was a passenger in his own car, which was being driven by a friend. The care was stopped for an equipment violation and a search revealed twenty grams of marijuana in three bags, empty baggies, and a set of scales. Mr. Qiu pled guilty to Unlawful Solicitation to Possess a Controlled Substance. As a result of these convictions, Mr. Qiu is currently facing deportation to China as an "aggravated felon" under the Immigration and Nationality Act; and

WHEREAS, Mr. Qiu has completed all the requirements of his sentences, paid court expenses in full, and has remained crime-free since his 1998 conviction. He has worked hard to turn his life around. He went to college and for the last two years has been working as a computer programmer for a construction company. Having been in the U. S. For eleven years, Mr. Qiu has developed strong ties to his community. His entire family now lives in Washington. He is also married to a U. S. Citizen wife and has two children. Numerous letters of support were also sent by employers and friends attesting to Mr. Qiu's character; and

WHEREAS, Clemency and Pardons Board Member Smith noted that, "I think that the consequence {of deportation} from the convictions so far outweighs the magnitude of his culpability for those offenses;" and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Dong Qiu this Full and Unconditional Pardon for the express purpose of obtaining a waiver to legally remain in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of Senate

**CONDITIONAL PARDON
OF
RION LEE TISINO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Rion Tisino was a high school dropout involved with gangs and drugs, and received a felony conviction for possession of cocaine. When he was nineteen years old, he was involved in a dispute with rival gang members and was shot in the back. He began carrying a gun, which was discovered by officers during a stop for a traffic violation. Mr. Tisino was

convicted of Possession of a Firearm and sentenced to 90 days in prison. After his harrowing near-death encounter and serving time in prison, he realized his life needed to change; and

WHEREAS, Mr. Tisino earned a GED, Associates Degree, and both a Bachelors and Masters in Social Work. While enrolled at South Seattle Community College (SSCC), Mr. Tisino received a SSCC Foundation scholarship, participated in student government, and was awarded for tutoring other students in math. During this time, he also tutored elementary students in reading and math. He currently works at Central Youth Family Services in Seattle and an is active member of the Seattle Police Department's African American Community Council; and

WHEREAS, Mr. Tisino has been crime free since 1995. His drug conviction was vacated in June 2004. He would have also been able to vacate his firearms conviction, but due to a clerical error made by the Department of Corrections, he must wait another five years. Despite his felony conviction, he was hired as a middle and high school counselor in the Seattle Public Schools, with the understanding that his felony conviction would be resolved. This exception was made because Mr. Tisino has a proven his aptitude for helping others and his life experiences make him uniquely qualified in working with at-risk youth. Chairman Winsor of the Clemency and Pardons Board pointed out that Mr. Tisino was not given a second chance, but earned it; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue fo the power vested in me as Governor of the State of Washington, hereby grant to Rion Lee Tisino this Conditional Pardon, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Tisino shall not commit any more crimes.
2. Mr. Tisino shall not receive, possess, own, ship or transport firearms. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

The conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of any of these conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
ROGELIO HERRERA-TORRES**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Rogelio Herrera-Torres came to the United States from Mexico in 1982, becoming a lawful permanent resident in 1989. He resided in Washington for twenty years, employed at riding clubs and stables as a ranch hand. Mr. Herrera-Torres remained crime free until 1996 when he was charged with First Degree Child Molestation for fondling his nine year old niece. Once confronted, Mr. Herrera-Torres admitted his responsibility and sought help for his deviancy. He was sentenced to 51 months in prison; and

WHEREAS, while incarcerated, Mr. Herrera-Torres successfully completed sexual deviancy treatment. His counselors reported that he appeared empathetic, honest, and willing to accept criticism. They stated that he was motivated in treatment and he appeared to have a good understanding of his deviant behavior. His treatment providers rated him a low risk to re-offend as did four independent computerized risk assessment tools. In addition, while incarcerated he remained infraction-free and completed his GED, and alcohol program, and anger management classes; and

WHEREAS, at the time of his sentencing, the crime for which Mr. Herrera-Torres was convicted of was not a deportable offense. Unfortunately for Mr. Herrera-Torres, the immigration laws changed the following year classifying his crime an "aggravated felony," and thus a deportable offense. After all his immigration appeals were exhausted, Mr. Herrera-Torres was deported to Mexico in 2001 upon completion of his sentence. According to his daughter who remains in the U. S., he has remained crime free and lived an exemplary life while in Mexico, hoping to eventually return to his family in the U. S.; and

WHEREAS, Mr. Herrera-Torres has the support of his family and community members. The victim, Mr. Torres' niece, is now in high school and supports her uncle's pardon. She states that the punishment of four years in prison was severe; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interest of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Rogelio Herrera-Torres this Full and Unconditional Pardon for the express purpose of making him eligible for re-entry into the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
RABIH ABOUL EL HOSN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Rabih Aboul El Hosn was born in Lebanon and came to the United States in 1978 with his family. In 1980, he was accorded lawful permanent resident status. Having been in the U. S since he was four years old, he remembers little of his native country; and

WHEREAS, Mr. El Hosn never became a full U. S. citizen. As such, convictions for certain crimes subjected him to deportation under the Immigration and Nationality Act. When he was 18 years old, a dispute arose between Mr. El Hosn's younger brother and some neighbors over some compact discs. The neighbors allegedly threatened Mr. El Hosn and his brother, shot at their home, and then shattered the windows of Mr. El Hosn's car. Mr. El Hosn decided to go to the neighbors' house to confront them. After an angry exchange of words, Mr. El Hosn went to his car to retrieve a revolver and shot one of the neighbors in the chest. He admitted to being under the influence of LSD and alcohol at the time; and

WHEREAS, as a result of the incident, Mr. El Hosn was convicted of First Degree Assault with a Firearm and was sentenced to serve nine years and eleven months, and ordered to pay restitution in the amount of \$16,058.45. While serving his time in prison, Mr. El Hosn earned two college certificates for drafting and web development/computer programming from Edmonds Community College. He was also a teacher's assistant with the college for almost three years. In addition to the college coursework and various job training certifications, Mr. El Hosn received several recognition certificates; and

WHEREAS, after he served his prison term, Mr. El Hosn was deported to Lebanon in March 2004 after exhausting all immigration appeals. At the time of his conviction, Mr. El Hosn was not at risk of being deported. However, the immigration laws changed in 1997 and applied retroactively to make Mr. El Hosn's crime a deportable offense; and

WHEREAS, all of Mr. El Hosn's immediate family resides in the U. S. In testimony before the Clemency and Pardons Board via telephone, he indicated that he is living in Lebanon with an uncle he does not know, and he does not speak or read the language. He considers himself an American, and stated, "I wasn't really aware that I wasn't an American citizen until after I committed this felony." Shortly following his deportation, his mother died of cancer. He wishes to return to the U. S. And support his elderly father; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Rabih About El Hosn this Full and Unconditional Pardon for the express purpose of making Mr. El Hosn eligible for re-entry into the United States. It is my hope that upon his return he will become a law abiding citizen, and satisfy any restitution still owed as a result of the assault.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
SINXAY KEOSISANO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Sinxay Keosisano entered the United States in 1979 as a refugee from Laos when he was eight years old. He became a lawful permanent resident in March 1982. In 1995, after some drinking, he and his brother, Vanxay, broke into a convenience store and stole some beer and candy. As a result, Mr. Keosisano was convicted of Burglary in the Second Degree, sentenced to community service, and ordered to pay \$1,718 in restitution. He has paid restitution in full and apologized to the storeowner. The owner has forgiven him and has since allowed Mr. Keosisano to return to his store; and

WHEREAS, Mr. Keosisano is facing deportation to Laos based on a separate incident that occurred in 1997. Again, after several drinks, Mr. Keosisano and his brother went to a Burger King. While they were there, they encountered some Marines, who were also intoxicated. The Marines followed the Keosisano brothers home and tried to pick a fight with Vanxay. Vanxay and a Marine then got into a fistfight on the street. Soon other Marines, one wielding a knife, surrounded Vanxay and began beating him. Panicked, Mr. Keosisano ran inside to get his father's hunting rifle, hoping to scare away the Marines. He came outside and fired a shot in the air, not knowing whether the rifle was loaded. Mr. KEOSISANO then struggled for possession of the gun with others who were involved in the altercation. The gun went off and Vanxay was hit in the hand. The Marines fled and Vanxay was taken to the hospital where his finger was amputated. Due to his previous felony conviction for burglary, Mr. Keosisano was convicted as a felon in possession of a firearm; and

WHEREAS, Mr. Keosisano was sentenced to 24 months for Unlawful Possession of a Firearm in the First Degree. As a result of this conviction, Immigration and Customs Enforcement charged him removable under the immigration law for conviction of an "aggravated felony." An immigration judge ordered him removed from the U. S. in December 2002, although the order has been subject to an informal stay pending the outcome of Mr. Keosisano's request for clemency; and

WHEREAS, Mr. Keosisano's family was granted refugee status because his father had fought against the North Vietnamese Communists during the Vietnam War. Ms. Morales, Mr. Keosisano's attorney, presented an affidavit from Edward John Szendrey, a member of the Fact Finding Commission charged with bringing the plight of the Veterans of the U. S. Secret War in Laos to the attention of the U. S. Congress and the American People. Mr. Szendrey reported that in Laos family members of individuals who supported the U. S. government during the Vietnam War are subject to retaliation, including mistreatment, torture, and even genocide. Mr. Ronald Sley, an associate professor at the Seattle University School of Law who specializes in international human rights law corroborated Mr. Szendrey's position. He also reported that these individuals continue to be the target of abuse by the Laos military and are subject to being tortured, starved, raped and killed; and

WHEREAS, Mr. Keosiano acknowledged his alcohol problem and has sought help in order to live a more productive life. He completed an intensive outpatient treatment program for alcoholism. He also attends Alcoholics Anonymous on a daily basis. The victim, his brother, Vanxay, does not blame him for what happened and feels that he was only trying to help him; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Sinxay Keosisano this Full and Unconditional Pardon for the crime of First Degree Unlawful Possession of a Firearm for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
DONNELL KAYE McQUISTION**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1993 Donnell Kaye McQuistion, then twenty-four, was convicted of having a sexual relationship with a fifteen year-old boy. She was found guilty of Third Degree Rape of a Child and was sentenced under the Special Sex Offender. Alternative guidelines to thirteen months, with thirty-six months of community supervision; and

WHEREAS, when she was discharged in 1996, the victim had turned eighteen. He contacted her and they started living together. By 1997, they were married. They had a child together the following year. In 1999, they were divorced; Ms. McQuistion has custody of their child; and

WHEREAS, Ms. McQuistion decided to pursue her dream of being a care provider. She obtained the required license, and employment with Serene Meadows operator of three adult family homes. A few months later, the owner of the facility received a visit from a state licenser, who informed him that Ms. McQuistion had to be terminated immediately due to her felony conviction. Following her termination, Ms. McQuistion has been employed at a convenience store and must rely on welfare for additional financial support; and

WHEREAS, despite being licensed as a Nursing Assistant Registered (NAR), Ms. McQuistion is barred from being hired by any State-affiliated facility due to her felony conviction. Ms. McQuistion states that she seeks a job she truly enjoys doing to support her family without relying on welfare; and

WHEREAS, it has been over eleven years since Ms. McQuistion was convicted. She has demonstrated that she is rehabilitated, having successfully completed every phase of her sex offender treatment. She has passed all the polygraphs that assess her risk for sexual deviancy and has proven she is not a threat to society; and

WHEREAS, Ms. McQuistion has the support of her family and community members, including the retired Chief of Police from the Davenport, where the crime occurred. She has remained crime free since being released and the prosecutor in her case does not oppose her petition for a pardon; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, and in light of the foregoing I have determined that the best interests of justice will be served by this action and;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Donnell Kaye McQuistion this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. McQuistion shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of this condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
ANDREW DONALD MICHELL**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on Halloween night 1995, Andrew Michell participated with four accomplices in the armed home invasion of three separate residences. Mr. Michell remained outside in the getaway car while the robberies took place. He stated to the police, "How and why I ever got into such a stupid mess I do not know." as a result of his participation, he was convicted as an accomplice for First Degree Burglary, First Degree Robbery, Residential Burglary, and Robbery. He was sentenced to 12 years 3 months in prison and ordered to pay restitution in the amount of \$1,826; and

WHEREAS, prior the incident, Mr. Michell had gone through a lot of pain in his life and had become a very angry person. He had lost his two brothers, one 1987 who was 9 years old and the other in 1994, who was 13. His father died last May and his family home had been burglarized twice. He had been to counseling and mental institution. He had emotional problems and began having problems at home and school before he began associating with the wrong crowd; and

WHEREAS, Mr. Michell been a model inmate during his incarceration. He has received only one infraction for staff interference in 1997. He has taken every opportunity for education, job training, and social rehabilitation. Mr. Michell has earned his GED and finished programs for Vocational Writing, Job Safety, Information Technology, and Welding. He has also completed Victim Awareness, Standardized Stress, Family Dynamics, Moral Recognition Therapy and the Youth Offender Program. He is working on his Associates Degree and would like to finish his Bachelor's Degree in Engineering. He is currently working in the auto shop as a mechanic; and

WHEREAS, Mr. Michell has substantial support from family and various instructors. His mother, a high school teacher for over thirty years, is willing to provide a home and transportation upon Mr. Michell's release. Mr. Smiley, an instructor for Pierce College, testified at the hearing that "In my experience working with inmates, especially inmates that have been incarcerated as early as he has, it is pretty remarkable when you see a fellow not take on the hard edge that a lot of the inmates take on when they have been in prison from that early;" and

WHEREAS, Mr. Michell is remorseful. After the crime spree, he was the only one in the group of offenders who wrote letters of apology to the victims. Board Member Smith of the Clemency and Pardons Board noted that Mr. Michell has paid restitution in full while in prison, has taken responsibility, and has only had one infraction. Chairman Winsor agreed with Member Smith and added the time Mr. Michell has spent in prison is an appropriate and sufficient punishment. He concluded that there is substantial community and family support and stated, "I have not the slightest notion that the community will be harmed in any way if he were to be released;" and

WHEREAS, I have reviewed all the pertinent facts and circumstances surrounding this matter, and in light of the foregoing, I have determined that the best interest of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Andrew Donald Michell this Conditional Commutation of his sentence. By this order I hereby commute Mr. Michell's sentence to time served as of January 12, 2005, which shortens his sentence by nine months. Upon that date, Mr. Michell will commence a term of community custody not to exceed thirty-six months, SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Michell shall:

1. Report regularly to a Community Corrections Officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the Community Corrections Officer;

3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the Community Corrections Officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;
7. Submit to regular and random urinalysis and breathalyzer testing, as directed by the Community Corrections Officer;
8. Not patronize or frequent businesses or other areas where the sale of intoxicating beverages is a main source of funding;
9. Participate in electronic monitoring, if deemed appropriate by the Community Corrections Officer;
10. Comply with all conditions, recommendations, and instructions of community placement as directed by the Community Corrections Officer and with all other applicable conditions imposed by the sentencing court.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections. **PROVIDED**, that in the event Mr. Michell commits any offense classified as a felony or gross misdemeanor in the State of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Mr. Michell shall be immediately returned to the Washington Corrections Center or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections and/or court of jurisdiction shall provide a written report to the Clemency and Pardons board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
PEDRO AGUILERA-MONTERO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Pedro Aguilera-Montero is a native and citizen of Mexico. He was born in a small village and began working at the age of six. Seeking opportunities for a better life, he came to the United States in 1986 without proper documentation. Upon settling in Washington, he began associating with the wrong crowd and became involved with drugs. One day in 1993, he was pulled over for suspicion of driving under the influence and was discovered to be in the possession of a small amount of cocaine. He was convicted of Unlawful Possession of a Controlled Substance. He was sentenced to 20 days in jail and ordered to pay a fine of \$1,565; and

WHEREAS, Mr. Aguilera-Montero is presently facing deportation from the U. S. At the time of his conviction, Possession of a Controlled Substance was not a basis for deportation. However, the immigration laws changed in 1997 and have been applied retroactively to make Mr. Aguilera-Montero's conviction a deportable offense; and

WHEREAS, after the incident, Mr. Aguilera-Montero completed a drug and alcohol program, participated in Alcoholics Anonymous for five years, and has stayed away from drugs. He has paid his fine in full and has had no further criminal activity since his conviction. Mr. Aguilera-Montero has been married to a U. S citizen wife for the past eleven years, which absent his

conviction would make him eligible to adjust his immigration status. Mr. Aguilera-Montero and his wife have a seven year-old daughter. Additionally, they are guardians to two young nephews; and

WHEREAS, Mr. Aguilera-Montero has worked diligently to support his family and become a productive member of society. He has been employed for the last five years as a construction foreman, managing a crew of six people. He provides the financial and emotional support to his family, who would suffer extreme hardship were he deported. Board member Smith of the Clemency and Pardons Board pointed out that, "The magnitude of the harm is so out of proportion to the offense and the culpability of the offender, that this is an extraordinary case;" and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Pedro Aguilera-Montero this Full and Unconditional Pardon for the express purpose of allowing him to remain legally in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
ERIC RYAN BURDYSHAW**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, thirteen years ago, Eric Burdyshaw committed an act that scarred the lives of several people. In 1990, when he was twenty-one, Mr. Burdyshaw became involved with a fourteen year-old female. He was eventually arrested, convicted of Communicating with a Minor for Immoral Purposes, and placed on probation. Shortly afterwards, he began to see the girl again and was arrested for a parole violation, whereupon he was sentenced to serve jail time. He was subsequently released and within a couple of days, he went to the residence of his victim intending to intimidate her and her family, whom he blamed for his conviction. Armed with a rifle, he threatened several family members and others present. As he pointed the rifle towards the girl's parents, it fired and struck a family friend in the leg and seriously wounded him. The wound was potentially life-threatening, but fortunately the individual recovered. Mr. Burdyshaw was convicted of five crimes stemming from this incident: two counts of First Degree Assault, one count of Second Degree Assault while Armed with a Deadly weapon, and two counts of Unlawfully Carrying a Weapon. His sentence was a combined twenty-one years in prison; and

WHEREAS, Mr. Burdyshaw accepts total responsibility for the suffering he caused that day and is grateful the situation did not turn out worse than it did. He acknowledges his emotional immaturity at the time and believes being in prison has changed him for the better. He has sought to improve himself and make the most of his time in prison so that upon his release he may be a productive member of society. Mr. Burdyshaw has taken Anger Management and Victim Awareness classes as well as several computer courses. While in prison, he worked for six years as a CAD/CAM designer; and

WHEREAS, Mr. Burdyslaw has been described as a diligent worker who pays attention to detail and produces high quality work. His employers consistently praise him as being a hard worker, personable, and well liked by his fellow employees. Mr. Burdyslaw states that, "besides teaching me the value of an honest day's work, Omega [his prison employer] has given me the skills to succeed in the outside world." He intends to continue employment with Omega upon his release; and

WHEREAS, in addition to having a strong work ethic, Mr. Burdyslaw has maintained close ties with his family and friends throughout his incarceration. Because of his good behavior, he earned the privilege of participating in the Extended Family Visiting Program, where family members are allowed to visit overnight; and

WHEREAS, Clemency and Pardons Board members noted Mr. Burdyslaw's extensive family support, exemplary work record, and model behavior while incarcerated. These attributes put him in good position to successfully transition back to society. He has shown that he has matured and has an honest desire to be rehabilitated, having received only a few minor infractions in the past eight years; and

WHEREAS, I have reviewed all the pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interest of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Eric Ryan Burdyslaw this Conditional Commutation. By this order I hereby commute Mr. Burdyslaw's sentence to time served as of December 15, 2005. Upon that date, Mr. Burdyslaw will commence a term of thirty-six months of community placement following his release from confinement, SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Burdyslaw shall:

1. Report regularly to a Community Corrections Officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the Community Corrections Officer;
3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the Community Corrections Officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;
7. Submit to regular and random urinalysis and breathalyzer testing, as directed by the Community Corrections Officer;
8. Not patronize or frequent businesses or other areas where the sale of intoxicating beverages is a main source of funding;
9. Not have any contact with minors unless approved by the Community Corrections Officer and his Washington state certified therapist and unless there is a responsible guardian present at all times;
10. Participate in a sex offender evaluation as directed by the Community Corrections Officer, and follow-up on any recommendations from such evaluation;
11. Submit to regular and random polygraph and plethysmograph examinations, as directed by the Community Corrections Officer and/or his Washington state certified therapist;
12. Participate in electronic monitoring, if deemed appropriate by the Community Corrections Officer;
13. Participate in any mental health evaluation as recommended by the Community Corrections Officer, and follow-up on any recommendations from such evaluation; and,
14. Comply with all conditions, recommendations and instructions of community placement as directed by the Community Corrections Officer.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections. **PROVIDED**, that in the event Mr. Burdyslaw commits any offense classified as a felony of gross misdemeanor in the State of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Mr. Burdyslaw shall be immediately returned to the Washington Corrections Center or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections and/or court of jurisdiction shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JASON ECHON MASANGKAY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, when Jason Masangkay was fourteen years old, he attempted to shoplift three video games from a Fred Meyer store. As he tried to leave the store, he was stopped by store employees. In the struggle, Mr. Masangkay knocked down a store employee, causing her a concussion and whiplash. He was charged with Robbery in the Second Degree and sentenced to fifteen to thirty-six weeks of supervision with the Juvenile Rehabilitation Administration; and

WHEREAS, Mr. Masangkay is now a 20-year-old adult who has not had any further trouble with the law. Since the incident in 1998, he has graduated from high school, and successfully completed the Pharmacy Technician Program at Bryman College. He has gone on to complete an extern ship at Virginia Mason Medical Center Pharmacy and is hoping for a permanent placement; and

WHEREAS, Mr. Masangkay has strong family support. Additionally, retired Judge John Darrah, the sentencing judge in Mr. Masangkay's case, testified on his behalf, stating that he has, "felt so bad about what the law did to this young man, in terms of requiring him to carry the mark of this very foolish act that he committed when he was juvenile; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Jason Echon Masangkay this Conditional Pardon, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Masangkay shall not commit any more crimes.
2. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

Upon breach of any of these conditions, this conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JOHN MICHAEL ECHEVESTE**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1988, John Michael Echeveste, then a Seattle police officer, was convicted of two counts of Third Degree Statutory Rape for having sex with a fourteen year old prostitute. He was sentenced to eight months in prison, one year of community supervision, and ten years probation as a registered sex offender; and

WHEREAS, after his release from prison, Mr. Echeveste sought to begin a new life as a physician's assistant. He attended a surgical technical program, and gained employment at Overlake Hospital in Bellevue. He then took two years of classes in the Medex Physician Assistant Program at the University of Washington. After that program, Mr. Echeveste successfully obtained a medical license from the State of Washington. He has worked at Northwest Hospital for the past six years, first as a surgical technician, and now as a surgical physician assistant; and

WHEREAS, it has been sixteen years since Mr. Echeveste served his time and he has remained crime free. He voluntarily took a polygraph examination in July 2004 that verified he has had no sexual thoughts of any patients since beginning work as a physician's assistant. He feels that working in the medical field has truly changed his life for the better; and

WHEREAS, every two years Mr. Echeveste must undergo recertification, a process requiring a check of his criminal history. Although he has been up-front with his employers about his conviction, Mr. Echeveste has had his staff privileges revoked twice due to hospital liability and licensing concerns. Although his privileges have eventually been reinstated through appeals to the Credentials Quality Board, he has lost several months of income during the revocation periods; and

WHEREAS, Mr. Echeveste has received numerous letters of support from medical staff vouching for his good character and exemplary performance. Dr. Steven Klein, Chief of Surgery at Northwest Hospital, testified on his behalf at the Clemency and Pardons Board hearing. Dr. Klein said that the work Mr. Echeveste does is highly technical, and that he is only one of two assistants able to assist with neurosurgery; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to John Michael Echeveste this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Echeveste shall not commit any more crimes.

The foregoing condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of any of this condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
REBECCA LEE NUNNELLEY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, at the age of twenty-two, Rebecca Nunnelley was convicted of First Degree Theft for embezzling funds from her employer. At the time, she was using cocaine daily and drinking heavily. She was sentenced to fifteen days in jail, ten years probation, and restitution; and

WHEREAS, Ms. Nunnelley's probation ended in 2002 and she has repaid the restitution of \$6,948.00 in full. Since her conviction in 1991, she has remained crime-free. She has not consumed alcohol since 1996 and has been free of her cocaine dependency since 1989; and

WHEREAS, Ms. Nunnelley went to school to become a nurse, and worked as a licensed practical nurse in Texas. She subsequently moved to Oklahoma and wishes to continue in the nursing profession. However, prior to licensure, the Oklahoma Nursing Practice Act requires that five years elapse from the date of termination of probation. Accordingly, without a pardon, Ms. Nunnelley, now 38 years old, will not be eligible to practice as a nurse in Oklahoma until 2007; and

WHEREAS, several letters of reference were submitted on behalf of Ms. Nunnelley from physicians and staff at the hospital she worked for in Texas describing her as a highly competent nurse who is an asset to the profession; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Rebecca Lee Nunnelley this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Nunnelley shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
DONALD DAVID GIRVAN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1988 Donald Girvan pled guilty to Third Degree Rape. The conviction arose out of a night of drinking. Mr. Girvan spent time with the victim at a bar and later a dance club. At the dance club, a male friend of Mr. Girvan's asked him for a ride home. Mr. Girvan took him home and the victim accompanied him. After arriving at the home, Mr. Girvan, his friend, and the friend's roommate continued drinking with the victim. Mr. Girvan claims to have left when the situation became sexual. Mr. Girvan's co-defendants went to trial for the rape, but the jury was unable to reach a verdict in their case, so they were never convicted; and

WHEREAS, Mr. Girvan received a sentence of six months of work release and was ordered to pay \$122.88 in restitution. It has been more than thirteen years since Mr. Girvan complete all the obligations relating to his sentence, having received an Order of Discharge on April 24, 1991; and

WHEREAS, Mr. Girvan now lives in Hawaii and is required to register as a sex offender because of his 1988 conviction. Had he remained in Washington, the relevant statute provides that he would have been eligible to stop registering as a sex offender several years ago. However, because the conviction occurred out of state, Hawaii will only relieve Mr. Girvan from having to register if Washington produces a written order stating that the obligation no longer exists. Washington does not issue written orders in such cases since, under the statute, the requirement automatically lapses tens years after discharge; and

WHEREAS, Mr. Girvan now leads an exemplary life. He has been married for twenty-six years and has raised two children, one of whom has served in the Special Forces in Iraq. He has been clean and sober since the incident and is currently the General Manager a the Planet Hollywood in Honolulu. A dozen people have written and testified to Mr. Girvan's character, including former Governor Rossellini, who addressed the Clemency and Pardons Board and stated that he has known Mr. Girvan for twenty-five years and that he is an upright and honest citizen; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Donald David Girvan this Conditional Pardon for the express purpose relieving him from the duty to register as a sex offender in Hawaii, SUBJECT TO THE CONDITION that Mr. Girvan shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force immediately. Upon breach of this condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
AUDREY RIGGS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, nine years ago, Audrey Riggs got into an altercation that resulted in her conviction for Second Degree Assault. Ms. Riggs, who claimed to have been defending herself, caused a laceration to the victim's cheek by using a knife, and by throwing a beer bottle at her. She pled guilty to the crime, received nine months in prison, and was ordered to pay \$669.39 in restitution; and

WHEREAS, since serving her sentence and paying restitution in full, Mr. Riggs has turned her life around. She has built a life for herself that does not involve alcohol. She attends Alcoholics Anonymous meetings and has been sober for eight years. In addition, she completed her GED and went on to obtain an Associates Degree in the Culinary Arts. With this degree, she hopes to start a family restaurant or catering business. She is also active in her church, participating as secretary of the Women's Department, and as a choir member; and

WHEREAS, Ms. Riggs has worked hard to demonstrate her rehabilitation so that she may gain custody of her seven year-old grandson, Rodney, who is currently in foster care. Rodney's mother has lost her parental rights, so his grandmother, Ms. Riggs, wants to care for him. However, Department of Social and Health Services' policy permanently disqualifies felons from becoming guardians; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Audrey Riggs this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Riggs shall not commit any more crimes.

The condition of This Conditional Pardon shall remain in force indefinitely. Upon breach of the condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 10th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
KATHLEEN ELIZABETH BETZ-BLOCH**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Ms. Betz-Block was an alcoholic who drank in an attempt to escape her problems. Her addiction strained her relationships with friends and family, and ultimately caused the end of her marriage. In early 2000, while severely intoxicated, Ms. Betz-Bloch and her then-husband were involved in several domestic disputes. In one incident, she was convicted of Fourth Degree Assault/Domestic Violence and Driving Under the Influence. After the couple separated, Ms. Betz-Bloch continued to drink. On two occasions, she violated No Contact Orders that her husband had against her. She was also convicted of Criminal Trespass; and

WHEREAS, finally hitting rock bottom, Ms. Betz-Bloch realized she had to change, especially for the sake of her daughter. She recognized that her alcohol addiction was the root of her problem and sought help. In 2001, she completed an intensive rehabilitation program at Schick Shadel Hospital. Counselors noted that she was focused and motivated during treatment; and

WHEREAS, Ms. Betz-Bloch's path to recovery did not end with just rehabilitation therapy. She continued to become actively involved with Alcoholics Anonymous (AA), attending daily meetings and even sponsoring others; and

WHEREAS, with her life back on track, Ms. Betz-Bloch mended her relationships and strove to improve herself. She is reconciled with her ex-husband and they plan to remarry. She went back to school and became a paralegal. Despite her success in that field, Ms. Betz-Bloch has decided mental health counseling is her true calling. So, she has completed the prerequisites for a graduate degree in psychology and has been accepted into Antioch University's Masters program for mental health and dependency counseling. However, due to her convictions, Ms. Betz-Bloch may be barred from becoming licensed and certified by the State of Washington as a mental health counselor; and

WHEREAS, Ms. Betz-Bloch has strong community and family support and has demonstrated her desire to help others. At the Clemency and Pardons Board hearing, a woman Ms. Betz-Bloch sponsored in AA told of how Ms. Betz-Bloch stayed with her for seven days and nights until she began treatment. Board member Smith believes, "the citizens of Washington State would be very well served if you were able to complete your degree and practice as a social worker, counselor, or therapist...working with recovering alcoholics and drug addicts."

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Kathleen Elizabeth Betz-Bloch this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Betz-Bloch shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 6th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
DANIEL PATTERSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on December 20, 1997, Mr. Patterson, then 17 years old, made a grave mistake that would affect the rest of his life. He attended an underage drinking party and consumed a large quantity of alcohol. During the course of the party, he participated in an armed robbery with three other teenagers. Mr. Patterson pled guilty to First Degree Robbery and was sentenced to one year in prison, 36 months of community supervision, alcohol treatment, and was required to pay restitution; and

WHEREAS, since that incident, Mr. Patterson has striven to change the direction of his life. He participated in a substance abuse program and completed high school. He was granted an early discharge from supervision in order to attend college. He has since graduated with a B.A. in International Studies and Business from Grand Canyon University in Phoenix. While in college, Mr. Patterson worked full time to pay off his restitution; and

WHEREAS, in addition to satisfying all the conditions of his sentence, Mr. Patterson has contributed a substantial amount of time working with charitable, non-profit organizations. Through his difficult times, he received support from many people who helped change his life for the better and now he wishes to give something back. Mr. Patterson co-founded a chapter of Habitat for Humanity, and has worked with at-risk youths and the homeless. He has applied to serve in the Peace Corps, but was declined due to his felony conviction; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter., the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Daniel Patterson this Conditional Pardon, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Patterson shall not commit any more crimes.
2. Mr. Patterson shall not receive, possess, own, ship or transport firearms. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

The foregoing conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 6th day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
IVO FRONEK**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1991, Ivo Fronek was convicted of First Degree Robbery. As the driver of a getaway car, he assisted two people who had robbed a grocery store. Mr. Fronek claimed that he did not know his two acquaintances were going to the store to commit a crime. He served 33 months in prison and was released in 1994; and

WHEREAS, in 1984 at age 20, Mr. Fronek immigrated to the United States as a refugee from the Czech Republic, formerly Czechoslovakia. His status was adjusted to that of a Lawful Permanent Resident in 1986. Mr. Fronek applied for United States citizenship in 1999. His application was denied and he was placed into removal proceedings because of his 1991 criminal offense. Although at the time of Mr. Fronek's conviction First Degree Robbery was not a crime mandating deportation, in 1996 the Immigration and Nationality Act was amended to expand the list of crimes that are considered "aggravated felonies" and from which no relief from deportation is available other than a presidential or gubernatorial pardon. These amendments apply retroactively to Mr. Fronek's 1991 conviction for First Degree Robbery; and

WHEREAS, in the decade since his release, Mr. Fronek has demonstrated that he has turned his life around, having led a crime free and productive life. He worked in the engineering industry for several years before establishing his own business, Integrated Technical Communications Systems, in the high-tech communications field. His successful company generates nearly \$200,000 per year in gross revenue. Mr. Fronek is married to a U.S. Citizen and has an infant daughter that depend on him for economical and emotional support; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, including Mr. Fronek's substantial community support, ten-year crime free history, and his business and family ties. In light of the circumstances, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Ivo Fronek this Full and Unconditional Pardon for the express purpose of allowing him to remain in the United States and to take steps towards becoming a United States citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 3rd day of January, A. D. two thousand and five.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
CLYDE RAY SPENCER**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, Clyde Ray Spencer served in the United States Air Force before joining the police department in Vancouver, Washington in 1979. In 1985, he was charged with 11 counts of statutory rape in the first degree of his two biological children and one stepchild. He entered an Alford plea, maintaining his innocence while acknowledging sufficient evidence existed to find him guilty. Given that the crimes for which he was convicted took place over a period of years, some of his convictions are pre-Sentencing Reform Act (SRA) and others are post-SRA. Specifically, he received an indeterminate sentence of two concurrent life sentences with parole for the two earliest convictions to run consecutive to a separate 171 month determinate sentence for the remaining nine counts; and

WHEREAS, there were a number of troubling aspects of the investigation. Clark County authorities withheld the fact that, despite the allegations of severe, repeated sexual abuse of the children, medical reports showed no sign of physical abuse. While the children recounted that Mr. Spencer had taken photographs of the abuse, no photos were ever found. Because Mr. Spencer was a City of Vancouver Police Officer, the Clark County Prosecutor submitted the case to King County Senior Deputy Prosecuting Attorney, Rebecca Roe, a renowned specialist in child sexual abuse cases. Ms. Roe noted significant problems with

the case, including the interview techniques used with Mr. Spencer's daughter and resulting inconsistencies in her testimony. Ms. Roe found it "disturbing that she's inconsistent on whether it happened more than once." While denying for eight months that anything had happened, Mr. Spencer's son 9-year-old son began to say that his father abused him after being threatened with a polygraph; and

WHEREAS, another troubling fact in this case is that one of the lead detectives investigating Mr. Spencer's case began having an affair with his wife, Shirley Spencer, during the investigation. After Mr. Spencer's conviction, the detective left his own wife and moved in with Mr. Spencer's wife. This detective was also the supervisor of the primary detective involved in interviewing the children; and

WHEREAS, Mr. Spencer completed his determinate sentence of 171 months in 1994 and continues to serve time for the remaining two life terms. Mr. Spencer appeared before the Indeterminate Sentencing Review Board (ISRB) in 1990, 1992, 1994, 1998 and 2001. At each hearing the Board determined that he was not paroleable because he has not received treatment based on his denial of guilt. He has now served more time than anyone convicted of the same crime under the Sentencing Reform Act; and

WHEREAS, James M. Peters, an Assistant United States Attorney in the District of Idaho, who was a Senior Deputy Prosecuting Attorney for the Clark County Prosecutor's Office at the time that Mr. Spencer was prosecuted submitted a letter to the ISRB prior to a 1998 parole ability hearing discussing the life sentences. Specifically, "I submit that 'life' in Mr. Spencer's case should be interpreted to mean the high end of whatever the applicable calculation would have been if all the offenses would have taken place under the Sentencing Reform Act. ... I believe that the combination of an equitable interpretation of the meaning of a 'life' sentence, coupled with mandatory sex offender treatment would achieve the goals of sentencing fairness and community safety"; and

WHEREAS, Mr. Spencer had no criminal history prior to his conviction. He has been an exemplary inmate without disciplinary problems. He has been constantly employed within the institution and taken every opportunity to further his education; and

WHEREAS, 56-year-old Mr. Spencer will have support upon his release. He is remarried to Norma Spencer, a registered nurse, who he has known for over 30 years; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby commute the remainder of the sentence imposed upon Clyde Ray Spencer to a term of community custody,

SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Spencer shall:

1. Serve 36 months of community placement after his release from confinement, reporting regularly to a Community Corrections Officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the Community Corrections Officer;
3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the Community Corrections Officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;
7. Submit to regular and random urinalysis and breathalyzer testing, as directed by the Community Corrections Officer;
8. Not patronize or frequent businesses or other areas where the sale of intoxicating beverages is a main source of funding;
9. Not have any contact with minors unless approved by the Community Corrections Officer and his certified therapist and unless there is a responsible guardian present at all times;
10. Participate in a sex offender evaluation as directed by the Community Corrections Officer, and follow-up on any recommendations from such evaluation;
11. Participate in weekly sex offender treatment with a certified therapist for a period no less than three years;
12. Submit to regular and random polygraph and plethysmograph examinations, as directed by the Community Corrections Officer and/or his certified therapist;
13. Participate in electronic monitoring, if deemed appropriate by the Community Corrections Officer;
14. Participate in any mental health evaluation as recommended by the Community Corrections Officer, and follow-up on any recommendations from such evaluation; and,
15. Comply with all conditions, recommendations, and instructions of community placement as directed by the Community Corrections Officer.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections.

PROVIDED, that in the event Mr. Spencer commits any offense classified as a felony or gross misdemeanor in the State of

Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Mr. Spencer shall be immediately returned to the Washington Corrections Center or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 23rd day of December, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL COMMUTATION

**OF
CHRISTINE SUSAN CUMMINGS**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, Christine "Susan" Cummings was sentenced on May 24, 1985 to life in prison without the possibility of parole for a crime that took place when she was 16 years old. The conviction was for the Aggravated First Degree Murder of Christine Zacharias, an elderly woman with whom Ms. Cummings was acquainted. The police believe the motive was burglary. The crime also allegedly involved Lillie Rowland, Joe Aguilar, Don Gesaman, and Kevin McNerney. While Ms. Cummings was not the person whose physical act caused Mrs. Zacharias' death, she was convicted based on the theory of accomplice liability, in which a person is held just as culpable as the person who actually committed the crime; and

WHEREAS, the sentencing judge expressed dissatisfaction with his options noting that, "The defendant was a teenager. At least four other teenagers participated. One was given immunity. One made a plea bargain for Murder Second. Charges against the other two were dropped. The latter two probably did the actual killing. One has been convicted of a subsequent murder in another state. As compared to the codefendants and sentences of other murders, most of which are equally heinous, it can be concluded that the sentences are not proportionate and that someone is getting either too much or not enough;" and

WHEREAS, Ms. Cummings conviction was based primarily on the word of Lillie Rowland and Joe Aguilar, who provided questionable testimony. Ms. Rowland, who was 14 at the time of the crime, had a history of drug and alcohol abuse as well as mental illness. As a result of Ms. Rowland's testimony against Ms. Cummings, Rowland's attorney was able to secure complete immunity from prosecution. Clemency Board Member Smith expressed concern that, until 30 days prior to trial, attorneys from the same law firm represented both Ms. Cummings and Ms. Rowland. While one attorney negotiated an immunity agreement, one prepared for trial. The other witness, Mr. Aguilar, faced with a possible death sentence or an offer of a reduced sentence of 20 years for Second Degree Murder, also readily agreed to testify against Ms. Cummings; and

WHEREAS, both Ms. Rowland and Mr. Aguilar's testimony was inconsistent and often did not match the evidence. On different occasions Mr. Aguilar changed his statements as to who was involved in the crime; at various points he stated that he was in the house, outside, or was never even there. As for Ms. Rowland, she claimed that the victim had her throat cut and she had been stabbed multiple times. In fact, Mrs. Zacharias' throat was not cut, nor was she stabbed. Rowland even testified "with certainty" that someone who was incarcerated at the time of the crime was present. Both Mr. Aguilar and Ms. Rowland have since recanted their testimony. Mr. Aguilar later stated that the recantation was a lie and was convicted of Second Degree Perjury. Ms. Rowland stated that she could not recall testifying at Susan Cummings' trial. Under these circumstances, the veracity of these witnesses and the reliability of the confessions are questionable; and

WHEREAS, a few months after she began serving her sentence, Ms. Cummings contacted the police and confessed to being in Ms. Zacharias' home at the time of the murder. She was set to testify against Mr. Gessaman and Mr. McNerney, but then refused to do so as the time for trial approached, stating that she could not give false testimony. She would later reiterate that she was innocent of any crime, and claim that her confession was false. According to Ms. Cummings, she had been desperate to get out of

prison because another inmate was abusing her. Professor Steven Drizin, a clinical professor of law at Northwestern University School of Law and an expert on false confessions, opines that Ms. Cumming's confession "contains many of the indicia of unreliability that I have seen in hundreds of false confessions I have studied." The confession was obtained at a time when Ms. Cummings was a teenager in an adult prison allegedly being abused by another inmate and coming to realize that she would spend the rest of her life in prison. Like Ms. Rowland and Mr. Aguilar who testified against her, she could have testified against Mr. Geseman and Mr. McNerney in exchange for leniency. While it was in her best interest to do so, Ms. Cummings eventually opted not to provide what she later said was false testimony, even if it meant spending the rest of her life in prison; and

WHEREAS, by refusing to testify against others in exchange for her freedom, Ms. Cummings was sent to prison without the possibility of ever being free. Nonetheless, she has shown herself to be an exemplary inmate, remaining infraction free since 1996 and demonstrating a penchant for helping others. She has spent her time improving the lives of the prison's special needs population, volunteering with offenders who have Alzheimer's and other mental disorders. She also works full time maintaining three gardens on prison grounds, is a teaching assistant for pottery and quilting classes, and acts a representative of fellow inmates. Forty-seven current and former employees at Washington Corrections Center for Women fully support her. Correctional Officer Sergeant Deloughery describes Susan as a "hard worker," who "contributes to the stability of the institution population by setting a good example for other inmates to follow." Other comments from officers include, "you don't find inmates like this very often" and, Ms. Cummings' "hard work and exceptional behavior has given me every reason to believe that if returned to society, she would be a plus to her community;" and

WHEREAS, it is clear that having spent 19 years in prison, Ms. Cummings has grown and matured within the system. In her own words, she states that, "I can't say that prison has been such a bad experience for me because it has taught me to be normal. It's taught me values and it's taught me great things." Clemency and Pardons Board members commended Ms. Cummings for the extraordinary work she has done while in prison and the relationships she has formed with the staff. Upon release Ms. Cummings has been offered work and housing at a nursery where she will be able to use her skills a master gardener; and

WHEREAS, I have reviewed all the pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances, I have determined that the best interest of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Christine Susan Cummings this Conditional Commutation of her sentence for the express purpose of allowing her to transition back into the community and become a productive citizen. By this order I hereby commute Ms. Cummings Life Without Parole sentence to a term of 20 years, effective May 24, 2005, subject to the following conditions:
Ms. Cummings shall:

1. Prior to release at the completion of her 20-year sentence, participate in a graduated transition program through Tacoma Pre-Release to begin as soon as the Department of Corrections can arrange for such a program;
2. Serve 24 months of community placement after her release from confinement, reporting regularly to a Community Corrections Officer as directed by the Department of Corrections;
3. Pay a monthly supervision fee as directed by the Community Corrections Officer;
4. Notify the Department of Corrections prior to any change of address or employment;
5. Remain in the geographic area as directed by the Community Corrections Officer;
6. Not commit any more crimes;
7. Not consume controlled substances except pursuant to lawfully issued prescriptions;
8. Not unlawfully possess controlled substances while in community custody;
9. Not associate with known drug users or drug dealers;
10. Submit to random and routine urinalysis and breathalyzer testing, as directed by the Community Corrections Officer; receive a chemical dependency assessment while on community placement;
11. Participate in any chemical dependency treatment as recommended by her Community Corrections Officer; 12 Participate in any mental health evaluation and/or treatment as recommended by her Community Corrections Officer;
13. Not have any direct or indirect contact with the victim's family;
14. Not possess, receive, ship, or transfer any firearms, ammunition, or explosives;
15. Pay legal financial obligations as determined by the courts; and
16. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the Community Corrections Officer.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections.

PROVIDED, that in the event Ms. Cummings commits any offense classified as a felony or gross misdemeanor in the state of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credit, whereupon Ms. Cummings shall be immediately returned to full confinement as per the Department of Corrections. The Department of Corrections shall provide a written report to the Office of the Governor and the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 23rd day of December, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

**OF
LEONELO MOISES MARTINEZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Leonelo Moise Martinez and his wife operated a brush cutting business growing salal. In December 1997, Mr. and Mrs. Martinez came upon some thieves illegally harvesting their salal. Mr. Martinez confiscated the stolen brush and told the thieves to leave. He then tried to contact the authorities with his cellular phone, but was unable to get reception while in the remote, timberland area where the salal was grown. After the trespassers left, Mr. and Mrs. Martinez waited in their car at the end of a dead end side road to see if there were additional thieves and to ascertain who was providing transportation for them. Suddenly, a van drove by the main road and made a U-turn, blocking their exit; and

WHEREAS, nearly a dozen individuals came out of the van, some of whom Mr. Martinez recognized from the earlier encounter. One individual walked towards the Martinez' parked car. He demanded the confiscated brush but when he was refused, he began pounding on the vehicle's door and yelling at Mrs. Martinez. He threatened to sexually assault her. Mrs. Martinez began screaming in fear. Mr. Martinez, fearing for his wife's safety, drew his pistol hoping to scare away the man threatening his wife. He accidentally discharged the weapon and killed the man. Mr. Martinez subsequently pled guilty to the crime of Manslaughter in the First Degree and was sentenced to 102 months; and

WHEREAS, Mr. Martinez is described by family, friends and business associates as mild mannered, calm, and well tempered. He has significant support and ties to the Hispanic community, where he is seen as a hard-working man of integrity and honor. Before his incarceration, he supported his wife, a U.S. citizen with severe rheumatoid arthritis and a history of heart attacks, and his elderly parents who reside in Mexico; and

WHEREAS, while incarcerated, Mr. Martinez has been an exemplary inmate. He has remained infraction free and employed. One of his Department of Corrections supervisors sent a letter on his behalf noting that Mr. Martinez goes "above and beyond what is required to get the job done." He has even been permitted to leave the institution unshackled as part of his employment; and

WHEREAS, Mr. Martinez is a legal permanent resident of the United States. However, as an alien convicted of an "aggravated felony" under the Immigration and Naturalization Act, he is subject to deportation to Mexico upon completion of his sentence in a few months, and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Leonelo Moise Martinez this Full and Unconditional Pardon, for the express purposes of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States Citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 7th day of December, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JOSEPH M. MACKAY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, between 1988 – 1990, Joseph M. Mackay, then a teenager, committed the crime of Child Molestation in the First Degree. He sexually molested a neighbor girl, who was five or six years old. Due to the timing of the victim's disclosure, Mr. MacKay was not charged until six years after the offenses occurred. Although he was about fourteen at the time the offenses took place, he was charged as an adult. He admitted having molested the girl and pled guilty to two counts. Mr. Mackay was sentenced in 1996 to 41 months suspended under the Special Sex offender Sentencing Alternative; and

WHEREAS, Mr. Mackay has taken responsibility for his actions and successfully completed sex offender treatment in 1997. At the conclusion of treatment, polygraph tests showed that Mr. Mackay had no arousal towards minor children. Mr. Mackay's primary psychological clinician wholeheartedly supports Mr. Mackay's pardon and states that Mr. Mackay, "represents no threat to the children or adults of the community, and probably has not presented a threat for several years;" and

WHEREAS, Mr. Mackay has attended courses at Pierce College and is a part-owner of an import/export company based in Tacoma; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Joseph M. Mackay this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Mackay shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 2nd day of December, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

**OF
HECTOR LEAL**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in January 2003 Hector Leal pled guilty to two counts of vehicular assault and one count of hit and run with injury. The plea arose out of an incident in April 2002 where Mr. Leal drove his pickup truck into a restaurant. As a result, two victims suffered serious injury, and other patrons suffered minor injuries. Mr. Leal, who does not recall leaving the scene of the accident, was arrested several hours later in a heavily intoxicated state; and

WHEREAS, Mr. Leal was sentenced to thirty-two months in prison for hit and run and twelve months for each of the two counts of vehicular assault. He received an exceptional sentence above the standard range because his offense involved multiple victims. After finishing his sentence, Mr. Leal was transferred to the custody of Immigration and Customs Enforcement and placed in removal proceedings. Mr. Leal, although a lawful permanent resident of the United States, is subject to deportation to Mexico based on his vehicular assault convictions, which are considered "aggravated felonies" under the Immigration and Nationality Act; and

WHEREAS, Mr. Leal has completed his sentence and has expressed remorse for his crimes. He has remained sober for over two years, recognizing that drinking has "never led to anything positive in my life." Appreciating his culpability, Mr. Leal accepted his sentence, which was above the standard range, despite knowledge of the immigration consequences. He does not seek pardon for the crime of hit and run, which would not subject him to deportation, nor does he seek to remove his obligation to pay restitution; and

WHEREAS, while incarcerated, Mr. Leal also performed heating, ventilation, and air conditioning (HVAC) work for the Department of Corrections (DOC). His DOC supervisor indicated that he would not hesitate to hire him if he was in private enterprise, and that Mr. Leal "has the qualities one needs in an employee." Additionally, Mr. Leal's former employer, who he worked for prior to his incarceration, has agreed to guarantee his re-employment as an HVAC Installer. This will afford Mr. Leal the opportunity to make a good income to pay the substantial restitution ordered by the court. At the Clemency and Pardons Board hearing, Mr. Leal stated his commitment to make these restitution payments with every paycheck, even if it takes the rest of his life; and

WHEREAS, Mr. Leal has lived in the United States since he was four years old. He has four children and a fiancé who are United States citizens, and his parents are lawful residents of the United States. His family depends on him for financial and emotional support: and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Hector Leal this Full and Unconditional Pardon for two counts of vehicular assault for purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 3rd day of December, A. D. two thousand and four.

GARY LOCKE

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
STEVEN A. WOODRICH**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, Steven A. Woodrich pled guilty to the crimes of Unlawful Manufacturing of a Controlled Substance (methamphetamine) and Unlawful Possession of a Controlled Substance with Intent to Deliver (methamphetamine). At the time of his arrest, Mr. Woodrich had been a drug addict and alcoholic for some time. During this period, he made a lot of poor choices and caused his family a lot of pain; and

WHEREAS, Mr. Woodrich has served his sentence, paid all of the restitution ordered by the court, and has had no arrests or convictions since these crimes. However, as a result of his convictions, Mr. Woodrich has been denied several employment opportunities; and

WHEREAS, when Mr. Woodrich went to prison, he realized he was a drug addict and got into programming. He has completed a chemical dependency class and has been clean for over six years. Currently, he attends Alcoholics Anonymous (AA), Narcotics Anonymous (NA), and Cocaine Anonymous (CA), and has been asked by his church to start a new CA group there; and

WHEREAS, after his release from prison Mr. Woodrich received his GED and an AA degree in Computer Automation, Electronic Instrumentation, and Control Technology. While in school he was a student council representative and keynote speaker for the 2003 graduating class In support of his petition for clemency, Mr. Woodrich produced several letters of recommendation from numerous community supporters, including his counselor and several instructors at Bellingham Technical College; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Steven A. Woodrich this Conditional Pardon, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Woodrich shall not receive, possess, own, ship or transport firearms. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.
2. Mr. Woodrich shall not commit any more crimes.

The foregoing conditions shall remain in force indefinitely. Upon breach of any of the foregoing conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 3rd day of December, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

**OF
SOKHA SUN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in December 2000, Sokha Sun was a passenger in a car that was stopped for speeding. When the police searched the car, they discovered a stolen gun in a backpack belonging to Mr. Sun. He pled guilty to Possession of a Stolen Firearm and was sentenced to one year and one day in prison along with restitution. His sentence was two days more than the one-year threshold that defines an "aggravated felony" under the Immigration and Nationality Act. As a result, an order of removal has been issued; and

WHEREAS, in 1975, Mr. Sun fled Cambodia during the genocidal regime of the Khmer Rouge. He was born in a refugee camp in Thailand and entered the United States as a refugee on July 24, 1979 at the age of two months. Mr. Sun has lived in Washington State as a legal permanent resident since that time. His parents, sisters and brother all reside in the United States as U.S. citizens or lawful permanent residents; and

WHEREAS, at the time of his sentencing, there was no possibility that he would be sent to Cambodia because there was no repatriation agreement with the Cambodian government. However, in 2002 all that changed when Cambodia agreed to accept deportees from the United States. If repatriated to Cambodia as a refugee and felon, Mr. Sun's situation is uncertain at best; and

WHEREAS, Mr. Sun has had no further trouble with the law since the incident in 2000. He has indicated that he has learned his lesson and has no intention of possessing another firearm. He has paid the restitution ordered in full. He also has strong family and community support to help him steer clear of a path of gangs and violence. At his hearing before the Clemency and Pardons Board, he said, "My family is really involved and they went through all this stuff that I did. And I know I was wrong and I plan to change and start a better future"; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Sokha Sun this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States Citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 29th day of November, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
SHEILA ARLEEN BETTS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1991, Sheila Arleen Betts pled guilty to first degree theft for welfare fraud. At the time of the crime, Ms. Betts and her former husband were receiving public assistance. However, her former husband, who filled out and signed their monthly income reports, did not declare his true income, which resulted in an overpayment of food stamps. Ms. Betts claims she as unaware of her then husband's actions, but because they were married at the time, she took joint responsibility for the crime; and

WHEREAS, Ms. Betts has completed the full 120 hours of community service, 24 months of supervision, and paid the \$1,555.00 in restitution ordered. Ms. Betts has also earned her GED and since 1999 has been employed as a Police and Fire Dispatcher with Lewis County. Ms. Betts disclosed her conviction to her employer prior to being hired. By all accounts, Ms. Betts has been an exemplary employee. On many occasions she has been the lead dispatcher, and she has been chosen as "Dispatcher of the Month;" and

WHEREAS, in late 2003, Federal audit findings disqualified Ms. Betts from accessing the National Crime Inquiry Center (NCIC) database due to her felony conviction. As a result, her employment was terminated. Just prior to the Clemency and Pardons Board hearing where Ms. Betts' petition was considered, the Regional Director of the Controller Terminal Officer's Association was granted the discretion of affording Ms. Betts a waiver allowing access to the NCIC system. Accordingly, Ms. Betts was reinstated. However, Ms. Betts is relocating to Snohomish County and still desires a pardon to allow her to seek similar work in that jurisdiction, as well as to volunteer in her children's schools; and

WHEREAS, the Lewis County Prosecutor strongly supports a pardon for Ms. Betts, stating, "it is our belief that a pardon has been earned, and should be granted." In their recommendation to the Governor, the Clemency and Pardons Board emphasized Ms. Betts' excellent work record and strong community support. They were also impressed with her honesty about the crime with her employer, and what she has done to improve her life; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Sheila Arleen Betts this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Betts shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 17th day of November, A. D. two thousand and Four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
CAYCE ALLEN DITULLIO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1997 at the age of nineteen, Cayce Alien DiTullio pled guilty to second degree burglary after he broke into a tool box and stole some power tools from a construction site. After being confronted about the crime by police the next day, Mr. DiTullio took responsibility for his actions and cooperated fully with the investigation. During this period, Mr. DiTullio was experiencing a lot of anger over the circumstances of his parents' separation; and

WHEREAS, Mr. DiTullio has carried out his sentence, paid restitution in full, and has since remained crime free. According to the testimony of Mr. DiTullio's co-workers and family, it is clear that he has become a responsible individual. He is now married with three children and is employed by Sound Builders as a project manager and lead carpenter. Mr. DiTullio's dream, however, is to help people by becoming a firefighter. Several members of his family are firefighters. However, without a pardon, Mr. DiTullio is unlikely to obtain such employment due to his felony conviction; and

WHEREAS, the Washington State Clemency and Pardons Board made a unanimous favorable recommendation for a pardon with one member remarking that, Mr. DiTullio will be a "tremendous resource for our community;" and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Cayce Alien DiTullio this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. DiTullio shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 17th day of November, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

**OF
JUAN M. PIMIENTA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998 Juan M. Pimienta pled guilty to fourth degree assault for domestic violence. He was sentenced to 365 days, with 363 days suspended after serving two days in jail. At the time of his plea, Mr. Pimienta was without counsel or an interpreter and was not advised of the immigration consequences of the plea. As a result of his conviction, Mr. Pimienta was placed in removal proceedings under the Immigration and Nationality Act; and

WHEREAS, although the Immigration Court has granted Mr. Pimienta a waiver from deportation, he is still in danger of deportation based upon this charge. That is, Mr. Pimienta may be recharged for the same offense under a different statute, that of "aggravated felony" for crimes of violence since the term of imprisonment was at least one year. This is despite the fact that the crime is a misdemeanor under Washington State law and 363 days of his sentence were suspended. If found guilty of an aggravated felony, Mr. Pimienta would have no relief from deportation; and

WHEREAS, Mr. Pimienta has completed his sentence, paid restitution in full, and completed a one-year domestic violence treatment program. In retrospect, Mr. Pimienta notes that the stress of caring for his severely disabled son and exhaustion from his many hours on the job led to the 1998 incident with his wife. Through treatment, he has learned coping mechanisms to deal with occasions when he is stressed or angry and there have been no further incidents; and

WHEREAS, Mr. Pimienta, a legal permanent resident of the United States, has resided in the United States for the past 18 years. As part owner and manager of two Mexican restaurants, he is a successful businessman. He is an active volunteer in his community, sponsoring youth athletic teams, and fundraising for other charitable causes. He is a loving father of three children. He seeks to become a United States citizen; and

WHEREAS, Mr. Pimienta's wife, the victim of his action, supports a pardon for her husband. She notes that, "Our relationship is better and my husband and I need each other very much. My children love their father, and I cannot imagine our lives without him." The Snohomish County Prosecuting Attorney also supports a pardon for Mr. Pimienta, noting that he is a successful and contributing member of his community; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and, in light of the circumstances, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Juan M. Pimienta this Full and Unconditional Pardon for the purpose of allowing him to remain in the United States and to take the steps towards becoming a United States citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 17th day of November, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

FULL AND UNCONDITIONAL PARDON

**OF
ANTONIO RUIZ-HERREDIA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on September 16, 1999, Antonio Ruiz-Herredia was convicted of criminal assault for domestic violence. He was sentenced to 365 days, with 360 days suspended after serving five days in jail. Because Mr. Ruiz-Herredia received a 365-day sentence, as opposed to anything less than one year, Mr. Ruiz-Herredia was placed in removal proceedings under the Immigration and Nationality Act; and

WHEREAS, Mr. Ruiz-Herredia has denied the assault charge against him and his wife later recanted her testimony. At the Clemency and Pardons Board hearing, Mrs. Ruiz-Herredia stated she knew "... that my husband was not guilty of hitting me when I called the police on May 15, 1999... I was angry at my husband and wanted him punished, only because he had caused me to leave a party I was attending and return home." Nonetheless, because Mr. Ruiz-Herredia had stipulated to the original police report, he was found guilty. He was not advised of the immigration consequences of his stipulation. Mr. Ruiz-Herredia's attorney sought a one-day reduction in his sentence from the Tacoma Municipal Court, but the request was denied; and

WHEREAS, members of the Clemency and Pardons Board recognized Mr. Ruiz-Herredia's significant ties to the United States both through family and employment. His wife and children are United States Citizens whom he supports by working for Schnitzer Steel. The Board also noted that Mr. Ruiz-Herredia has had no further trouble with the law since the isolated incident in 1999; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Antonio Ruiz-Herredia this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States Citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 17th day of November, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED

Secretary of State

CONDITIONAL PARDON

**OF
ROBERT WATSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1989, Mr. Watson pled guilty to the crime of first degree theft. At the time, Mr. Watson was an alcoholic and living on the streets when he asked a stranger for money. The stranger resisted, and Mr. Watson "strong-armed" the stranger and took between thirty and forty dollars. Mr. Watson was unarmed; and

WHEREAS, Mr. Watson has served his sentence, paid all of the restitution ordered by the court, and has had no arrests or convictions since 1989. He wrote the victim of his theft a letter of apology, which was accepted. In fact, the victim indicated that "if there is anything I can do to clear that crime off your record, then let me know;" and

WHEREAS, Mr. Watson has remained clean and sober for the past thirteen years. He regularly attends Alcoholics Anonymous (AA) meetings, and shares his story to support others who are recovering. In the mid-1990s, Mr. Watson provided hundreds of hours of volunteer service to incarcerated teenagers at the Benton-Franklin Juvenile Justice Center in Kennewick. As the Mason County Superior Court has noted, Mr. Watson is "a positive role model for others in the community;" and

WHEREAS, in 2002, the Mason County Superior Court restored Mr. Watson's gun rights, but was statutorily prohibited from expunging his conviction from the public record. Unfortunately, when his probation officer moved to terminate his supervision in 1991, Mr. Watson was unaware that he needed to obtain a Certificate of Discharge and pay a ten dollar supervision fee to the Department of Corrections. Although the ten dollar fee has since been paid, without a pardon, Mr. Watson would have to wait another ten years before he can apply to have his record sealed; and

WHEREAS, Mr. Watson is now in a position for a possible promotion marketing agricultural products overseas. With required overseas travel, such a position would require a passport; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Robert Watson this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Watson shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 17th day of November, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
ANTHONE HOWARD LIBNER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003, Anthon H. Libner pled guilty to the crime of first degree theft committed against La Quinta Inn. Mr. Libner has since made arrangements for restitution in the amount of \$2,248.54; and

WHEREAS, Mr. Libner is a Sergeant in the 81st Armored Brigade of the Washington Army National Guard. His unit was recently deployed to active duty in Iraq. His commanding officer indicates that Sergeant Libner is a good soldier with a positive record of performance; and

WHEREAS, Mr. Libner's felony conviction prevents him from owning or possessing a firearm. While there is a process for reinstatement of firearms, it requires that the felon remain crime free for five years following conviction. According to the National Guard, but for this firearm possession restriction, Sergeant Libner would be deployed to Iraq. Mr. Libner's commanding officer supports Sergeant Libner's request for pardon and believes he will make a significant contribution to the success of our country's military mission in Iraq; and

WHEREAS, there is no objection to a pardon by the King County Prosecutor, and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding the matter, the circumstances of the crime, and in light of the foregoing, I have determined that the best interests of justice and society will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Anthon H. Libner this Conditional Pardon, SUBJECT TO THE CONDITIONS that Mr. Libner makes full restitution as ordered by the court, is only authorized to possess firearms in connection with his military service, and shall not commit any more crimes.

The conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of any of these conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 10th day of August, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**FOR
PETE ROBERT HARRISON**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on August 9, 1977, Pete Robert Harrison entered Bob's S & S Tires in Tacoma with the intent to burglarize the establishment. He was convicted of attempted burglary in the second-degree. He was sentenced to six months county jail with work release Monday through Friday. The court ordered Mr. Harrison to complete alcohol counseling, participate in Alcoholics Anonymous, pay restitution of \$500.00 and maintain law abiding behavior. Mr. Harrison successfully fulfilled all of these obligations; and

WHEREAS, Mr. Harrison has demonstrated his rehabilitation and self-improvement through his educational accomplishments and community involvement. He earned an Associate Degree in Applied Science in 2001 and a Bachelor of Arts in 2003. In addition to these degrees, Mr. Harrison participated in numerous trainings, including "Pebbles in the Pond: Living with Chronic Neurobiological Disorders," and Individualized Tailored Care. He continued his professional formation through several internships at the Center for Psychiatric Recovery & Rehabilitation Education and the Rose House in Tacoma. Mr. Harrison is a

Registered Counselor for the Washington State Department of Health. Many community organizations, such as the Tacoma Coalition for Individuals with Disabilities, and the Homeless Coalition of Pierce County, benefit from Mr. Harrison's volunteer work. Mr. Harrison began working at Armstrong Uniserve, Inc., a Washington State licensed home care service agency, in 2003. However, upon learning of Mr. Harrison's conviction, Armstrong terminated his employment, as required by statute.

WHEREAS, RCW 43.43.842 requires that an agency that provides care and treatment to vulnerable adults shall ensure that any person having unsupervised access to a vulnerable adult shall not have been convicted of a crime relating to financial exploitation. Attempted burglary in the second-degree falls into this category, preventing Mr. Harrison from being employed as a caregiver. However, pursuant to RCW 43.43.830, a conviction record does not include a conviction for an offense that has been the subject of a pardon. Accordingly, Mr. Harrison has sought this pardon to pursue employment as a care giver.

WHEREAS, the Pierce County Prosecutor does not oppose Mr. Harrison's pardon. Chief Criminal Deputy, Gerald Costello, notes that Mr. Harrison's felony conviction is very old and that he has changed the course of his life. Mr. Costello believes that the conviction should not preclude him from working in such an important field; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Pete Robert Harrison this Conditional Pardon SUBJECT TO THE CONDITION that Mr. Harrison shall not commit any more crimes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 29th day of June, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JESUS GUTIERREZ-SOLORIO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Jesus Gutierrez-Solorio, a lawful permanent resident of the United States, pled guilty in 1989 to the offense of indecent liberties, a class B felony and deportable offense under the Immigration and Nationality Act. The victim, a child, was Mr. Gutierrez-Solorio's stepdaughter. The abuse took place over the course of five years. Mr. Gutierrez-Solorio received a sentence of 14 months suspended with 30 days of jail time and 24 months of community supervision and treatment. Though deportable, Mr. Gutierrez-Solorio was initially granted a Judicial Recommendation Against Deportation (JRAD) in 1989, allowing him to remain in the county; and

WHEREAS upon re-entry from a trip to Canada, Mr. Gutierrez-Solorio was detained at the border. The new Department of Homeland Security (DHS) no longer recognizes the JRAD and has instituted removal proceedings against him based on his 1989 conviction; and

WHEREAS, since completing his sentence, Mr. Gutierrez-Solorio has made remarkable life changes that have positively benefited himself, his family and his community. He has worked hard to change his life by turning to God and completing sex offender treatment. From 1989 to 1992, Mr. Gutierrez-Solorio participated an intensive four-year sexual treatment program with Northwest Treatment Associates. His treatment evaluation notes that by maintaining external and internal controls all these years he has a markedly lower probability of re-offense; and

WHEREAS, Mr. Gutierrez-Solorio has become a role model and leader within the Hispanic community. He has founded five churches and is the president of a regional church organization, Alianza Hispana Evangelica Noreste (A.H.E.N.). As president of A.H.E.N., Mr. Gutierrez-Solorio counsels pastors from sixty other churches in the Pacific Northwest. His role in the community has been to assist in leadership training, community development, and advocating on behalf of social issues facing the Hispanic community. The seventeen people who attended Mr. Gutierrez-Solorio's clemency hearing are evidence of this strong community support. He has disclosed his criminal history to many in the hopes that hearing his story can serve as inspiration for others; and

WHEREAS, the victim has forgiven Mr. Gutierrez-Solorio and even trusts him with her own children. She testified that her stepfather has made a dramatic change in his life. She and her family were even willing to follow him to Mexico if he were deported; and

WHEREAS, the King County Prosecutor, Norm Maleng, does not oppose Mr. Gutierrez-Solorio's pardon, observing that he has become a law abiding citizen and has a low risk of re-offense because of the support of his family and friends; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Jesus Gutierrez-Solorio this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States Citizen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 7th day of June, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL COMMUTATION

**OF
JAYSON LOREN EDWARD BUSH**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on September 22, 1996 Jayson Loren Edward Bush, then 17 and without any prior criminal history, was involved in a drive by shooting. Mr. Bush pled guilty to three counts of first degree assault. He was sentenced to 93 months on each count to be served consecutively for a total of 23 years and three months. His earned release date would be October 18, 2016; and

WHEREAS, prior to this incident, Mr. Bush, who is of Cape Verdean descent and is bi-racial, had reportedly been the victim of racial harassment at his high school. As a result of this harassment, Mr. Bush transferred to a different high school and began to carry a gun. The night of the shooting, Mr. Bush was picked up from work by two friends. While they were driving, a Mustang with three young men from Mr. Bush's former high school pulled up along side the car and words were exchanged. The argument escalated as the cars entered a residential area. Mr. Bush and his friends temporarily lost sight of the Mustang, but later saw the driver and passengers getting out of the car. According to Mr. Bush, at that point, several of the men started shouting and running toward the vehicle that he was in. Mr. Bush reports that he then panicked and fired at the unoccupied Mustang and then fired into the air. While shooting, Mr. Bush hit one young man in the in the thigh, which required surgery; and

WHEREAS, while in prison, Mr. Bush has become a religious person, embracing Islam and working to change himself. He has completed his GED and is completing a correspondence course for a Bachelors Degree program in Islamic Studies and Arabic.

He has also completed an Anger and Stress Management Course. Mr. Bush has a great deal of support in the community, including the National Association for the Advancement of Colored People; and

WHEREAS, the Clemency and Pardons Board was favorably impressed by the extent to which Mr. Bush has taken responsibility for his past actions and has turned his life around. The Board believes he has been adequately punished, has been rehabilitated, and that further incarceration would serve no purpose; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the unanimous recommendation of the Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the state of Washington, grant to Jayson Loren Edward Bush this Conditional Commutation, commute the remainder of the sentence imposed to a term of community custody not to exceed the normal term imposed by the sentencing court (twenty-four months), SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Bush shall:

1. Report regularly to a community corrections officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the community corrections officer;
3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the community corrections officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;
7. Submit to regular and random urinalysis and breathalyzer testing, as directed by the community corrections officer;
8. Participate in substance abuse evaluation as directed by the community corrections officer, and follow-up on any recommendations from such evaluation;
9. Participate in a chemical dependency evaluation as directed by the community corrections officer, and follow-up on any recommendations from such evaluation;
10. Participate in chemical dependency and substance abuse support groups, as directed by the community corrections officer;
11. Not associate with any drug users or dealers;
12. Participate in electronic monitoring, if deemed appropriate by the community corrections officer;
13. Participate in any mental health evaluation as recommended by the community corrections officer, and follow-up on any recommendations from such evaluation; and,
14. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the community corrections officer and with all other applicable conditions imposed by the sentencing court.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections.

PROVIDED, that in the event Mr. Bush commits any offense classified as a felony or gross misdemeanor in the State of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Mr. Bush shall be immediately returned to the Washington Corrections Center or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 28th day of May, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

OF
MARY F. CONRAN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, at the age of 14, Mary F. Conran pled guilty to the crime of residential burglary. Ms. Conran removed a box of jewelry and credit cards from her parents' home. At the time Ms. Conran was a rebellious girl, struggling with family problems, including her father's mental illness. Ms. Conran sincerely regrets her crime. She has successfully completed her court-ordered supervision and community service; and

WHEREAS, Ms. Conran has graduated from Washington State University (WSU), with a 3.83 grade point average and received recognition as the outstanding senior in the Department of Anthropology. During college, Ms. Conran was a tutor and worked as a "Cougar Connector," recruiting outstanding high school students to WSU; and

WHEREAS, last year Ms. Conran was accepted into the Anthropology PhD program at the University of Melbourne, Australia. However, due to her felony conviction she has encountered difficulty obtaining a student visa to study overseas. Recently, in order to serve her country and help fund, her education, Ms. Conran tried to join the U.S. Army Reserves. She again encountered difficulty due to her conviction; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Mary F. Conran this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Conran shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 15th day of March, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

CONDITIONAL PARDON

**OF
ROBERT P. SABO**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, at the age of 25, Robert P. Sabo pled guilty to the crime of first degree-robbery. After several days of drinking, Mr. Sabo donned a ski mask and robbed his father's gas station at gunpoint. At the time of his arrest, Mr. Sabo was leading a desperate life. He was unemployed, living out of his truck, and drinking heavily; and

WHEREAS, Mr. Sabo is truly remorseful for his crime. Due to good behavior, Mr. Sabo served 29 months of a 41-month sentence, and has had no further offenses since his arrest in 1996. Further, Mr. Sabo has maintained his sobriety for six years, attends Alcoholics Anonymous meetings regularly, and speaks at local treatment centers to encourage other recovering addicts. He has also restored his relationship with his family; and

WHEREAS, Mr. Sabo has worked as an emergency dispatcher for an ambulance service in Oregon for four years. According to his employer and colleagues, Mr. Sabo performs this critical job with care and professionalism. The Oregon Department of

Public Safety Standards and Training recently notified Mr. Sabo's employer that all dispatchers must be certified. However, due to his felony conviction, Mr. Sabo is ineligible for state certification and thus faces termination of employment; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Robert P. Sabo this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Sabo shall not commit any more crimes. The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 6th day of April, A. D. two thousand and four.

GARY LOCKE,

Governor of Washington

SEAL

BY THE GOVERNOR:

SAM REED
Secretary of State

At 7:16 p.m., on motion of Senator Eide, the 2005 Regular Session of the Fifty-ninth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

ONE-HUNDRED FIFTH DAY, APRIL 24, 2005

2005 REGULAR SESSION